



Gender Transformation & Empowerment

NATIONAL GENDER ASSESSMENT FOR THE ACCESS TO JUSTICE SUB PROGRAMME (FORMER JLOS)

THIRD DRAFT

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LIST OF ACROYNMS

APROCEL	Ankole Private Sector Promotion Centre Ltd
ASF	Avocats Sans Frontiers
A2J	Access to Justice
CSOs	Civil Society Organizations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COVID	Corona Virus Disease
GBB	Gender Bench Book
GBV	Gender Based Violence
FATE	From Access to Equality
FGM	Female Genital Mutilation
GSP	Governance and Security Programme
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
JLOS	Justice Law and Order Sector
LASPs	Legal Aid Service Providers
LASPNET	Legal Aid Service Providers Network
MDAs	Ministries Agencies and Departments
ODPP	Office of the Director of Public Prosecutions
SGBV	Sexual Gender Based Violence
SDG	Sustainable Development Goal
UN	United Nations
UPF	Uganda Police Force
UPS	Uganda Prison Service
UNPFA	United Nations Population Fund
UWONET	Uganda Womens' Network
WPI	Women Probono Initiative

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It is my sincere hope that the study will go a long way in influencing reforms towards achieving gender responsiveness within the Justice Sector. That together, as stakeholders, we can all play a role in improving access to justice to those who need it most.

.....

Rita Hope Aciro- Lakor

Executive Director, UWONET

DEFINITION OF KEY TERMINOLOGIES

Access to Justice: A condition in which all people are able to resolve conflicts, seek and obtain effective remedies for grievances, through formal or informal institutions of justice, in compliance with human rights standards.¹

Justice: The ability of persons or groups within a society to use courts and other legal institutions to obtain a quick, effective and fair remedy or response to protect rights, prevent or resolve disputes, and control the abuse of power. This requires a transparent and effective process in which justice mechanisms are available, affordable and accountable.²

Gender: Refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men.³

Gender responsive justice: Is the full equality and equity between women and men in all spheres of life, resulting in women jointly, and on an equal basis with men, defining and shaping the policies, structures and decisions that affect their lives and society as a whole.⁴

Gender Sensitivity: Is to understand and give due consideration to socio-cultural norms and discriminations in policy formulation, decisions and actions taken in order to acknowledge the different rights, roles and responsibilities of women and men in the community and the relationships between them.⁵

Gender Insensitivity: Limited or no appreciation of socio-cultural norms and discriminations that affect the rights, roles and responsibilities of women and men.

Intersectionality: Is a perspective that investigates 'how intersecting power relations influence social relations across diverse societies as well as individual experiences in everyday life.'⁶

1 United Nations Development Programme, Programming for Justice: Access for All: A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice, Bangkok, UNDP, 2005

2 Ibid.

3 <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> accessed on 31st September 2023.

4 Gender Justice and Womens Rights, OXFAM International, also available at: <https://www.oxfam.org/en/what-we-do/issues/gender-justice-and-womens-rights> accessed on 6th March 2023.

5 Definition of Gender Sensitivity, also available at: <https://www.un-redd.org/glossary/gender-sensitive> accessed on 20th March 2023

6 Collins, P. H. (1998). Intersections of race, class, gender, and nation: Some implications for Black family studies. *Journal of comparative family studies*, 29 (1), 27-36.

EXECUTIVE SUMMARY

A gender-responsive justice system refers to an approach that considers the specific needs, experiences, and rights of women and girls within the justice system. It recognizes that women and men may have different experiences of crime, victimization, and the justice process and seeks to address these gender disparities. Since 2016, various justice institutions in Uganda worked to ensure they provide gender sensitive services to justice seekers including women and men. Such interventions range from operating a specialised court for gender-related crimes, hearing cases involving minors in camera, producing a gender bench book (GBB) which is aimed at enhancing the gender-responsiveness of the judicial system as well as prioritising women with vulnerabilities such as pregnancy during cause listing.

However, even with such initiatives, gender gaps persist in accessing justice in Uganda. The gender assessment of the access to justice sub programme thus sought to establish the extent of gender sensitivity of access to justice services by various actors and the reasons why gender gaps still persist. The assessment used both qualitative and quantitative approaches to undertake data collection. First, a desk review of relevant documents was undertaken. Secondly, a quantitative survey of 603 individuals (395 women and 208 men) was performed – specifically targeting would-be users of JLOS services and those currently not accessing the services from 10 districts including Kamuli, Moroto, Napak, Gulu, Mbale, Kampala, Kiryandongo, Iganga, Masindi and Mukono. In addition, Focus Group Discussions (FDGs) targeting juvenile and adult offenders, Gender Based Violence (GBV) survivors and paralegals were conducted. Finally, Key Informant Interviews (KIIs) with justice actors nationwide, including the Judiciary; Office of the Director of Public Prosecutions (ODPP); Police; Prisons; Remand homes and Legal Aid Service Providers (LASPs), were conducted.

The individual surveys inquired whether the respondent understood the term access to justice and 67% and 72 % of the surveyed women and men respectively indicated understanding the term. For respondents who indicated understanding, the survey further inquired what it means to them. Analysis of the responses revealed that respondents described access to justice as the ease or difficulty with which someone can report a case and get the expected result from the government entities mandated to dispense justice. They also describe access to justice as the ability to get help when faced with a challenge, the right to get justice from recognized institutions in case someone violated their rights or is in conflict with the law, and the way someone reports a case and it is either given a solution or not. For them, access to justice means being listened to and treated fairly by the justice sector institutions whenever they need it extended. The survey also inquired whether the respondent understood the term gender and at least 63% and 64% of the surveyed women and men respectively indicated understanding the

term. For those who understood gender, the survey inquired what it means and the respondents described gender as the prioritisation given to women and the fairness accorded to them in the entire justice system by all justice institutions.

The various justice institutions i.e. Judiciary, Office of the Director of Public Prosecutions, Police and Uganda Prison Services interviewed outlined measures adopted to make justice services more gender-sensitive. For instance, cases involving defilement were heard in private to protect the survivors, who were also referred to by pseudonyms in Court. Other strategies included ensuring that pregnant women were given priority in scheduling hearings and detention, and that female staff were available at the police station to assist women. All the surveyed police and prison officers indicated that separate cells were provided for women. Furthermore, at least 22% of the surveyed police officers mentioned that two officers interviewed survivors in a private room. Language interpreters were offered to those women who needed them, and that sick female suspects were given special consideration for bail.

On the other hand, at 44% of judicial officers revealed they were unaware about the existence of the GBB. Some respondents had only learned about the gender bench book through trainings or audits. Although, those with knowledge identified the GBB as a guide to judicial officers on how to apply the existing laws, traditions, and religious practices in a way that promotes equality and affirmative action. For example, it advises them to use in camera testimony for survivors of defilement. However, stakeholders noted the Judiciary did not widely launch or disseminate the GBB.

Further, the study revealed that despite efforts in place many challenges still hinder access to justice for the poor and marginalized. Thirty one percent of the surveyed key informants from judiciary, police, ODPP, Civil Society Organizations (CSOs) and Prisons indicated that women face challenges in accessing justice, especially when pregnant, illiterate, unmarried, or poor. These challenges are often exacerbated by the lack of gender-sensitive and or responsive procedures and the male dominance in justice institutions.

The assessment identified the challenges women and girls face in accessing justice services. These challenges include insufficient funds for transport and witnesses, long distances to courts, low staffing levels at courts and police stations, poor infrastructure and facilities at courts, gender insensitivity and intimidation of court users, and low self-esteem and confidence among survivors of crime especially related to GBV. It was specifically mentioned that there is inadequate waiting space for litigant mothers with children and juveniles at Court premises. There was also a shortage of female officers. Other challenges included; inadequate gender-responsive facilities such as examination rooms, shelters and waiting spaces, at the police stations.

Recommendations

- (i) Reduce the duration of detention and conduct proper investigations on the reported cases especially related to GBV;
- (ii) Increase counsellors and paralegals at the village/Local Council (LC1) level and engage the community in legal awareness;
- (iii) Provide basic necessities such as sanitary wear and legal aid services for women and girls at police stations and during court proceedings;
- (iv) Employ and deploy more female police officers at police stations;
- (v) Sensitize the litigants about appeals;
- (vi) Promote more women in key leadership positions of the justice institutions;
- (vii) Put in place stringent measures to fight corruption and make all institutions accountable for corruption tendencies.
- (viii) Offer adequate training to the justice institution staff especially in light of handling gender-related matters;
- (ix) Court should always put into consideration the vulnerabilities of women and girls while preparing cause lists;
- (x) Sensitisation of the community about reporting and following up on cases;
- (xi) Increase specialised facilities at the Courts s, e.g., waiting rooms especially for breast feeding mothers, playing rooms for children and evidence rooms.

CHAPTER ONE

This Chapter explores the Study Background, Contextual and Conceptual framework as well as the Objectives of the National Gender Assessment for the Access to Justice Sub Programme.

1.0 BACKGROUND

Access to Justice (A2J) is a fundamental rights guaranteed to all human beings.⁷ It is defined as the ability of people to effectively access and navigate the legal system in order to seek remedies and resolve disputes through formal and informal institutions of justice, and in conformity with human rights standards. According to the case of Okenyo Omwansa George & another v Attorney General & 2 others [2012], A2J is defined as the enshrinement of rights in the law; awareness of and understanding of the law; easy availability of information pertinent to one's rights; equal right to the protection of those rights by the law enforcement agencies; easy access to the justice system particularly the formal adjudicatory processes; availability of the physical legal infrastructure; affordability of legal services; provision of a conducive environment within the judicial system as well as the expeditious disposal of cases and enforcement of judicial decisions without delay.

According to LASPNET⁸, a number of conditions enable access to justice and these include: (i) *Existence of a legal framework granting comprehensive and equal rights to all citizens in accordance with human rights standards*; (ii) *Widespread legal awareness and literacy among the population*; (iii) *Availability of affordable, and quality legal advice and representation*; (iv) *Availability of affordable, and quality legal advice and representation*; (v) *Availability of dispute resolution mechanisms that are accessible, affordable, timely, effective, efficient, impartial, and free of corruption as well as* (vi) *Availability of efficient and impartial methods for the enforcement of judicial decisions*.

Suffice to note, A2J is a hallmark of development and it is embedded in the Sustainable Development Goals (SDGs), particularly SDG 16.⁹ In fact the United Nations (UN) requires states commit to provide access to justice for all, recognizing it as a key indicator of peaceful and inclusive societies¹⁰.

Despite the progress made by the government in establishing a robust legal framework and institutions such as Judiciary, Police, ODPP and UPS which underpin access to

⁷ Article 8 of the Universal Declaration of Human Rights (UDHR)

⁸ LASPNET Access to Justice Trends Analysis Report of 2017.

⁹ Seeks to promote peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

¹⁰ UNDP <https://2020rolhr.undp.org/focus/access-to-justice/> accessed via 1st September 2023.

justice, it is important to note that there exists several factors hindering access to justice including: cost of litigation, ignorance of the law, distances to the justice law and order sector from the community resulting into high transport costs for many litigants.¹¹ The situation is worse for women and girls who often face various forms of sex and gender based violence, and yet suffer double marginalization and vulnerabilities in society, and yet they are often poorer than their male counter parts and unable to pursue or access justice.¹²

1.1 INTERSECTIONALITY BETWEEN ACCESS TO JUSTICE AND GENDER RESPONSIVE JUSTICE

Gender-Responsive Justice is a concept that aims to address the gender inequalities and biases that exist in the justice system. It acknowledges that women and other vulnerable groups may face different obstacles and discrimination as they seek justice, are treated differently by the justice system, and receive remedies. They are likely not to get fair and adequate outcomes. Thus gender-responsive approaches try to ensure that justice systems are designed and implemented to overcome these specific obstacles or challenges and aim to promote gender equality.¹³

Therefore, it is critical to acknowledge that gender-responsive justice and A2J are linked in several ways. Firstly, a responsive A2J system addresses gender-specific obstacles to justice, such as laws, norms, and inequalities that discriminate against women and marginalized genders. They aim to eliminate these obstacles and ensure equal access to justice for all. Secondly, they offer services and remedies that match the needs of women and other marginalised groups. These include safe spaces, support services, legal aid, and protection mechanisms sensitive to their experiences and vulnerabilities. A2J initiatives help to provide and improve these gender-specific services. And thirdly, they promote legal empowerment and help individuals to learn their rights, use the legal system, and influence the justice system. By supporting gender-responsive legal empowerment initiatives, A2J efforts can help to empower women and marginalized groups to demand their rights and seek justice.

The realization of access to justice at all levels demands that gender equality and equity is upheld at all levels of justice delivery. In fact, the achievement of the 2030 Agenda of leaving no one behind requires making investment in gender-responsive justice and

¹¹ LASPNET State of Access to Justice Report (2017); Annual Trends Analysis; <https://www.laspnet.org/joomla-pages/reports/access-to-justice-report/499-access-to-justice-report-2017/> file Accessed on 1st September 2023.

¹² LASPNET Access to Justice for the Poor, Marginalised and Vulnerable People of Uganda Report (2015); <https://www.laspnet.org/joomla-pages/reports/research-reports/377-access-to-justice-for-the-poor-marginalised-and-vulnerable-people-of-uganda/file> Accessed on 31st August 2023

¹³ Evans, K (2018) Gender Responsive Justice: A Critical Appraisal <https://www.routledge.com/Gender-Responsive-Justice-A-Critical-Appraisal/Evans/p/book/9780367227210>

equality through technical, financial and policy support on legal protection, gender-sensitive justice and security sector reforms, development of legal aid services, women's meaningful participation in transitional justice processes and constitutional reforms.¹⁴

It is premised on the above background that UWONET commissioned a National Gender Assessment for the Access to Justice Programme primarily focusing on four (4) justice institutions namely; Judiciary; Uganda Police Force; Uganda Prisons Service and Office of the Director of Public Prosecutions.

1.2 CONCEPTUAL ANALYSIS OF THE STUDY

The three (3) critical aspects that acted as a spring board for the National Gender Assessment study include;

- a) *Existence of Policy: This questioned the existence of gender supporting policies with various justice institutions including Judiciary, ODPP, UPS and UPF.*
- b) *Institutional infrastructure: This looked at the existing resources and systems in place to guarantee gender responsiveness by the selected institutions under study.*
- c) *Practice: This assessed whether the existing policies and infrastructure are appropriately used to improve gender justice by the various justice institutions.*

The above aspects were analyzed in the context of the extent of gender responsiveness by the Access to Justice Sub Programme which is one of the Sub Programmes under the Governance and Security Programme (GSP) - (formerly known as JLOS). Specifically, the Access to Justice Sub Programme is comprised of former JLOS institutions which include among others the Uganda Police Force; Office of the Directorate of Public Prosecutions; Uganda Human Rights Commission; Uganda Law Society and Law Development Centre. Following the enactment of the Administration of the Judiciary Act in 2020, the Judiciary has since become an autonomous institution implementing all its justice related interventions under the Administration of Justice Programme with close linkages with the Access to Justice Sub Programme of GSP.

For instance, at the Judiciary, gender responsive justice has been part and parcel of efforts towards promoting access to justice. For instance: the Judiciary Strategic Plan 2020-2024 sets key gender mainstreaming priorities which among others includes: the need to review and implement the Judiciary Gender and Equity Policy¹⁵; operationalization of

¹⁴ Accessed via <https://www.undp.org/rolhr/justice/gender-justice> on 5th July 2023.

¹⁵ This policy aims to provide a framework for gender mainstreaming within the Judiciary by addressing gender concerns within the Judiciary as an institution, and also addressing key gender obstacles to court users. More specifically, this policy focuses on two key areas: (i) Access and delivery of justice to -females and males and (ii) Organisational development and management (in terms of representation, and how the Judiciary can be more gender-responsive, gender-aware and gender-sensitive in its day -to- day working).

the Gender and Equity Mainstreaming Committee¹⁶ as well as conducting gender-responsive statistical training for judicial, statistical and clerical staff. Suffice to note, in a bid to accelerate gender justice, the Judiciary acting on the recommendation from JLOS, developed a Gender Bench Book in 2016.¹⁷ The rationale for the Gender Bench Book was to enhance the gender-responsiveness of the judicial system, ensuring that judgments in Uganda are increasingly gender-sensitive and improving access to justice for women.

The Access to Justice sub programme strategic plan 2020/21 – 2024/25 undertakes to ensure stakeholders empowerment, gender equality and equitable access to justice. The Sub-programme commits to provide a common framework for gender and equity mainstreaming by implementing the Sub-programme Gender and Equity Strategy, with special focus on enhancing the capacity of Sub-programme institutions to mainstream gender and equity in planning and budgeting and monitoring progress in promoting gender equality. Efforts are geared towards strengthening the collection, analysis, documentation and dissemination of information on gender issues and impact on access to justice. Strengthening measures to address justice needs of refugees and host communities. The Sub-programme will increase access to public education in the administration of justice through rolling out information desks, providing user guides; holding periodic service user dialogues, JLOS Open days and awareness weeks; civic education on ¹⁸maintenance of law and order and administration of justice among others. Implementing the sub programme Gender and Equity Strategy, the Uganda Police Force (UPF) has in place the 2018 Gender Policy¹⁹ while the Office of the Director of Public Prosecutions has a full-fledged department for Gender, Children and Sexual Offences.²⁰

Despite the above progress, efforts to enhance gender responsive justice in Uganda are still limited by various existing gaps. According to the LASPNET Annual Access to Justice Trends report of 2020, vulnerable groups especially women and girls face notable

¹⁶ One of the committees established by The Administration of Judiciary Act 2020 for mainstreaming gender within the Judiciary.

¹⁷ Accessed via http://www.npa.go.ug/wp-content/uploads/2020/08/NDPIII-Finale_Compressed.pdf on 24th February 2023

¹⁸ Access to Justice Sub Programme Strategic Plan 2020/21-2024/24 available at <https://www.jlos.go.ug/index.php/2011-08-15-07-20-50/internship/pgd-social-justice-scholarships/item/803-access-to-justice-strategic-plan-2020-2025>

¹⁹ Uganda Police Force (2018) Gender Strategy and Action Plan. It provides a framework to make the Uganda Police Force's internal policies, procedures and structures more gender-responsive. It aims to: respect women's rights; improve the working conditions of its officers to attract and retain more female officers; increase the representation of women in leadership roles; enhance the capacity for gender-responsive policing; and strengthen the response to GBV issues.

²⁰ The Department of Gender, Children & Sexual Offences was established in FY 2016/2017 within the Prosecutions Directorate of the ODPP. The department's mandate deals with cases involving Sexual and Gender-Based Violence (SGBV) and children-related cases. The department also ensures gender and equity mainstreaming are considered in the ODPP. The department aims to; advise investigators on SGBV and children cases, prosecute SGBV and children cases, and implement gender responsive strategies.

challenges as they navigate the justice system.²¹ Key among these include (i) **physical accessibility to justice delivery institutions to the extent that only 18.2% of people in rural areas are able to access a Magistrate's Court within a distance of less than 5km;** (ii) **lack of confidence in the justice system;** (iii) **language challenges given that English is used as the official language used yet most rural people are illiterate;** (iv) **corruption;** (v) **cultural or social barriers;** (vi) **gender imbalances in composition of LCs hence resulting into gender biases in dispute resolution and finally the high costs involved in engaging lawyers amidst the continued absence of a state funded legal aid scheme.**

Similarly, there is reluctance of women to seek justice in formal courts, due to among others, their low socio economic status and education levels. In addition, UWONET Gender Assessment report of 2018 also emphasizes the fact that there are prevalent gender biases and stereotypes within the criminal justice system usually propagated by law enforcement personnel hence preventing most women from seeking any form of justice. As a result, only a minority of domestic violence cases are reported to the police. Furthermore, the UWONET Gender Assessment report of 2021 explicitly notes that women's access to justice is still impacted by negative gender attitudes within JLOS. The report further quotes one of the JLOS staff as below;

"...access to justice for women is a critical component of delivery of justice globally and at the national level. In Uganda, the JLOS conducted an audit in May 2011 which revealed, among other factors, the limited capacity of the judiciary to deliver gender-sensitive justice to the general population of Uganda, and more specifically to women. Although a number of training sessions on gender justice have been conducted for judicial officers, some of the court procedures and judgments clearly demonstrate their inability to translate the gender training into concrete benefits for women. The major reason identified for this gap is the lack of tools for the judiciary to make court processes and judgments more gender-sensitive ..."

1.4 STUDY OBJECTIVES

The National Gender Assessment for the Access to Justice Sub Programme sought to establish a clear framework for accountability and equitable access to justice for women and girls.

2.2 Specific objectives

- i. To assess the gender sensitivity of the Justice Sector and how it facilitates or hampers access to justice for women and girls;
- ii. To analyze the application and impact of the Gender Bench Book (2016) on gender responsiveness in the dispensation of justice;
- iii. To track persisting Access to Justice gaps / challenges for women and girls;

²¹ Unpublished report.

- iv. To analyze the compliance of the Access to Justice Sub Programme, formerly the JLOS sector services with legal policy frameworks (National, Regional and International level) with respect to gender-responsive justice;
- v. To provide end-users with an opportunity to give feedback to the Access to Justice Sub Programme, formerly the JLOS sector, services on their gender justice needs and how justice sector agencies are addressing them.

CHAPTER TWO

2.0 LEGAL AND POLICY FRAMEWORK ON GENDER RESPONSIVE JUSTICE

A2J is a fundamental human right guaranteed in various international, regional and national legal frameworks. Uganda as a State party to many of these legal frameworks has the tripartite obligation to *respect, fulfill and protect* the rights enshrined in the legal instruments.

2.1. The Legal and Policy Framework on Gender Responsive Justice

The concept of Gender Responsive Justice is deeply entrenched in various international, regional and national legal frameworks as highlighted below.

(a) International level

The Universal Declaration of Human Rights, 1948²² (UDHR)

The Declaration sets out the fundamental human rights to be universally protected. **Article 7** of the Declaration states that *all are equal before the law and are entitled without any discrimination to equal protection of the law and all have right to an effective remedy by the competent national tribunals for any violation of legal or constitutional rights*.

International Covenant on Civil and Political Rights, 1976²³ (ICCPR)

The ICCPR aims to ensure the protection of Civil and Political rights. **Article 2 (2)** requires states to fill gaps in legislative and other measures in protecting rights by adopting required laws or other measures to give effect to the rights recognized in the Covenant. This builds the case for substantive legal or de jure justice that recognizes the principles of fairness, equity and nondiscrimination, including in the realm of access to justice. **Article 3** in its entirety looks at the procedural aspects of justice, focusing on the role of institutions in ensuring fair outcomes. **Article 26 of the Covenant** provides that *all persons are equal before the law and entitled to equal protection of the law, without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*. Suffice to note, **Article 14 (3) (d)**, contains important due process guarantees during trial on criminal charges including access to free legal representation for individuals who do not have sufficient means to pay.

22 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948.

<https://www.ohchr.org/en/universal-declaration-of-human-rights> Accessed on 1st September 2023.

23 International Covenant on Civil and Political Rights (adopted 19 December 1966, entered into force 23 March 1976). Uganda acceded to the ICCPR on June 21, 1995.

Covenant on Elimination of all forms of Discrimination Against Women (CEDAW) 1976²⁴

CEDAW essentially spells out what constitutes discrimination against women and lays out the agenda for national action against different forms of discrimination. Uganda ratified the instrument on the 22nd July 1985. The right of access to justice for women is essential to the realization of all the rights protected under this Convention. **Article 1** of the Convention defines discrimination against women as *“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”* Important for the realization of women’s right to access to justice, **Article 3** of the Convention lays out the need for appropriate measures to ensure that women can exercise and enjoy their human rights and fundamental freedoms on a basis of equality with men. On the other hand, **Article 15** of the Convention provides that *women and men must have equality before the law and benefit from equal protection of the law.*

Additionally, **CEDAW’s General Recommendation No. 33** on women’s access to justice aims at supporting State parties and other stakeholders to establish, maintain and monitor well-functioning justice systems. **Declaration on the Elimination of Violence Against Women, 1993²⁵**

In its preamble, the 1993 Declaration on the Elimination of Violence Against Women emphasizes that violence against women and girls is not only a grievous human rights abuse in itself, but also a serious impediment to the realization of many other rights for women and girls.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.²⁶

Article 4 of the convention stipulates that state parties shall ensure that all acts of torture are offences under the law and under **Article 14**, state parties ought to ensure that a victim of an act of torture obtains redress in the legal system.

24 Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979. Ratified by Uganda in 1985. Available at <https://www.unwomen.org>

25 Declaration on the Elimination of Violence against Women, 1993.

26 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984. Ratified by Uganda in 1986.

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

In 2010, the UN General Assembly adopted the UN Rules on the Treatment of Women Prisoners and Non-Custodial Sentences on Women Offenders (Bangkok Rules). These rules set out comprehensive guidelines and standards for the treatment of female prisoners and recognize women as a vulnerable group within the criminal justice system. The Bangkok Rules are the first international instrument to comprehensively address the needs of children in prison with their parent.²⁷

Additionally, the General Assembly, in its resolution 58/183 of 22 December 2003 entitled “Human rights in the administration of justice”, called for increased attention to be devoted to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they could be addressed.

(b) Regional framework

African Charter on Human and People`s Rights (ACHPR), 1987²⁸

The African Charter on Human and Peoples’ Rights also referred to as the Banjul Charter. It recognizes the rights and freedoms of African citizens in all spheres and is against all forms of discrimination. Access to justice is highlighted in **Article 7** of the Banjul Charter which recognizes the right of every individual to be heard and be defended by counsel of his or her choice, thereby ensuring non-discrimination on basis of gender in accessing justice.

Protocol to the African Charter on Human and People`s Rights on the Rights of Women in Africa (MAPUTO PROTOCOL)²⁹

The Maputo Protocol recognizes the rights of women and their freedom from all forms of discrimination. **Article 8** recognizes the right of access to Justice and Equal Protection before the Law, noting that women and men are equal before the law and shall have the right to equal protection and benefit of the law. The Article highlights the right to;

- *Effective access by women to judicial and legal services, including legal aid,*
- *Support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid,*
- *The establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women,*

²⁷ <https://law.mak.ac.ug/pil/wp-content/uploads/2022/11/Access-to-Justice-for-Women-COV.pdf> accessed on 1st June 2023.

²⁸ Available at <https://www.achpr.au.int>

²⁹ *ibid*

- *That law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights,*
- *That women are represented equally in the judiciary and law enforcement organs*
- *Reform of existing discriminatory laws and practices in order to promote and protect the rights of women.*

The Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System, 2004³⁰

This Declaration is a pronouncement of delegates to a Conference on Legal Aid in Criminal Justice. It also recognizes the systems lack of access in Africa to legal aid among the poor, absence of legal advice and assistance in police stations and prisons leading to various violations of suspects.³¹ This comprehensive document calls on Governments to deliver legal aid to the poor and vulnerable, especially women and children through the participation of a wide range of actors in the provision of legal aid, including Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith Based Organizations (FBOs), professional bodies and associations, and academic institutions. The Declaration includes a legal aid framework which entails measures that form part of a plan of action to implement the Lilongwe Declaration namely; states to provide legal aid at earliest stages of the criminal justice process, recognize the right to redress for violations of human rights, recognize the role of non-formal means of conflict resolution diversify legal aid delivery systems, diversify legal aid service providers, encourage pro-bono provision of legal aid by lawyers; guarantee sustainability of legal aid and Encouraging legal literacy.

Declaration of the Heads of State and Government of member states of the International Conference on the Great Lakes Region, 2011.

To ensure Access to Justice for women, **Paragraph 8** the Declaration empowers states to establish and strength special courts, sessions and procedures in order to fast track sexual and gender-based violence cases in police and the judiciary and to improve access to justice and protect sexual and gender-based violence survivors in line with **Article 6(5) of the International Conference on the Great Lakes Region Protocol, 2006** on prevention and suppression of sexual violence against women and children.

African Union Solemn Declarations on Gender Equality in Africa, 2004.

The declaration empower state parties to reinforce legal mechanism that will protect women, ensure active promotion and protection of all human rights for women and girls

³⁰ Available at <https://www.penalreform.org>

³¹ LASPNET, 2015, op.cit.

and lastly, to promote the implementation of legislation to guarantee women's land property and inheritance rights.

Uganda has undertaken to observe its obligations as enshrined in the international and regional treaties as stipulated in Objective XXVIII of the National Objectives and Directive Principles of State Policy (NDOPSP). These international undertakings are buttressed by the provisions in various national laws and policies.

(c) National framework

Uganda has an elaborate and comprehensive legal and policy framework. Whereas it is impossible to provide for all the laws, this report makes mention of the critical laws and elements that promote access to justice and a responsive gender justice system as highlighted below;

The 1995 Constitution of the Republic of Uganda as amended

The 1995 constitution is the supreme law of Uganda and it entails the bill of rights. On Access to Justice, **Article 28(1)** provides that every person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. Furthermore, **Article 28(2)** provides for free legal representation for persons charged with an offence that carries a sentence of death or imprisonment for life.

In addition, the Constitution provides the overarching legal and regulatory framework on promotion of equal opportunities for all. **Chapter IV** promotes equality and enjoyment for everyone in all aspects of life including political, economic, social and cultural life with the protection of the law.

Under **Article 21(2)**, the Constitution provides for the eradication of discrimination against persons based on their sex, race, colour, ethnic origin, tribe, birth, creed or religion or social or economic standing, political opinion or disability and the **Article 32(1)** provides for administration of affirmative action in favour of marginalized groups for the cause of redressing imbalances that exist against them.

Furthermore, the rights of women are given prominence under **Article 32 and 33** of the Constitution of the Republic of Uganda. Specifically the constitution provides that:

- 1) *Women shall be accorded full and equal dignity of the person with men.*
- 2) *The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement.*
- 3) *The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.*

- 4) *Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.*
- 5) *Without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history.*

The Equal Opportunities Commission Act, 2010³²

The EOC Act provides for the composition and functions of the Equal Opportunities Commission which gives effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. These marginalized groups include women and girls in Uganda.

d) Relevant National level Gender policies

The Uganda Gender Policy, 2007³³

Aside from laws, Uganda has policies which provide a road map on how to mainstream gender in service delivery. Specifically, the Uganda Gender Policy of 2007 aims at reducing gender inequalities so that all women and men, girls and boys, are able to move out of poverty and to achieve improved and sustainable livelihoods. The policy emphasizes the need to develop strategies for designing and implementing programmes to improve women and men's access to justice, although it does not clarify who vulnerable women are. The Policy seeks to prioritize gender inequality in access to justice. There are other laws in place to protect women, such as the Domestic Violence Act.

In line with the contextual background and existing legal and policy framework, the National Gender Assessment study for the Justice Sector (Formerly JLOS) sought to among others (i) *Assess the gender sensitivity of the Justice Sector and how it facilitates or hampers access to justice for women and girls; analyze the application and impact of the Gender Bench Book (2016) on gender responsiveness in the dispensation of justice;* (ii) *track persisting Access to Justice gaps and challenges for women and girls;* (iii) *analyze the compliance of the Access to Justice Sub Programme with legal policy frameworks (National, Regional and International level) in respect to gender responsive justice;* (iv) *provide end-users with an*

³² *ibid.*

³³ Available at <https://www.ulii.org>

opportunity to give feedback on the Access to Justice Sub Programme services in relation to gender justice needs and how justice agencies are addressing those needs.

 The Uganda Police Force Gender Policy (2018):

This provides for an inclusive and gender responsive Police Force that respects and upholds the rights and dignity of women, men, boys and girls.

 The Judiciary Gender Policy and Strategy (2012):

Which focused on “Attaining Gender Equality in Access and Treatment by the Judiciary.” The policy sets out key interventions for implementation a bid to ensure gender sensitivity in the administration of justice.

 JLOS Gender and Equity Mainstreaming Strategy (2019):

The purpose of the Strategy is to fast track implementation of the short- and medium-term goals of promoting equal access to justice for women and men in Uganda as well as set gender responsive practices as a permanent standard.³⁴

³⁴ JLOS Gender and Equity Mainstreaming Strategy, July 2019, p. 6

CHAPTER THREE

This Chapter highlights the study methodology employed used in the development of the National Gender Assessment Study for the Access to Justice Sub Programme.

3.0 METHODOLOGY

This conceptual framework for the assessment was derived from three (3) research variables which included the; (i) independent variable; (ii) intermediate variable, and (iii) dependent variable as illustrated in Figure I below.

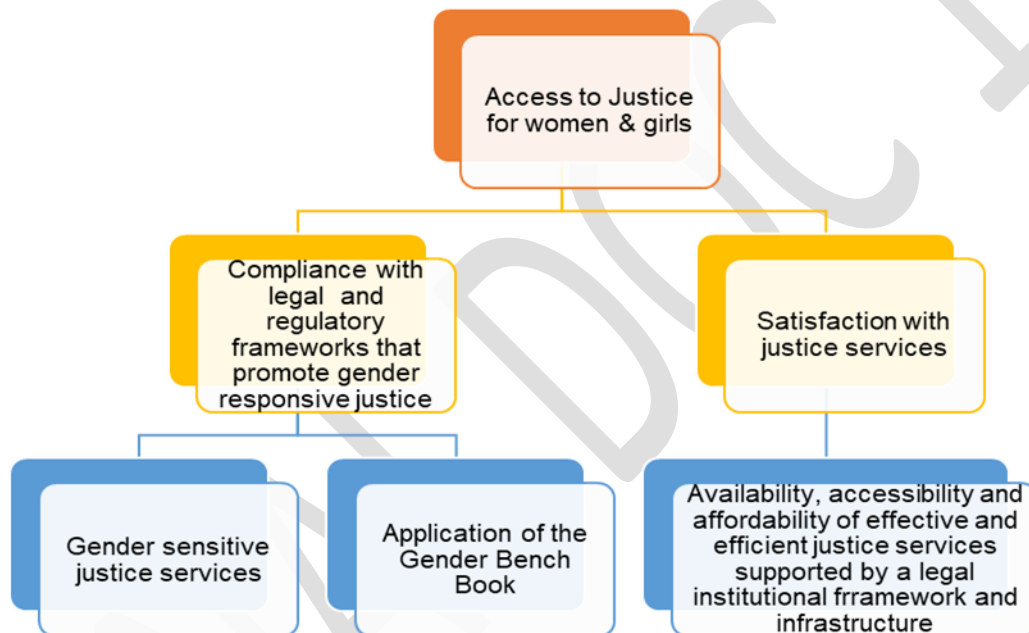


Figure 1: Conceptual framework for the assignment

The National Gender Assessment investigated the interlinkages between the independent variables (gender sensitive justice services; application of the Gender Bench Book and availability, accessibility and affordability of effective and efficient justice services), and the intermediate variables (compliance with legal and regulatory framework that promote gender responsive justice and satisfaction with justice services) ultimately influencing the dependent variable (access to justice for women and girls).

The research used primary and secondary data collection methods (Literature review) as well as both qualitative and quantitative approaches of data collection as explained below;

3.1 Literature review

This entailed a review of relevant documents, including the National Development Plan III, JLOS, Administration of Justice Programme and Access to Justice sub-programme/GSP Programme Implementation Action Plans (PIAPs), Annual Performance Reports, and Strategic Plans, LASPNET Annual Access to Justice Trends Reports (2017, 2019 and 2020) and the Gender Bench Book (2016), Case law, UWONET FATE Project documents among others.

3.2 Quantitative Survey

The team conducted a quantitative survey targeting would-be users of JLOS services and those currently not accessing the services. Following Scott (2013)³⁵, the sample of individual interviews was determined by the following formula.

$$\text{Necessary Sample Size} = \frac{(\{Zscore^2 * |StdDev\})}{\text{Margin of error}^2}$$

The adopted confidence interval was 95%, the equivalent Z-score was 1.96; the standard deviation was 0.5, and the margin of error (confidence interval) of +/- 3%. Based on the above, our target sample size was given by the following.

$$\text{Sample size} = \frac{(1.96^2 * (0.5)0.5)}{0.03^2} = 780$$

The above-determined sample was targeted for collection from 10 purposively selected districts, with 78 individuals to be interviewed in each district. The districts were segregated into (i) the 5 FATE project districts; Masindi, Napak, Kamuli, Gulu and Moroto (considered as intervention) and (ii) 5 non-FATE districts Kiryandongo, Mbale, Iganga, Kampala and Mukono (classified as control).³⁶

Table 1: Districts Surveyed for Individual Semi-Structured Interviews included:

35 Smith, S. (2013) Determining Sample Size: How to Ensure You Get the Correct Sample Size. E-Book (c) Qualtrics Online Sample.

36 The FATE project districts are: Masindi, Napak, Kamuli, Gulu, Soroti, Moroto, Hoima and Lamwo.

		FATE	Western	Eastern	Northern	Central	Refugee	Presence of Juvenile Justice Centre (Remand
1	Masindi							
2	Kamuli							
3	Moroto							
4	Napak							
5	Gulu							
6	Kiryandongo							
7	Mbale							
8	Iganga							
9	Kampala							
10	Mukono							

Beyond FATE project status, other considerations in the selection included whether the districts host refugees and whether there is a juvenile centre (remand home) in the district. **Following past studies that have assessed access to justice in other jurisdictions (e.g. Chiweshe et al., 2021 for Zimbabwe³⁷),** the targeted ratio of females to males for the individual interviews was 2: 1. Overall, 603 individuals were interviewed, giving a response rate of 78%. Out of the 603 interviews conducted, 65% were female respondents, and 35% were males (see Table 2).³⁸ The challenges of non-response were mainly from the urbanized districts—notably Kampala and Mukono. The Kampala respondents were not readily available and going through heads of institution required a red table process which in away constrained having a reasonable number of key informant interviews as earlier envisaged.

Table 2: Number of individual interviews conducted by district.

	Male	Female	Total
Gulu	28	51	79
Iganga	25	47	72

³⁷ Chiweshe, M, K., D. Mushayavanhu, and S. Bhatasara (2021) *An Assessment of the Formal Justice System in responding to Sexual and Gender Based Violence (SGBV), Harmful Practices (HP) and Sexual Reproductive Health Rights (SRHR) in Zimbabwe*. Women in Law in Southern Africa (WLSA) and Legal Resources Foundation (LRF).

³⁸ The overall ratio achieved 1.85 women to 1 man, which varies slightly from the targeted ratio of 2 women to every man. As noted earlier, the relatively low response rate from urban-based districts—especially Kampala—could explain this. Specifically, in Kampala, women accounted for 55% of the sampled individuals, while men accounted for 45%.

Kiryandongo	24	39	63
Kampala	8	10	18
Kamuli	26	52	78
Masindi	25	49	74
Mbale	17	37	54
Moroto	24	53	77
Mukono	2	7	9
Napak	29	50	79
Total	208	395	603

The targeted respondents in each district were persons whose rights had been violated and or those who have used either formal or informal systems to seek justice. These respondents were identified at the justice institution's premises. At least two-thirds of the targeted respondents were those who have used the formal justice system, and the rest were those who have not the formal justice system at all. The selection of respondents that have interfaced with the formal justice system was based on the formal justice institutions (court records, police records, Remand homes and NGOs/legal agencies handling such cases). Regional LASPs were utilized to access these records. The selection of respondents who had not interfaced with the justice system was from records of hearings conducted by the clan courts and religious institutions.

The selected respondents were aged 16-18 for juveniles in remand homes. A specific consent form was developed as well as an accented form for the FDG participants at the remand homes. For the rest of the other respondents, the selected individual was 18 years of age or older. The selected respondents were interviewed individually, without interference or additions from other persons.

3.3 Qualitative Surveys

The assessment covered three broad areas, including the enabling environment³⁹ supply and demand side aspects of access to justice. As noted earlier, the assessment entailed individual interviews, KIIs and FGDs.

3.3.1 Focus Group Discussions: the research team conducted 11 FGDs (at least 1 in each district), specifically targeting key users of justice services and support systems (the

³⁹ Information regarding the enabling environment was collected based on document reviews.

institutions were: police, judiciary, prisons and juvenile remand homes). The total number of FDGs participants was 56 of which 42 were women and 14 were men).⁴⁰ These FDGs were representative of the sampled regions, including Central, Eastern, Western and Northern. Specific tools were used for FDGs and developed during the project's inception phase. In particular, the following categories for FDGs were conducted.

- a. Adult women offenders
- b. Juvenile female offenders
- c. Juvenile male offenders
- d. Women who have never used the formal or informal justice system
- e. GBV survivors
- f. Paralegals

3.3.2 Key Informant Interviews: the research team conducted a total of 34 KIIs specifically targeting Access to Justice actors across the country, including the Judiciary; GPS; ODPP; Police; Prisons; Remand homes, and LASPs. For each of the 10 districts, police (District Police Commander) and the judiciary (High Court Judges (1), Chief Magistrates (1), Special Courts for GBV (1 if available)), and one official were targeted. For the rest of the targeted KIIs, the following numbers were interviewed Prison Officers (3), ODPP Officials (3), Remand Home Officials (3) and CSOs (7). In total, 34 KIIs were conducted, as detailed in Table 3.

Table 3: Category of KIIs Conducted.

Category	Stakeholder Group	Number of interviews conducted
State Actors	Courts of Law	9
	ODPP Official	3
	Uganda Police Force	9
	Uganda Prisons Service	3
	Remand Home/ Officers for Juvenile offenders	3
Non-State Actors	Civil Society (LASPs)	7
	Total	34

⁴⁰ The team only conducted juvenile FDGs in Gulu, Kampala, Masindi and Mbale—i.e. in districts which have remand homes.

3.4 Safeguarding efficacy of data and confidentiality

The team adhered to various safe guarding principles in the course of undertaking the research study. Such principles included confidentiality which was observed through non-disclosure of respondents' identities. Privacy was realized through protecting respondent's information from third parties, empathy exercised on respondents given their uniqueness during data collection, equality and non-discrimination undertaken through according the same treatment on the respondents regardless of their cultural background, religion and gender.

3.5 Study Limitations

The following limitations were faced by the consultants while undertaking the study.

- Difficulties in securing interviews from various key National stakeholders, especially from key informants' justice institutions like Police, ODDP and Access to Justice Sub Programme. The research, for instance, happened when some of the Heads of Units were on leave, indisposed and/or out of the country. This was compounded by the postponement of appointments by some of the above stakeholders and red tape involved in securing availability of the KIIs. This was remedied by directly writing to institutional heads who were able to delegate officers to respond to the KIIs.
- Language barrier was another big challenge; for instance, Kiryandongo has over 70 tribes and dialects, tribes like Dinkas, Acholi, Basoga, Kenyans, Itesots, Bagisu, Banyolo, among others. And the field research team could only speak English, Swahili, Luganda and Lunyoro. To counter this challenge the research team relied on the interpretation services of field LASPs within the different regions.
- Failure to access some justice institutions especially Police stations, Courts of law, Prisons and Remand homes due to bureaucratic red tape. This was responded to through leveraging the cordial relationship that LASPNET enjoys with the various justice institutions.

3.6 Recommended areas of further research

While undertaking the UWONET National Gender Assessment study for the Access to Justice Sub Programme, other emerging areas that require further research interrogation were identified and these include; (i) *The impact of limited funding towards Gender justice* and (ii) *the National Gender Assessment for the Informal Justice sector in Uganda*.

CHAPTER FOUR

This Chapter provides the study findings analyzed in accordance with the study objectives as per the sub sections.

4.0 STUDY FINDINGS

The section analyses how gender responsiveness is applied by the justice sector in the dispensation of justice for women and girls.

4.1 ASSESSING THE GENDER SENSITIVITY OF THE JUSTICE SECTOR AND ITS IMPACT ON ACCESS TO JUSTICE FOR WOMEN AND GIRLS

4.1.1 Justice Sector Framework in Uganda

Uganda's justice sector was until recently coordinated under the JLOS framework which brought together a total of seventeen (17) institutions mandated to administer justice and maintain law and order and human rights. However, this framework has since been replaced with the programme-based approach thus birthing the GSP. The GSP is anchored under the National Development Plan III whose intention is to eliminate individualized planning as one of the key limitations of the sector-wide approach.⁴¹

This particular gender assessment study focuses on the Access to Justice Sub Programme which is among the six (6) sub-programme under the GSP.⁴² It covers specific institutions, notably Uganda Police Force; Uganda Prisons Service and Office of the Director of Public Prosecutions and Legal Aid Service Providers such as Uganda Law Society and Law Development Centre. An additional institution covered by the assessment is the Judiciary, whose role in the dispensation of justice cannot be overemphasized and it is currently discharged under the Administration of Justice Programme within NDP III.

This National Gender Assessment for the Access to Justice Sub Programme sampled 4 out of the 18 administration and access to justice institutions in a bid to establish the strategies adopted to promote or ensure gender sensitivity and responsiveness in the sub programme so as to enhance access to justice for women and girls. The institutions sampled include frontline justice institutions.

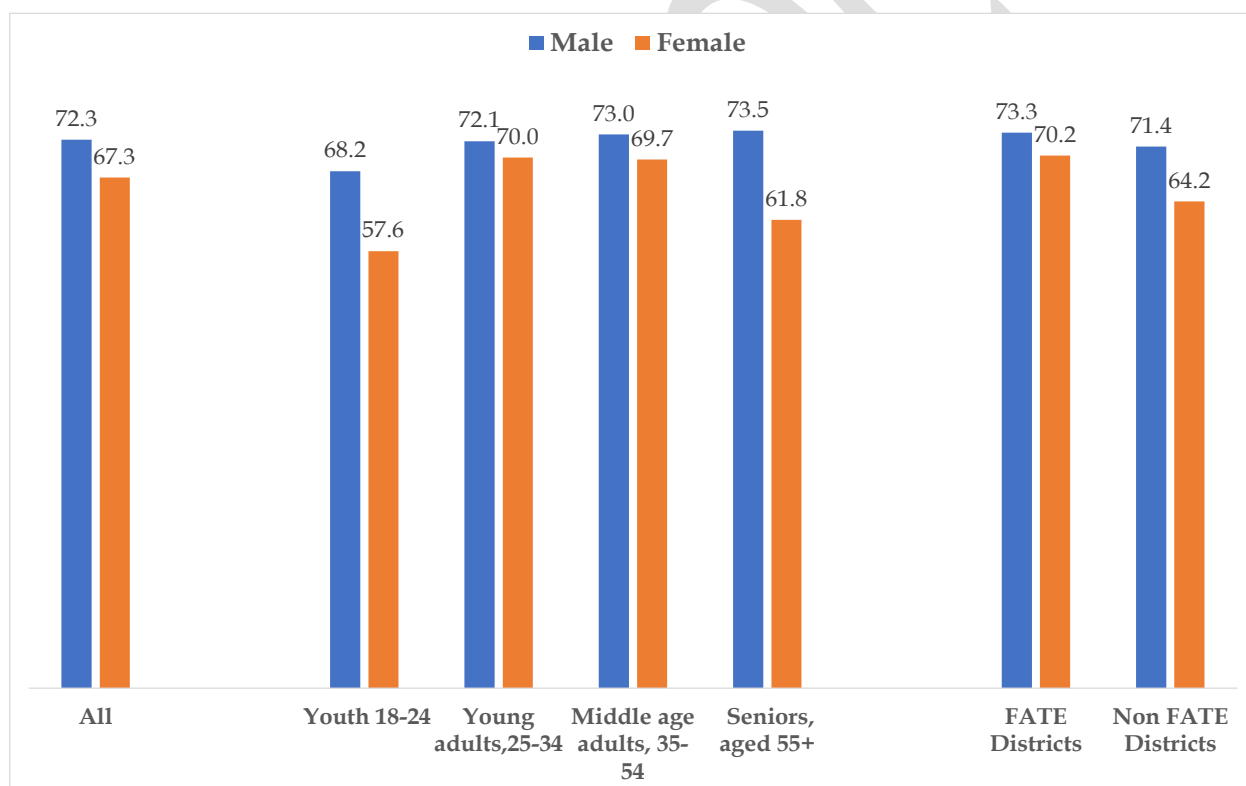
⁴¹ <http://www.npa.go.ug/wp-content/uploads/2022/09/Guidelines-for-Transitioning-to-Programme.pdf> accessed on 30th May 2023.

⁴² The sub programs under the Governance and Security Programme are: Democratic Processes; Access to justice; Policy and Legislation Processes; Refugee Protection & immigration Management; Anti-Corruption and Accountability and Security.

4.1.2 Knowledge and understanding of access to Justice

Based on the individual survey, a substantial proportion of survey respondents reported knowing and understanding the term “Access to Justice”—overall, 69% of the respondents indicate understanding the term access to justice. However, as shown in Figure 1, the rates for understanding access to justice are higher for men than women (72.3% vs 67.3%). The most significant self-reported gender gaps are among the youth and older adults (68.2% vs 57.6% for the youth and 73.5% vs 61.8% for the elderly). Figure 1 also shows that females from FATE districts report a higher understanding of access to justice than non-FATE districts (71.4% vs 64.2%). This suggests there may be higher exposure to access to justice programmes in the FATE districts that could be attributed to the programme.

Figure 1: Understanding of Access to Justice by Respondents (%)



Beyond understanding access to justice, the survey inquired about what access to justice means to the respondent. On basis of the responses from individual interviews, surveyed, access to justice means different aspects to both women and men. A female respondent who is a justice seeker in Kiryandongo district considered this as “Being able to get the rightful response from the JLOS institutions when I have a problem”. Another female respondent and or justice seeker in Moroto perceived this as “Having the right to get justice from recognised institutions in case someone violated your rights or went in conflict with the law”.

Similarly, a female respondent from Masindi indicated that “It means whether a person is able to easily access an equitable and just process whenever he or she is faced with legal challenges”. On the other hand, male respondent from Moroto considered A2J as “ability to have a place to report to a case in case of violation of rights”. Another man interviewed from Kamuli perceived A2J as “Giving same and appropriate legal resolutions to men and women.”

Making reference to the above wide spectrum of responses it is safe to say that the users and givers of justice have a comprehension of what access to justice is as earlier defined, which means the ability to take a matter to a dispute resolution centre where to report, having your rights protected, being able to get a remedy, equitable and fair outcome. The process has enablers and if they are not envisaged in the whole process then access to justice as understood by an ordinary Ugandan, the woman and or girl in Moroto becomes meaningless or non-existent to the rest of the citizens.

4.1.3 Application of Gender responsive justice by justice institutions

4.1.3.1 Judiciary

The core mandate of the Judiciary is administration of justice through adjudication of cases which is performed by judicial officers of both the superior courts and the lower courts supported by administrative staff of various categories. This mandate is spelt out under Article 126 of the Constitution of the Republic of Uganda.⁴³ Furthermore, the Administration of Judiciary Act 2020 was enacted to strengthen the efficiency and effectiveness of the Judiciary towards dispensation of justice. It is imperative to state that there have been significant efforts undertaken by the Judiciary to apply gender responsiveness in execution of their work. For instance, the Judiciary under its Strategic Plan IV (2020/2021-2024/25), recognizes gender among the cross-cutting issues to be mainstreamed in the delivery of justice. Furthermore, in 2012 the Judiciary developed a Gender Policy and Strategy focused on “*Attaining Gender Equality in Access and Treatment by the Judiciary.*”⁴⁴ The policy sets out key interventions for implementation a bid to ensure gender sensitivity in the administration of justice. These among others include (i) *Ensure equal access to the Judiciary by men and women;* (ii) *Ensure timely and responsive administration of justice for men and women;* (iii) *Develop capacity and skills of judicial and non-judicial officers in gender and justice;* (iv) *Strengthen research and data collection on gender and access to justice and* (v) *Address gender issues in organizational management and development.*

To some extent majority of the above interventions have been successfully implemented and these include the development of a Gender Bench Book which was actualized in 2016;

⁴³ Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.

⁴⁴ <http://judiciary.go.ug/files/downloads/JudiciaryGenderPolicyandStrategy.pdf> accessed on 30th May 2023.

development of a Gender-Based Violence Training Manual⁴⁵ for Judicial officers which was launched in 2022 as well as conducting of trainings by the Judicial Training Institute for judicial officers focusing on delivery of gender responsive justice⁴⁶ as well as gender and equity budgeting.⁴⁷ One of the key highlights for the Judiciary Gender Policy and Strategy was to deliberately achieve a balanced representation of 50/50 through active recruitment of women in the Judiciary. To this end, the Judiciary has to some extent succeeded in recruitment of more women as judicial officers hence achieving on the gender equality aspect.

Table 4: Current Composition of the Uganda Judiciary by gender

CATEGORY	FEMALE	MALE	TOTAL
JUSTICES & JUDGES	44 (48.9%)	47 (51.08%)	91
REGISTRARS	39 (56.5%)	30 (43.47%)	69
MAGISTRATES	190 (48.5%)	201(51.4%)	391
TOTAL	273(49.5%)	278 (50.1%)	551

Source: Judiciary of Uganda Website⁴⁸

Whereas the Judiciary Gender Policy and Strategy envisages facilitating more recruitment of female judicial officers, it is indeed true that this has been achieved to some extent as highlighted in the table **where the percentage of female judicial officers stands at 49% as at 2023 compared to 47% in 2022.**⁴⁹ However, whereas there is commendable progress in terms of gender equality in staffing, issues of gender equity especially at the top management level remains a great concern. For instance, all the Judiciary top management positions including the Chief Justice; Deputy Chief Justice; Principal Judge and Permanent Secretary are all men. This form of gender disparity is further permeated to the Heads of Division of the Judiciary. Out of the seven (7) Heads of Division, only one (1) is female.

⁴⁵ <http://judiciary.go.ug/data/news/1102/Gender-Based%20Violence%20Training%20Manual%20Launched.html> accessed on 29th May 2023.

⁴⁶ <http://www.judiciary.go.ug/data/news/411/JTI%20Conducts%20Gender%20Training%20for%20Judicial%20Officers.html> accessed on 31st May 2023.

⁴⁷ http://www.judiciary.go.ug/files/downloads/ANNUAL_JUDICIARY_PERFORMANCE_REPORT%202020_2021.pdf accessed on 11th June 2023.

⁴⁸ As at 1st September 2023

⁴⁹ A longitudinal study into gender disparity in law (2020).

Furthermore, despite efforts to strengthen Judiciary's research and data collection on gender and access to justice, there is still a huge gap in terms of providing gender disaggregated data for cases handled by the Judiciary. For instance, both the Judiciary Annual Performance reports of 2021/2021 and 2021/2022 does not provide gender disaggregated data on court cases disposed.⁵⁰

Fast tracking SGBV cases disposal is among the envisaged interventions under the Judiciary Gender Policy and Strategy. Since 2018, the Judiciary and other partners have implemented a project called Sexual Gender-Based Violence Project supported by United Nations Population Fund (UNFPA).⁵¹ The project aims to improve the delivery of justice for survivors of GBV by enhancing the capacity and coordination of key actors in the justice system. It also seeks to establish a reliable and comprehensive database of GBV cases and to document best practices that can inform the creation of a special GBV court. During FY 2021/2022, Phase V of the project was implemented, and to this end, the Judiciary organized 14 **special SGBV** sessions in selected districts of Kampala (Criminal Division), and High Court circuits sitting at; Tororo, Iganga, Mbarara, Gulu, Moroto, Kasese, Masaka, Otuke, Adjumani while the four (4) sessions were conducted by chief Magistrates at Tororo, Apac, Busia and Nakapiripirit.⁵² **It should further be noted that the special SGBV sessions were first piloted by FIDA-U before being taken on by the Justice Law and Order Sector (JLOS) with funding from UNFPA. These sessions have since been used as an effective strategy by the Judiciary to expedite SGBV cases and in 2018 a total of 27 high court sessions were handled.**

The outcome of the special sessions was the increased conviction rate of SGBV cases from less than 20% to more than 70%.⁵³ During the High-Level Meeting on the upcoming Phase Six special court sessions on SGBV cases held by the Judiciary and UNPFA, it was revealed that over 2000 SGBV Cases had been handled since the project inception. While presiding over the meeting, Hon. Justice Musa Sekaana, Judge of the High Court and Head of the Civil Division, noted that the sessions were undertaken as part of fulfilment of Uganda's obligations at international and regional level aimed at addressing the broader goals under gender and access to justice in SDG5 and 16. He further outlined areas that need to be focused on if SGBV cases are to be handled appropriately and these included; the need to establish safety shelters for survivors of SGBV, adopting scientific management of SGBV cases, promotion of coordinated and integrated SGBV

⁵⁰ Concerning gender-disaggregated statistics, the 2021/2022 Judiciary Annual Report only captures information relating to the gender profile of small claims procedures (SCP) claimants, the Judiciary staff establishment at the end of the financial year by sex and non-judicial officers confirmed into service.

⁵¹ The other project partners are the Uganda Police Force, the Office of the Directorate of Public Prosecution, the Directorate of Government Analytical Laboratory (DGAL) and the Ministry of Gender Labour and Social Development.

⁵² The Judiciary (2022) Annual Performance Report FY 2021/2022.

⁵³ Accessed via

<http://judiciary.go.ug/data/news/1272/814/Special%20SGBV%20Court%20Session%20Conviction%20Rate%20Increases%20to%2070%25.html> on 27th October 2023.

management approach among the justice players as well as up scaling of the use of remote services and virtual courts, given the sensitive nature of SGBV cases.⁵⁴

Nonetheless beyond the SGBV project, the Judiciary has implemented other projects addressing gender concerns. For example, “*The Women and Girls Access Justice through Effective, Accountable and Gender-Responsive Institutions*” supported by (UN-WOMEN) empowers women and girls at risk of violence on their rights and enables them to access and use quality services. The Project targets to improve the systems, procedures and standards that ensure quality service for survivors of GBV and vulnerable women and girls. It also aims to strengthen the capacities of formal justice institutions to provide quality essential services and to fast-track cases of GBV and other forms of discrimination.

In the spirit of enhancing gender and child justice, the Government has funded the Judiciary to establish waiting areas for instance in Masaka and Nakasongola courts as well as child care centres. Whereas there are plans to create 67 child care centres across various courts in the country, Mbale and Masaka high courts have already benefitted from these innovative facilities. In April 2023, while launching the child care centre at Mbale High Court, the Hon. Justice Godfrey Namundi, Head of Mbale High Court circuit applauded the Judiciary administration for the innovation of setting up child-friendly facilities at courts. He said that such facilities provide safe spaces where children can fully participate and be heard during court hearings. He added that the spaces offer an opportunity to court staff to nurse their children when they are at Court.⁵⁵ At the same event, the Chief Registrar, HW Sarah Langa Siu, underscored the importance of child care centres which is to provide a place where working mothers and, or lactating employees can safely breastfeed or express breast milk for their babies, and children can play, as well as rest when the need arises.⁵⁶

According to the 2022 Judiciary Annual Performance report, there are plans to implement interventions to ensure a gender-responsive justice system. For example, The Judiciary is designing a project targeting the *Alternative Disputes Resolution and Engendering Administration of Justice* that will be funded by the Austrian Development Agency (ADA).⁵⁷ The proposed Project aims to enhance the quality and accessibility of rules, procedures and sentencing guidelines that affect gender equality and fair access to Justice. It will train court officials to deal with vulnerability issues, gender equality and human rights observation in access to Justice. It will also raise awareness of these issues and the measures taken to improve access to Justice. Lastly, it will equip courts to handle issues of vulnerability, gender equality and human rights observation professionally.

⁵⁴ Ibid.

⁵⁵ Accessed via

<http://www.judiciary.go.ug/data/news/1255/Mbale%20High%20Court%20Launches%20Creche%20to%20Improve%20Child-Friendly%20Services.html> on 30th October 2023.

⁵⁶ Ibid.

⁵⁷ Judiciary Annual Performance Report 2022.

The Judiciary, with the assistance of The United Nations Office on Drug and Crime (UNODC), is implementing a project titled *“Strengthening Crime Prevention and Criminal Justice in Uganda”*. The Project aims to support comprehensive and gender-responsive reforms in the criminal justice and prison systems to reduce the reliance on imprisonment and the overcrowding of prisons, improve prison-based rehabilitation programmes, prevent radicalization to violence in prisons and facilitate the social reintegration of prisoners. The effective implementation of the UNODC project is anticipated to enhance gender responsive justice through facilitating rehabilitative programmes for women offenders.

Beyond frameworks, technology-based solutions have been put in place in the Judiciary to reduce the time and costs women face to use judicial services – especially through the Electronic Court Case Management Information System (ECCMIS) as described in Box below.

Strategies are in place to ensure gender responsiveness regarding the Electronic Court Case Management Information System (ECCMIS).

- The ECCMIS allows the aspect of gender to be captured while using the system to enable the judiciary to appreciate the consumers by gender disaggregation.
- Kiosks have been set up at court premises where ECCMIS is functional to enable easy accessibility of resources such as Computers, and scanners among others to enable easy and efficient filing by court users especially for the vulnerable groups such as women and girls.
- Whenever GBV cases are filled via ECCMIS, they receive special attention through special dates and sessions.
- The authorities have piloted ECCMIS in some lower courts, including Mengo Chief Magistrate’s Court, to facilitate accessibility for vulnerable groups, especially women filing cases under the small claims procedure.
- More efforts are being made to encourage more women and girls to undertake training on the use of ECCMIS to enhance their interaction with the system.
- The system is designed in a way that allows easy payment of court fees such as the use of Mobile money, Visa Card and payment through a Bank which reduces corruption. This goes a long way in protecting vulnerable groups such as women and girls while accessing the justice system.
- More ladies are being encouraged and trained in ICT to enable them to train others on the effective use of such ICT initiatives.
- Plans to train the entire Public on the use of ECCMIS are underway to ensure full coverage of the service.

Effectiveness of ECCMIS in light of enhancing Access to Justice for Women and Girls

Since women and girls are more prone to facing access to justice challenges, the

ECCMIS has come in to improve the effectiveness of the justice system by providing the following;

- The system has reduced corruption since there is less physical interface and strict monitoring.
- It has mitigated the loss of physical files and documents that initially would fall into the hands of some Judicial Officers and other officers.
- It lowers costs, particularly those related to transportation that one would have incurred during filing and process serving..
- The system allows easy allocation of cases/ files to judicial officers and the judicial officer has no say on which file goes to him or her.
- ECCMIS saves time by enabling all business to be conducted and finalized through the system without the need for physical interface unless required. All business can be commenced and finalized via the system.

Challenges/gaps women and girls would face while interfacing with or using ECCMIS

- Limited access to equipment such as Computers, scanners, and photocopiers, among others that make.
- High levels of illiteracy among women and girls still affect the effective utilization and use of the system among some areas.
- Limited knowledge in ICT among women and girls who perceive ICT as a men's thing.
- To a smaller extent, internet costs deter women and girls from utilizing the ECCMIS since it entirely works on the Internet.

Approaches to address the above challenges.

- Literacy levels to be improved among the women and girls.
- Women and girls with ICT knowledge to be supported by role models in line of ECCMIS to be given opportunities to support others.
- We are extending the District Chain Link program to the Sub-county or Parish level where we can easily teach and orient locals about initiatives such as ECCMIS.
- Encouraging all court users to act fast as far as learning about the usage of the System is concerned.

Source: KII, Head of ECCMIS

4.1.3.1 Strategies implemented by the Judiciary as identified by survey respondents

The survey inquired about the strategies in place to ensure gender responsiveness of the judiciary services. The respondents (judicial officers) indicated a commitment to promoting equality and respect as core value of the Judiciary in their work. They also

respect the privacy and dignity of the parties involved in sensitive cases, such as defilement, and conduct hearings in camera to protect their identity and ensure free expression like using dolls and visuals for child witnesses and or for survivors of GBV. Furthermore, the Judiciary strives to ensure a fair representation of women in cause listing, and prioritizes cases that are of public interest, gender-sensitive or involve vulnerable groups, such as pregnant mothers, persons with disabilities, and children. In addition, a system of plea bargaining is used to reduce case backlog and expedite justice delivery, especially for women who face economic challenges due to prolonged litigation. Respondents indicated that family matters are handled in the judge/magistrates chambers and not the open court to avoid exposing them to public scrutiny. Some courts indicated assigning female lawyers to women clients to improve openness and trust during the presentation of cases. Finally, circumstances surrounding each case are considered as the gender roles of the parties when granting bail or imposing sentences.

Specifically, a key informant highlighted several approaches to ensure gender sensitivity.

“Fast-tracking these cases where you identify vulnerability. For example, when you look at defilement cases which are increasing in the area, especially amongst girls school-going children, we make sure that we fast-track them and do not offer longer durations for adjournment. Once the State Attorney presents the witnesses and with enough evidence, we decide on the case immediately”. Judicial officer: Nabweru courts

Specific strategies were also mentioned as used to protect the rights and identity of SGBV survivors appearing before Courts. These include:

“Hearing Cases in Camera especially for defilement cases” (Masindi) and *“attempting to use pseudo names for the survivors”* (Kampala).

In addition beyond protecti survivor identities, other strategies target to reduce the time women spend on court premises, such as

“Pregnant mothers and persons with disabilities are given first priority as far as hearing of cases is concerned” (Judicial officer in Kamuli).

In Kampala, it was mentioned that approaches used include;

“When cause listing, we ensure there is a fair representation of women. We form a system of first in, first out and the older cases are called first. We specifically look for cases which are unique, of public interest, and gender-sensitive” (Judicial officer, Kampala).

“We have a system of plea bargaining and have fully embraced it. This is where an accused accepts the crime committed, and an appropriate sentence is given depending on the crime you committed. This has helped reduce case backlog, especially where women are also involved in this process. Women have faced economic challenges as vulnerable people since they trek long distances to come to court to appear or to give testimonies, which hampers

their economic well-being. Embracing this system gives them a chance to return and concentrate on their activities since plea bargaining reduces the period someone would have spent in prison.” Judicial officer in Kiryandongo.

Despite the above progressive reforms, stakeholders interviewed from the Judiciary, also shared bottlenecks that still persist and hinder ensuring gender sensitivity in the Judiciary. These among others included:

In several other districts, poverty among litigants was highlighted as a significant challenge—especially the requirement to raise resources such as transport to follow up their cases as well as transporting their witnesses. The lack of transport funds for litigants and judicial officers handling cases involving women which was highlighted as a constraining challenge. In Kiryandongo, a key informant had thus to say;

“People are faced with long distances they cover to come to court coupled with too much transport fares they incur, yet these are vulnerable people. This impacts on the service delivery of the court as sometimes people fail to appear in court due to lack of transport” (Kiryandongo)

“Clients in civil matters are supposed to transport their witnesses, which requires financial ability. Once witnesses are not in court, the case may not proceed and may be gradually dismissed” (Kamuli).

In Moroto a respondent stated that

“Transport and accommodation challenges for the magistrate to attend to matters in distant courts. Lack of staff to run all the court programs” (Moroto). “

The distances to places like Napak make it hard for litigants to pursue their cases in Moroto” (Moroto)

While In Iganga, it was mentioned that

“Financial limitations affecting services delivery since the court extends to other places of the region”, while in the same district, it pointed out that “There is the issue of distance where some courts are far away from Iganga yet they must be attended to leading to exhaustion of the assigned officer” (Iganga).

Related to the above in Kiryandongo, concerns were raised regarding the staffing at the Courts, given the rising number of SGBV cases. Specifically, it was mentioned that

“There are few Judicial officers that are handling enormous cases in this area. The Magistrate Court of Kiryandongo has only two Judicial officers and the cases received are many”. In addition, it was mentioned that “The influx of refugees in the surrounding refugee settlements has fuelled many cases such as rape, defilement, Domestic violence

anger management etc and this has impacted on the court's operations negatively due to the increased cases in the area” (Kiryandongo).

Furthermore challenges were also highlighted regarding the failure to benefit from on-going Judiciary interventions to ensure gender-responsive justice. In Kamuli for example it was noted that there was a *“Lack of special sessions to handle GBV cases at lower level courts as opposed to High Court which has these sessions in place”* (Kamuli); similarly, the judicial officer interviewed in Masindi indicated that there were no special Courts to handle women cases in the districts.

Other challenges related to inadequate infrastructure at the Courts to address gender concerns, insensitivity by court users when handling gender-related cases and outright threats in cases involving SGBV. In Masindi, it was mentioned that

“There is limited waiting space (for television and toys) for litigant mothers with children and juveniles to help freshen up prior to court seatings” and “There is a challenge of gender insensitivity by court users whereby sometimes the survivors are brought to court by their fathers which make them uncomfortable” (Masindi).

On the other hand, in Iganga, it was indicated that there are

“Threats from court users or community members who lose cases, especially men GBV cases” (Iganga)

Apparently even with many progressive interventions in place by the justice providers especially the courts such as plea bargaining, child and family friendly justice processing fast tracking of GBV related matters like in SGBV sessions; training of justice providers among others, the persistent challenges caused by poverty, lack of adequate legal aid; walking long distances to justice centres; case backlog; corruption related vices; uneven distribution of funds amongst courts and police; insensitivity of justice users especially to survivors of GBV; lack safe waiting spaces for litigants among others as highlighted by the respondents continue to hamper effective access to justice for women and girls. The option is to have a holistic approach that puts into consideration and provides solutions to the constraints in order to ensure a responsive gender justice systems.

4.1.3.1 Justice needs for women

The survey also collected information from key informants on the “What are the justice needs of women, and whether these justice needs being comprehensively addressed”. Table 5, which shows the responses from judicial officers, indicates that free legal representation is one of the most urgent needs for women in the community today. Many women face challenges in accessing justice because they lack the money and knowledge to pursue their cases in the legal system.

Table 5: Justice needs for women

No.	District	Needs mentioned by KII
1	Moroto	Legal representation has not been adequately addressed due to a lack of representation and social norm barriers.
2	Gulu	if offended in the community and bring their issues, they should be addressed immediately
3	Masindi	(i) Radio Sensitization of rights in the local language for better understanding (ii) Sensitization of Local Council Members so that the same information is Stimulated to the Locals, especially women who come to seek and be advised on Access to Justice (iii) Publication about different Justice access procedures(entitlement to bail money) especially for small claims procedures
4	Kamuli	(i) Legal awareness and sensitization. Introduction of special sessions at chief Magistrate Courts to handle GBV cases (ii) Legal awareness and sensitization on where and how to seek legal remedies
5	Kiryandongo	The challenges women face while accessing justice have been discussed in the above questions, including economic hardships - high transport costs to those who come from very far, Domestic Violence, rape and increased defilement, among others. Some have not been comprehensively addressed though the court has tried to create awareness in communities and during court proceedings about the court process and the rights of women and girls.
6	Iganga	Legal representation at no cost is the major justice need for the women in the community today. They also need financial assistance to report, file and follow up their cases in courts of law.
7	Mbale	Protection from abuse, either physical or emotional, and property rights, and we are trying to address this.

Source: Responses from key informant interviews of Judicial Officers from the mentioned districts

4.1.4 Uganda Police Force

The Uganda Police Force draws its mandate from the 1995 Constitution of the Republic of Uganda, Chapter Twelve (12), Art 212, which stipulates the functions of the force to include among others the preservation of law and order and prevention and detection of crime. Although the Police Act (1999) does not explicitly address gender issues, Section 23 (2) of the same Act provides that a female person shall only be searched by an authorized woman.

The above notwithstanding, UPF has undertaken deliberate steps in enhancing gender responsive justice through the following interventions;

- a) **Development of a Gender Policy (2018):** The UPF Gender Policy provides for an inclusive and gender responsive Police Force that respects and upholds the rights and dignity of women, men, boys and girls.⁵⁸ Hasten to add, the purpose of the UPF Gender Policy is to address the identified institutional gaps and challenges within Police in achieving gender equality for all police personnel, as well to address gender-based obstacles to police men's and women's effectiveness, professionalism, and ability to perform their duties to their full potential.
- b) **Establishment of the Department of Women Affairs of UPF:** This department is responsible for addressing some of the challenges that affect female officers, and with a specific remit to address sexual harassment. Furthermore, UPF has a Gender Officer whose responsibility is to ensure gender mainstreaming across all operations of the Force.
- c) **Conducting of gender-focused trainings:** In a bid to strengthen the capacity of police officers in gender responsive justice as suggested under the Gender Policy, various partners such as UN Women, Justice Law Sector (JLOS) and United Nations Population Fund (UNPF) have to a larger extent facilitated gender-focused trainings targeting Management and other Police Personnel.
- d) **Establishment of SGBV Safe spaces⁵⁹, Gender Desks and Family and Child Protection Units:** These have facilitated the effective handling of GBV cases especially reported by women and girls⁶⁰ complemented by the Gender Based Violence (GBV) Toll free Helpline (0800199195) which was rolled out with support from UN Women in May 2020. This Toll free line was intended to facilitate reporting of GBV cases which had heightened during the COVID 19 pandemic. There are plans by the Police Management to roll out more GBV Toll free help lines at regional and district levels in order to extend services closer to the GBV survivors and other members of the public.⁶¹

4.1.4.1. Understanding of gender responsive justice delivery by police

⁵⁸ <http://1325naps.peacewomen.org/wp-content/uploads/2021/07/Uganda-2021-2025.pdf> accessed on 31st May 2023.

⁵⁹ Kibuli Police CID has established a safe space for SGBV survivors where they can be kept and rehabilitated with counselling as investigations go on for close to 2 days or even more .

⁶⁰ <https://www.monitor.co.ug/uganda/oped/commentary/here-s-how-to-help-victims-gender-based-violence-3647486> accessed on 31st May 2023.

⁶¹ <https://www.upf.go.ug/police-officers-equipped-with-gender-based-violence-response-skills/> accessed on 29th May 2023.

The survey inquired from police officers interviewed what they understood by gender-responsive justice in the delivery of police services. The understanding varied, and the following responses were recorded:

- *“A situation where people can access justice with the help of Civil Society Organisations who help to create legal awareness” (Moroto Police Officer)*
- *“The consideration of women most especially when administering justice, the fairness and the priority that is offered to them when they go to seek justice and priority is offered to a woman over a man that is the responsiveness” (Napak Police Officer)*
- *“This means not only looking at females but men too in getting equal access to justice by the law demands” (Gulu Police Officer)*
- *“I think gender response justice is the approach the law enforcement offers to survivors of gender-based violence” (Kampala Police Officer)*
- *“Ways of handling issues of men and women in the JLOS sector” (Kiryandongo Police Officer)*
- *“Effectiveness and accountability in their response to discrimination against women and girls through reviewing, monitoring, investigation as well as strategies and approaches with support of external actors on women rights” (Masindi Police Officer)*
- *“Ensuring equality in the administration of justice” (Kamuli Police Officer)*
- *“This concept connotes service to all human beings regardless of gender, such as women, men, PWDs and children. It also means having female police officers to handle women's issues at the police station as well as having a gender desk for handling all gender-related matters” (Iganga Police Officer)*
- *“It means that we, as police, are sensitive to gender. Women officers handle women suspects and are also separately detained from men (Mbale Police Officer).*

Overall, from the above responses, at least 27% of the police officers interviewed considered gender-responsive justice to entail being sensitive to the different needs and experiences of women and men concerning the law. For example, ensuring that women officers handle women suspects and are detained separately from men. Others considered the concept to entail providing fair and equitable access to justice for all, regardless of gender. Specifically, no discrimination or favour for anyone based on their sex, but rather respect for their rights and dignity as human beings. The importance of empowerment of litigants and general public through awareness creation and or legal representation for equality before the law was emphasized by Uganda Police.

4.1.4.2 Manifestations of gender sensitivity during the use of police services

The survey also inquired from police officers how gender influence people's experiences and knowledge of, and involvement with police services. The police officers indicated that many women worry about being judged by society, especially if the abusers are men and may not report cases to police. They may also lack knowledge about the law and

their rights or feel intimidated by the police procedures. Some women may depend on their abusers for financial support or fear retaliation from them. Others may want to protect their relationships or avoid stigma in their communities. Although women report more cases than men especially GBV, most police officers interviewed indicated a fear by both sexes to report cases that touch on their own households. There's a stigma as only men are found at police stations – either as officers or suspects.

“Some female survivors fear opening up due to fear of losing spouses in the near future thus keeping quiet about the torture they experiences. This practice is unhealthy and may cause trauma. Also, female complainants are sometimes compromised in cases where their spouses are involved and this affects process of achieving Justice”. (Police Officer in Iganga)

“Women fear to testify against the perpetrators for fear of being discriminated against when they return back in the community” (Police Officer in Masindi)

On the other hand, males fear or rarely report cases of GBV due to fear of shame. A police officer in Napak explained that

“There is a perception that men are not bothered and yet in this side of the country, assaults are common and women are the perpetrators. So, men, are suffering silently they are buttered but they don't come to report because how will it look like a man like me that I'm coming crying that I was beaten by a wife. On the other hand, in Karamojong culture, women do most of the things in household; they are the ones cooking, offering treatment to sick members and sometimes men feel inferior”. (Police Officer in Napak).

Based on the above analysis, it is clear that achieving gender responsive justice for women from the Police is often times constrained by fear of losing their relationships; fear of reprisals from the community and for men, the fear of shame especially in GBV related matters. This therefore calls for mindset change and massive awareness of both the rights of women and girls as well as the appropriate channels where perpetrators could be reported in case of rights violations.

4.1.4.3 Challenges faced by women and girls in accessing gender responsive services at the UPF

The survey inquired the challenges women and girls face in accessing gender-responsive justice services from the UPF. The responses indicate that many factors hinder women and girls from reporting cases to police stations. Table 6 shows the challenges identified by police officers and some of these factors include parental interference, spousal loyalty, legal costs, social and cultural norms, self-esteem, and fear of stigma.

Table 6: Challenges women and girls face in using police services

No.	District	Nature of challenge reported
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1	Napak	They are not so confident in reporting their cases, especially the girls
		There is influence from the family. In instances where girls are abused, the parents may over ride them from reporting to authorities. Some of these children are married off for parents to receive dowry.
		There are costs involved if a girl child comes to police and reports on defilement, and then that girl is required to be examined, sometimes the police doesn't have that facility so we refer them to hospitals where they are charged sometimes these girls don't have that money they end up facing those challenges.
2	Gulu	Ignorance of the law
		Limited financial means
		Requirement for witnesses protection in Court, which may not be available
3	Kampala	Some survivors stay silent
		Some women protect their husbands even when there are the perpetrators
4	Masindi	Legal representatives are expensive and most women cannot afford the services
		Social and cultural norms that prohibit women from accessing justice
		Women have either time nor money to pursue justice
		Male domination of informal dispute resolution mechanisms especially in the community.
5	Kamuli	Limited awareness about access to justice
6	Kiryandongo	Fear perpetrators
7	Iganga	Women and girls still feel inferior and shy to report their cases due to fear for their image and life.
		There is lack of specific mechanisms to help women and girls to access justice at different justice centers.
		Some women and girls lack the confidence to express themselves even when given a chance to do so thus losing the favour of those attending to them.
8	Mbale	They don't have sanitary pads.
		They don't have special services at the Police Station when they are pregnant.

Source: Responses from key informant interviews of Police Officers

Overall, the above enumerated factors prevent women and girls from accessing justice and expressing themselves effectively when they seek help from the authorities.

4.1.4.3 Gender Responsive Strategies Used by the UPF

The KIIs for police officers captured information on current gender-responsive strategies in place, the challenges of providing gender-response services, and justice needs for users who report to police stations. The police officers interviewed mentioned several strategies used to ensure gender responsiveness in police services. In Gulu, Kamuli, Kampala and Masindi districts, it was mentioned that cases of women are handled by women officers and men are handled by male officers. In Kamuli, they go a step further to ensure the availability of a gender desk that handles gender-related matters **in addition to having male-police officers acting as champions against GBV**. Other interventions have focussed on addressing the language barrier, as illustrated in Napak, “

At the reception counter at the Police Station, we ensure there are ladies to attend to fellow women. Also, given that we have a challenge of language barriers, we always ensure that during the daily deployment, we consider people who know the language and appreciate and are able to attend to these poor women who come in to register their cases. So majorly, our priority is on deployment. So when we are deploying, we identify officers who will attend to these people who don't understand the language police officers use regularly. (Napak).

Other interventions entail facilitating women's cases—through logistics or referrals **especially reported through the SAUTI 116 managed by the Ministry of Gender, Labor and Social Development**. For example, in KIryandongo, the police officer mentioned that women are offered referrals where necessary and counselling services. In Moroto, it was indicated that

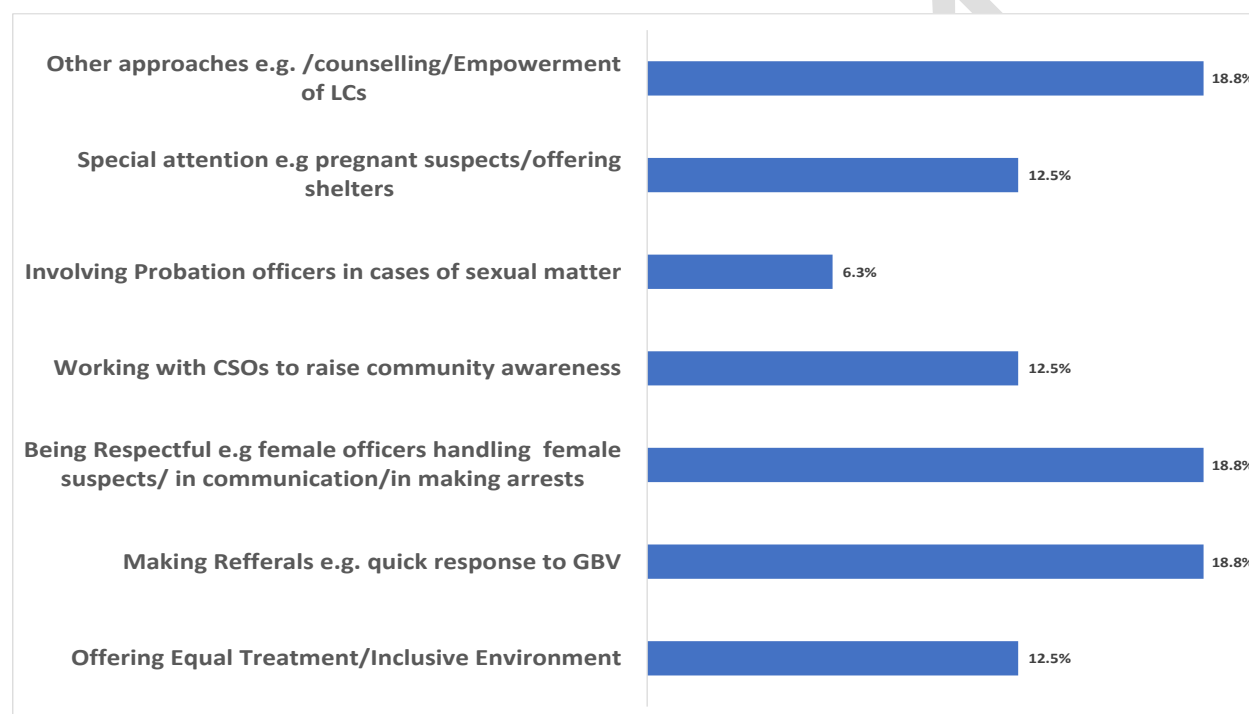
“There is fuel to move out to help survivors of violence. The DPC has availed us with a motorcycle and sometimes the police patrol to enable us to attend to people's legal needs in time, especially in violent situations” and “the provision of a shelter to use children survivors of violence”.

In Kampala, survivors of rape are allowed to receive medical attention, while probation officers are involved in cases of a sexual nature involving minors. In Kamuli, it was indicated that police officers *“Paying special attention to pregnant suspects who are rarely put in cells as long as the cases are not grave”*. (Kamuli). Relatedly, in Kampala, *“women not handcuffed unless violent during arrests”*. In Mbale, the presence of separate holding cells for women was highlighted as one of the strategies.

Other strategies mentioned included the fact CSOs and police work together to handle cases and raise legal awareness. The police also use radios to inform the community about the police services and presence. They respond promptly to gender-related incidents, such as domestic violence involving any partner. They empower LC committees to respond to gender-related matters. They foster a gender-inclusive environment where

men and women can report cases freely.⁶² Figure 2 shows the aggregated responses of the strategies described by police to ensure gender responsiveness of services.

Figure 2: Strategies to ensure gender responsiveness by Police (%)



4.1.4.5. Challenges faced by UPF in ensuring gender responsive services

There has been slow implementation of the UPF gender policy due to the COVID 19 outbreak and limited funds for its dissemination across the various police stations in the country. The other challenge encountered by police stations in the quest to ensure gender-responsive justice is the lack of adequate human resources, especially female officers. In Kampala, it was mentioned that during arrests, there is sometimes no readily available female officers, therefore, making arrests challenging.⁶³ A police officer interviewed in

⁶² It was not possible to ascertain what this resulted in since no follow-up questions were posed in the survey regarding the outcomes.

⁶³ The current female police population is 7,777 representing only 18.3% of 43,717 total police population. Paradoxically, whereas the UPF Gender Policy emphasizes affirmative action through recruitment of more women in the force, this has not yet materialized. For instance, all the four (4) top management positions of UPF are all filled by men. Furthermore, none of the eighteen (18) Police Directorates is headed by a woman. The underrepresentation of women in key leadership positions with UPF has a bearing on influencing gender-sensitive decisions both at policy and practice level. With no representation at the directorate level, this leaves female police officers out of the internal budget formulation process. Most importantly, directorates within the UPF have powers to participate in budget formulation and, are constrained to advocate for better access to human and financial resources to respond to gender-related concerns effectively.

Napak highlighted the challenge of fewer female officers coupled with officer's feminine demands.

"the biggest challenge is manpower so now at my station, only 10% of the officers are female. Secondly, these are the people in the forces, but sometimes there are tasks which are more challenging to a woman than a man, like deploying women for night duty. Sometimes, female police officers are breastfeeding. Sometimes, they want to go back home to cook they have a lot of tasks which is a challenge. Sometimes they are there but not fully because of those situations" (Napak)



Source: The Independent Magazine⁶⁴

Another challenge is the limited availability of infrastructure that can ensure gender-responsive justice services provision.

"There's no shelter to host violence survivors. We end up sending them back to the homes where they are facing injustices (Moroto Police Officer)

"Lack of privacy by survivors" gulu

"Lack of facilities to accommodate clients" (Kiryandongo).

"Unsuitable hygiene at the police stations due to limited facilities e.g. washrooms" (Kiryandongo)

⁶⁴ Accessed on 1st June 2023.

“No proper Facilities especially during examinations” (Masindi)

“Lack of proper facilities to accommodate female survivors” (Masindi)

In addition and beyond the required infrastructure, there is also a challenge of insufficient facilitation.

“Usually the fuel and stationary isn't enough to enable us dispense justice in due time like going to courts to testify or to go to crime scene rescue survivors. No shelter to host violence survivors”. (Moroto).

Similarly, in Kiryandongo, the

“Lack of transport means for visiting scenes, visiting medical facilities” was highlighted as a challenge”.

“Hardships are encountered while trying to effect quick response due to long distances involved thus being ineffective” (Iganga)

The police officers interviewed also indicated that some social norms (such as shame, traditional beliefs that make it a taboo to report the husband to authorities, the fear of being discriminated against back in the community and the threat of losing spouses and potentially livelihoods in case of divorce or separation) discourage both women and men from seeking justice from police stations in cases of gender-based violence (GBV). For instance, some men feel ashamed to report their abuse, while some women withdraw their cases for fear of social stigma. Survivors also face challenges such as hostility, fear of testifying against the perpetrators, and lack of privacy for medical examination in rape cases. Another challenge is the limited knowledge by Local Councils, who are supposed to provide initial support to GBV survivors. Additionally, police stations lack sanitary pads to assist the women suspects.

4.1.4.6 Gender Justice needs identified by the UPF

The study inquired from the police officers the gender-related justice needs. Table 7 shows that women need to be informed of their rights and the proper procedures for filing cases and following up on their progress. They also need to be assured that their cases will be heard with urgency and impartiality and that they will receive the necessary support and protection throughout the process. Additionally, women held at police stations need access to basic hygiene products such as sanitary pads.

Table 7: Justice needs for women as identified by police officers

	District	Needs Mentioned by Police Officers
1	Moroto	Family neglect by men is the main challenge. Usually not comprehensively handled since many men here are poor to handle domestic needs to satisfaction.

2	Napak	Women's justice needs are not comprehensively addressed; they are partially addressed, so their major need is quick justice; not denying them justice shouldn't be delayed and also should be cheap because some of them cannot afford to be going to court as witnesses or as survivors its costly and yet they are people from poor communities so the challenges involved is the cost involved and the time
3	Gulu	Need for legal representation
4	Kampala	Addressing challenges of succession which are a cause of violence. When it comes to succession, culturally, the girl child is unfairly treated. For example, under Sharia law, the proportion of the inheritance given to girls is far lower than those given to boys.
5	Masindi	Demand for Perpetrators to be punished, especially in cases of Rape and defilement Equal Representation in Courts of Laws Advise on the proper procedures for filing cases and feedback on progress.
6	Kamuli	Women being given a chance to report their cases and have them heard with urgency freely.
7	Kiryandongo	Demand for perpetrators to be punished
8	Iganga	Women need to access justice at no cost. This is because women are meant to pay either cash or in kind for any services they wish to receive.
9	Mbale	They need sanitary pads.

Source: Responses from key informant interviews of Police Officers

4.1.4.7 Approaches used to address the stigma of reporting cases to the UPF.

One of the most pressing issues facing women in our society is the lack of adequate legal representation and justice for victims of crimes. Many perpetrators of SGBV walk free due to various factors, including stigma. For the police officers interviewed, the surveys collected information on the nature of support offered to reduce stigma. Table 8 shows that counselling is the predominant form of support. Other measures highlighted include offering privacy and confidentiality and working with other support systems, e.g. probation officers, in cases involving juveniles.

Table 8: Support offered to survivors to reduce the stigma of reporting cases to police

	District	Nature of support offered
1	Moroto	Sensitization and community policing
2	Napak	Counselling and confidentiality.
3	Gulu	Counselling

		Mediation
		Referral of cases to the Court that are serious or involve grave injuries
		Sensitization of people in the community
4	Kampala	Two police officers always perform interviews of survivors. In addition, other police officers or persons are required to excuse the room.
5	Masindi	Suspects are always represented in Court
		Avail language translators for those who cannot communicate in the commonly used local language
		Facilitate transport, especially for the Juveniles.
		Lobby for Legal aid services for those who cannot afford especially Juveniles whose parents have abandoned them
6	Kamuli	Counselling services
7	Kiryandongo	Referring to legal aid service providers. (Refugee law project)
		Psychosocial support
8	Iganga	The Police station has a reception centre and a separate room where counselling services are offered from.
		The police station also works closely with the Probation officer to offer psychosocial support before and after case handling.
9	Mbale	Appropriate customer care is offered, and it removes that stigma.

Source: Key informant interviews of Police Officers

Whereas it is argued that the underrepresentation of women in Police is systematic and is largely attributed to society stereotypes such as viewing police work as masculine⁶⁵, this doesn't exonerate UPF from ascending women to the top most positions especially in the current era where "*gender equality and equity*" are considered as best practices in institutional governance and management.

Furthermore, the nature of arrests of female suspects by the UPF is a clear demonstration that there is still need to build the capacity of police officers in gender responsive justice. Often times, the police applies excessive force without necessarily taking into account their unique status and natural maternal functions in society as enshrined under Article 33 of the 1995 Uganda Constitution (As amended).

⁶⁵ <https://apcof.org/wp-content/uploads/women-in-the-uganda-police-force-barriers-to-women-in-operational-policing-pdf.pdf> accessed on 31st May 2023.

"One gruesome incidence that relates to the inhumane and degrading nature of arrest of women, was occasioned on 27 April 2023, when 11 female legislators left Parliament to deliver a petition to the Minister for Internal Affairs. On their way, they were intercepted by Police who ended up brutally arresting them. While describing the incident, the Deputy Speaker of Parliament, the Hon. Thomas Tayebwa, called the arrest demeaning and high-handed in nature adding that, 'one would think the police were arresting terrorists because some of the MPs were bruised while others had their clothes ripped.'"

Similarly, the bungling of women and men in the same police cells is a common practice alluding to the existing gender insensitivity of some Police officers. For example, on 12th November 2020 during the Presidential campaign trail, Police in Oyam arrested the National Unity Platform, Deputy President for Northern Uganda, Lina Zedriga Waru Abuku and detained her in the same police cell with them. Whereas the act was later condemned by the Police leadership, its needs to systematically be dealt with by law enforcement agencies as was done in case of Ingrid Turinawe & FDC Vs Attorney General (2013), where Ingrid was arrested while enroute to Nansana to attend a political rally. A male police officer who carried out the arrest grabbed her breast and squeezed thus occasioning a degrading treatment. The Hon Justice Margaret Oguli Oumu awarded the aggrieved party damages worth 17 0million shillings for violation of her rights.



Source: Courtesy photo.⁶⁶

4.1.5. Uganda Prisons Service

The Uganda Prisons Service (UPS) is an organ of the state, under the Ministry of Internal Affairs, and is part of the GSP. The constitution of the Republic of Uganda, 1995 (Article 215 - 217) establishes the UPS and the Prisons Act of 2006, defines the mandate of UPS.

⁶⁶ Accessed on 1st June 2023.

The legislated mandate is custody of prisoners and rehabilitation of offenders while the assigned mandate is Production of cotton, seed and furniture for MDAs. For the survey, at least three (3) prison facilities were visited in Moroto, Gulu and Masindi districts.

The survey inquired from the three (3) prison facilities that were visited the strategies in place to ensure gender-responsive justice. The following were listed.

“Prisoners are treated equally in terms of facilities and accommodation” (Gulu Prison)

“Ensure there is equal treatment when it comes to justices, e.g. fair hearing, access to their lawyers and considering the specific health needs of women. In addition, we make attempts to address the issues that are specific to their lived experiences by developing programming and rehabilitation efforts” (Masindi Prison)

“We do not have such strategies because we keep only women here, not men. Every strategy we have in place is to ensure women are presented to the court in good shape. We also offer good treatment while suspects are sick and inform the court when a certain woman is sick for purposes of granting them bail” (Moroto Prison).

Furthermore, there are various provisions within the UPS Act that uphold gender responsive justice in various ways. For instance, S. 29 (1) provides for the incarceration of male and female prisoners in separate prisons while S. 59 lays down procedures for incarceration of women with their infants. The UPS has to a larger extent implemented the above provisions as highlighted by the UPS Principal Research Officer from the Department of Research and Innovations.

It's our practice in UPS to ensure that women are kept in separate rooms from men to avoid the unfortunate to happen to any of the sexes while under prison custody. In every gazzeted prison area, one will find both a female and male prison. During allocation of assignments among prison officers, women and men are assigned same roles apart from where it is clear to the allocating officer that placing a female officer in a position of manning men in their wards would put her on a risk of rape or being killed, then the allocating officer will ensure that that a woman is in company of male officers for safety reasons.

In Jinja Main Prison, a SGBV committee has been established to handle sexual related offences with the prison while in Luzira Women Prison the expectant and breast-feeding mothers are provided with maternal facilities including nurseries. The babies who are no longer breast-feeding are put in a separate facility which is a nearby nursery school and every weekend brought to their mothers for bonding. When they mature out of the prison environment especially for long custodial mothers that are condemned they are placed with foster homes and schools to ensure they attain education but remain in touch with

their mothers for bonding purposes.⁶⁷ In this way a child friendly and gender responsive approach put in place by Uganda Prison Services was geared at ensuring a conducive growing environment for children whose mothers remain incarcerated for a period of time.

Despite the provisions of the UN General Assembly adopted the UN Rules on the Treatment of Women Prisoners and Non-Custodial Sentences on Women Offenders (Bangkok Rules), there is still a challenge for majority of children detained with their mothers since often times they lack upkeep to facilitate their welfare.⁶⁸

The current practice in Luzira is to take away children from their incarcerated mothers and have them returned on weekends. This has helped a great deal to reduce on the trauma of children being kept with their mothers in prison cells.

Source: KII

On the other hand, both Prisons and Ministry of Gender, Labour and Social Development are faced with budget constraints thus making it difficult to feed both juveniles and children living in prisons with their mothers.

In a bid to improve the economic livelihoods of women in prisons, UPS has collaborated with various CSOs such as Ankole Private Sector Promotion Centre Ltd (APROCEL) to extend rehabilitation programmes to women prisoners. **Despite the progress, there are fewer rehabilitation opportunities to women prisoners compared to male prisoners whose choice of activities extends to construction, carpentry and vocational training.**⁶⁹ Furthermore, Women Probono Initiative (WPI) has provided legal aid and advice to over 150 women in need of criminal defense at Kigo and Luzira women's prisons with the aim of ensuring that 90% of women on remand access legal aid services in both prisons and a reduction in the number of female prisoners on remand and decongestion in the said prisons.⁷⁰

On the part of recruitment, the UPS Principal Research Officer noted during a KII that it is a policy to ensure gender equality during recruitment by ensuring that the 30/70 percent ratio is met. This means that out of 100 prison officers recruited in a given period, the recruiting process has to ensure that women form 30% of the total number of officers

⁶⁷ Information source is from the lead consultant also as a member of the justice for children steering committee that conducted an exchange learning visit in Luzira prisons on 30th May 2023.

⁶⁸ <https://law.mak.ac.ug/pil/wp-content/uploads/2022/11/Access-to-Justice-for-Women-COV.pdf> accessed on 1st June 2023.

⁶⁹ **Feedback obtained from one of the participants at the validation meeting of this study report held on 12th October 2023 at Golden Tuliip hotel, Kampala.**

⁷⁰ WPI Annual Report 2022.

recruited. Despite this commendable achievement, the issue of gender equity in terms staffing is still a challenge to the extent that the current prison staffing population stands at 71% male and 29% female.⁷¹ Gender equity at the top management level of UPS is also still a challenge.

4.1.6. Office of the Director of Public Prosecutions

The core mandate of the ODPP is enshrined under Article 120 of the Constitution of the Republic of Uganda 1995 as amended and includes; to direct the police to investigate any information of a criminal nature, institute criminal proceedings against any person or authority in any court in Uganda other than a court martial and control private prosecutions. In the exercise of the functions of the institution, the ODPP is an independent institution not subject to the direction or control of any person or authority.

According to the reviewed literature, the Office of the Director of Public Prosecutions (ODPP) has mainstreamed gender across its operations in various ways. For instance;

- a) **Composition and Leadership:** As at June 2023, the ODPP had a total of 325 prosecutors against the approved structure of 862, representing 40% of the vacancies filled. Additionally, for the first time in history the ODPP is headed by a woman that is Lady Justice Jane Frances Abodo who most of her professional life has been a career a prosecutor. The ODPP also has a dedicated Department for Gender, Children and Sexual Offences.
- b) **Existence of a Clients Charter:** This states that clients have a right to access gender sensitive prosecution services.⁷² Furthermore, a specialized department on Gender, Children and Sexual Offences is in place since 2015 to handle Sexual and Gender Based Violence (SGBV) and children-related cases through prosecution-led investigations, perusal and sanctioning of related files, and conducting related prosecutions. The department is also responsible for handling gender and equity mainstreaming within the ODPP as promoting gender responsive strategies.⁷³
- c) **Capacity building trainings on GBV:** The ODPP with support from development partners such as UN Women and UNPFA has undertaken robust efforts in prosecution of SGBV cases. As part of capacity building, the ODPP developed resource materials one is titled the *“Cross Sectoral Handbook for Victim Centered Investigation, Prosecution and Adjudication of Gender Based Violence-GBV Cases, and the other is Multi-Disciplinary Training Curriculum on GBV and Violence against*

⁷¹ Uganda Prisons Service Annual Report FY2021-2022.

⁷² <https://www.dpp.go.ug/index.php/publications/client-charter> accessed on 1st June 2023.

⁷³ <https://www.dpp.go.ug/index.php/media-center/12-about-dpp> accessed on 1st June 2023.

Children.” Other efforts are in form of advocacy for policy reforms for handling SGBV as highlighted below.

Ms. Samalie Wakholi, the Director of Gender, Children and Sexual Offences Department at ODPP while speaking at the high-level symposium on SGBV held on 9th December 2022 urged judicial officers to prioritize SGBV as a human rights issue. This was based on the fact that evidence by a female witness can be impeached on account of her previous character. As a result this frustrates prosecution of SGBV cases. She further called upon government to fast track the enactment of the witness protection bill to provide protection for crucial witnesses.

- d) **Introduction of anatomically gender friendly aspects of evidence in GBV cases:** These were introduced by prosecutors in 2019 to improve access to justice for children especially girls and vulnerable victims of crime as a measure for providing gender responsive and friendly justice.⁷⁴ The ODPP uses these instruments as demonstration aids to help young survivors of sexual violence clearly show to court what happened to them. They also aid the prosecutor in obtaining evidence without obliging the survivor to recite words they may be uncomfortable mentioning publicly hence reducing on their traumatic experiences. Vulnerable witnesses – especially those affected with disabilities, e.g. the deaf, dumb may also use them.



The ODPP introducing the anatomic dolls.

Source: ODPP website

⁷⁴ <https://www.dpp.go.ug/index.php/component/k2/item/36-odpp-to-commence-use-of-anatomical-dolls-in-the-prosecution-of-sexual-offences-involving-children-and-vulnerable-victims> accessed on 1st June 2023.

The survey visited 3 ODPP offices in Moroto, Iganga and Kamuli. Below are the responses concerning understanding gender-responsive justice delivery.

“Gender to me means all sexes (men and women), but often people attach it to women only. It is not specifically about women, an individual misconception, because it is about both sexes”. (Moroto).

“The system of affording equal opportunities to both men and women once they come to seek a service from the ODPP” (Kamuli).

“Gender-responsive justice means extending equal legal support to all classes of people, such as children, women and PWDs” (Iganga).

The following were listed as the strategies used by the ODPP officers to ensure gender response service delivery.

“The use of the client charter, which guides that female suspects and survivors should be handled by female officers” (Kamuli)

“The ODPP applies Constitutional guidelines in all its endeavours. The Constitution provides that men and women should be given equal opportunities while facing the law. In my office, I apply a first come, first serve strategy. This allows me to respond to all women's and men's legal ends equally. However, in court proceedings, I ensure special categories of people like the old, pregnant mothers and children are handled first” (Moroto)

*“Hearing of **special** sessions for cases such as defilement is heard in camera, upon request to the judicial officer. Also, during the hearing of such cases, the court is made casual to enable survivors and witnesses to feel free to express themselves. This involves dressing in ordinary style by both the prosecutor and the judicial officer” (Iganga)*

“The introduction of male and female dolls to help in the demonstration of acts by the survivor of defilement and rape cases has been a step up for the prosecution since they enable the dumb witnesses and survivors to testify and demonstrate what happened clearly. Also, the establishment of the audio-visual link services to enable survivors and witnesses to give evidence away from the Court” (Iganga).

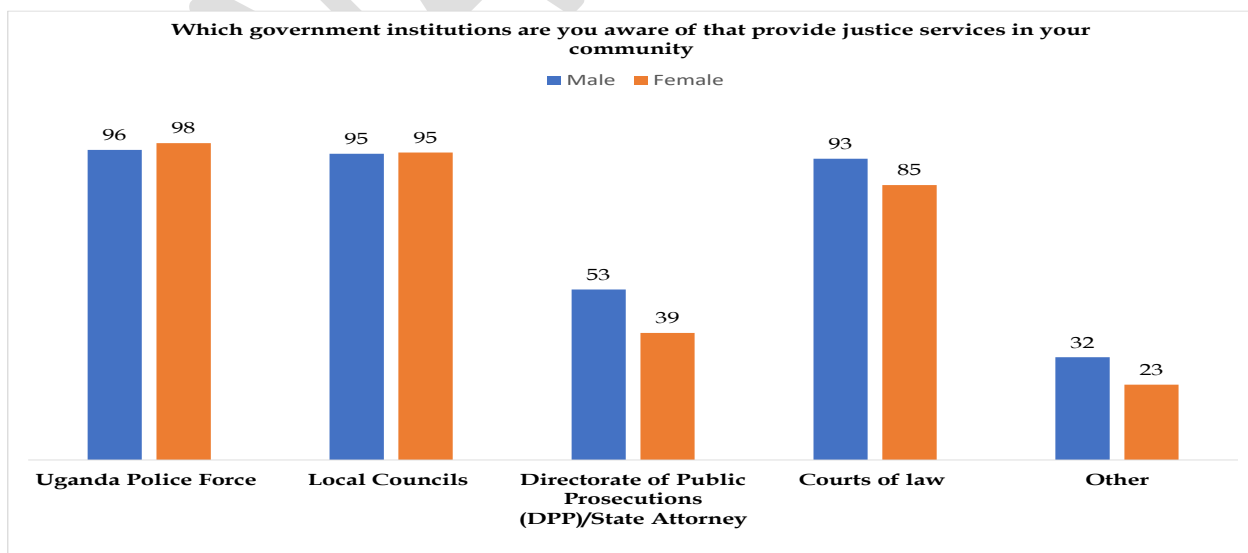
Conversely, several limitations exist thus undermining ODPP's potential to discharge gender responsive justice. These include among others limited funds which has translated into understaffing thus negatively impacting the timely dispensation of

justice.⁷⁵ The impact of understaffing on gender responsive justice is that prosecution of SGBV cases is delayed since the judicial officers often have one attorney appearing for all say; - chief magistrates' court and priority is given to higher bench proceedings.

Partly the problem suffered by the ODPP is the limited awareness by the population. The survey inquired whether respondents knew the different institutions one can seek justice in. The responses indicated that being aware of the various institutions one can seek justice from is nearly universal – at 96% with no gender differences. In addition, for those who indicate awareness, the survey asked which government institutions you know provide justice services in your community. Figure 3 shows the distribution of the level of awareness of the major justice institution between women and men. The leading known institutions are the Uganda Police Force, Local Councils, and Courts of Law, in that order. Specifically, awareness is highest for the UPF. However, there is considerably less awareness of the ODPP (44.8%). Furthermore, females are by far less away of the ODPP compared to their male counterparts (39.4% vs 52.8%).

In addition failure to preserve and collect qualitative evidence at investigation level undermines successful prosecution of cases hence undermining responsive justice especially on part of survivors.⁷⁶ This is compounded by the challenges of commercialising SGBV related cases where parents exchange prosecution with payments or even early marriages thus becoming uncooperative when required as witnesses; ignorance of the law and lack of witness protection mechanisms like shelters among others.

Figure 2: Awareness of institutions that provide justices services in the community.



⁷⁵ <https://www.independent.co.ug/84-4-of-courts-lack-prosecutors-dpp/> accessed on 1st June 2023.

⁷⁶ Feedback from one of the participants to the validation meeting

For respondents, the survey inquired whether they had sought services from the major justice institutions during the past 12 months. Table 5 shows the distribution of the use of five major justice institutions by gender and education attainment. It is indicated that compared to males, females are less likely to report seeking justice from various institutions. The most considerable gender difference in using justice institutions is for courts of law, where the gender gap is 11 percentage points. This may point to not only knowledge about the availability of the particular institution but also the cost of accessing the required service. In Uganda, Courts are fewer and far between compared to, e.g. the police. It could also point to the nature of disputes – some may not require interventions by the Court of Law. At least 12.3% of the respondents indicated seeking justice from other institutions – predominantly the District Probation Office.⁷⁷

Table 5: Used the following institutions to seek justice in the past 12 months by gender and education attainment.

	Uganda Police Force	Local Councils (LC1)	Office of Directorate of Public Prosecutions (ODPP)	Courts of law	Paralegals	Other
<i>Total</i>	70.7	58.9	24.8	56.4	18.1	12.3
<i>Female Respondents</i>						
All Females	61.3	53.2	16.8	45.4	12.3	16.2
No Education	65.8	58.4	14.1	44.3	11.1	15.7
Primary	62.4	57.9	15.2	44.0	10.8	18.9
Secondary	62.4	47.6	12.6	42.3	9.1	16.7
Higher Education	50.8	45.3	30.4	55.0	23.5	8.8
<i>Male Respondents</i>						
All Males	70.7	58.9	24.8	56.4	18.1	12.3
No Education	62.5	51.7	28.6	41.4	20.0	6.7
Primary	79.2	63.5	16.7	58.3	17.4	12.1
Secondary	63.6	51.6	21.8	50.8	8.6	11.3
Higher Education	77.5	70.0	37.1	74.4	33.3	17.2

Although a relatively smaller proportion of sampled women (16.8%) and men (24.8%) report using the ODPP in the past 12 months, most are individuals with higher education attainment. Specifically, 37.1% of men and 30.4% of women having higher education report using the ODPP compared to 24.8% of men and 16.8% of women in the general population. Even for Courts of Law and paralegals, use is highest amongst individuals with higher education. This suggests that awareness and knowledge of particular

⁷⁷ At least 41.3% of respondents who indicate using other institutions use the District Probation Office (45.2% for women and 31.2% for men).

institutions' working (presumed to increase with higher education attainment) could drive widespread use.

4.1.7 Remand homes

The survey inquired from the three (3) remand homes visited the strategies in place to ensure gender-responsive justice. The following were listed from the KIIs from remand homes.

"Ensuring that female Juveniles are granted bail so they can attend court from home where they can be comfortable"

"Remand home staff taking some time to learn more about gender equality because much potential gender discrimination is rooted in ignorance"

"Ensure that both boys and girls are introduced to Courts and have legal representation"

"Being open-minded has helped develop both empathy and greater respect for the Juveniles"

"Giving children a chance to express themselves and speaking out for those Juveniles who are not able to stand up for themselves and trying to be friends with them so they easily open up"

"Ensuring the gender of juveniles is considered in the use of different facilities at the home"

"Quick trials for children for children on remand"

"Providing separate accommodation for the female juveniles for the limited time they are at the remand for their safety"

Several challenges were highlighted at remand homes. A major challenge was the lack of fuel to transport children to scheduled court sessions; this often resulted in children staying on detention longer than necessary beyond the expected 45 days remand period. In some instances, the transport challenges are a result of the geographical spread or number of districts covered by a single remand home, given there are only four remand homes in the country where children are detained and one Rehabilitation Centre in Kampiringisa.⁷⁸ There was the challenge of handling children's cases in open court, which exacerbates juvenile vulnerabilities. Related to the use of open courts to try juveniles is the challenge of trial delays; court procedures take very long, especially for aggravated capital offence cases, and judgments are slow. This is compounded by limited knowledge of their rights. Given the shortage of lawyers, even pro-bono lawyers, they are delayed representation by the probation and welfare office of the district. Remand

⁷⁸ Available at <https://mglsd.go.ug/remand-home-mis/>

homes are also severely understaffed, with a very high juvenile-to-staff ratio. There is also a perception that courts give an opportunity to those willing to plead guilty. The uniforms offered to children on remand are not enough; children only get one pair, and when some parts are torn, it never gets replaced. Female juveniles sometimes do not get the basic requirements to meet their feminine needs. Specifically, sanitary pads are insufficient, and adequate nutrition for pregnant juveniles is lacking.

There were also social challenges—especially fear of denial from my relatives. There is a reluctance by parents to accept children back after detention. Related, some of the children are not being visited by relatives.

With regard to strategies available to ensure gender responsiveness of services offered by remand homes, the following were listed:

“Learning more about gender equality because much of gender discrimination is rooted in ignorance”.

“Making attempts to ensure that children get a day in court to be heard”.

“Being open-minded has helped the staff at the remand homes develop empathy and greater respect for juveniles”.

“Providing legal representation”.

“Speaking up for those Juveniles who are not able to stand up for themselves and trying to be friends with them so they easily open up”.

“Ensure that gender considerations are taken into account in different facilities used in the remand home”.

“Quick and speedy trials for children”.

“Ensuring that female juveniles are granted bail so they can attend court from home where they can be comfortable”.

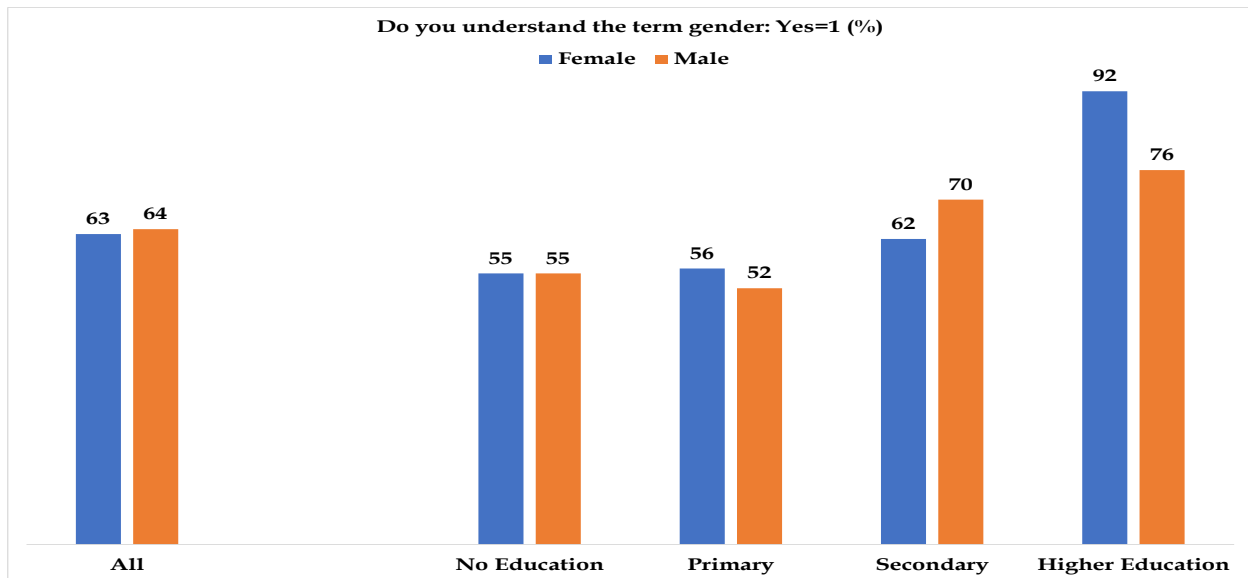
“Giving children a chance to express themselves”.

“Having separate accommodations for the female Juveniles for the limited time they are at the remand for their safety”.

4.1.7 The community understanding of the term gender

The individual survey inquired whether the respondents understood the term “gender”. Figure 3 shows that about two out of every three women and men understood the term. As expected, individuals with higher education reported the highest rates of understanding the term—92% for women and 76% for men.

Figure 3: Understanding of the term gender by education attainment (%)



For the respondents that indicated understanding the term, a follow-up question asked “What does gender mean to you?” Many correctly identified gender is a social construct that refers to the characteristics, norms, roles and relationships that are associated with being a man, or woman in a given society. Gender norms are the expectations and beliefs that society has about how people of different sex should behave and relate to each other. Gender norms are learned from an early age through socialization processes, such as family, peers, religion, and laws. Gender norms can also affect the access and opportunities that people have in different domains of life. The following are some of the responses from female respondents of what they understand by gender:

“Gender is socially constructed includes norms and social behaviour in the communities. Gender is women and men's responsibilities in the communities they live in it's socially constructed by people themselves, non-biological.”

“Social roles of men and women which keep changing overtime”

“The social norms, roles that differentiate male from female”.

“This is the equity with which one perceives the constructed roles undertaken by males or females in their community without marginalising any person regardless of their social being”.

Nonetheless, 30.1% of women and 36.4% of men who indicated understanding gender described the term to mean the biological differences between females and female. Some of the female respondents perceived gender to be determined by biological sex. They also understood that men and women have different natural abilities and responsibilities in households and communities.

“Distinguishing characteristics between men and women”

"It means someone's natural make in terms of sex. It means either you are a man or a woman, a girl or a boy".

"How someone is born biologically, male or female".

By inference from the above responses, it is evident that the majority of the respondents understood the concept of gender, although with varied interpretations. On the other hand, some respondents could not differentiate the difference between sex and gender and oftentimes confused the two. It is therefore important to sensitize the public about the differences between these two concepts and how they influence access to justice.

4.1.8 Understanding of gender response justice sector by communities

The individual survey also inquired what the respondents understand about the gender-responsive justice sector. The responses indicated that the gender-responsive justice sector refers to the efforts that ensure that justice is sensitive to the different needs and experiences of women and men, girls and boys, and other gender identities. It means that these providers respect and protect all people's human rights, regardless of gender, and they prevent and respond to legal disputes where women are involved effectively and fairly. Other respondents also considered it to mean justice service providers are representative of the diversity of the population they serve and that they promote gender equality and women's empowerment in their policies and practices. It also means that the justice sector actors, such as judges, lawyers, prosecutors and police officers, are aware of and sensitive to the gender dimensions of their work and apply the principles of non-discrimination and equality in their decisions and actions.

Others considered the gender-responsive justice sector as the process of designing and implementing laws and policies that address women and girls' specific needs and experiences concerning justice. It aims to ensure that women and girls have equal access to justice and are treated fairly and respectfully by the justice sector, regardless of their economic status, social background, or cultural norms. Gender-responsive justice also seeks to eliminate discrimination and inequality based on gender and to promote the human rights of women and girls in all aspects of the law.

Some of the key elements of gender-responsive justice as highlighted by the female respondents are:

"Recognizing the diversity of women and girls and their different situations and challenges in accessing justice".

"Providing legal protection and remedies for women and girls who face violence, abuse, exploitation, or other forms of harm".

"On Supporting women and girls to participate in decision-making processes and leadership roles within the justice sector and beyond".

"Enhancing the capacity and sensitivity of justice sector actors to respond to the needs and rights of women and girls".

"Promoting a culture of respect, dignity, and accountability within the justice sector and society at large".

Gender-responsive justice is not only beneficial for women and girls, but also for men and boys, as it contributes to building more just, peaceful, and inclusive societies. By ensuring that women and girls have equal opportunities and outcomes in accessing justice, gender-responsive justice can also foster social cohesion, economic development, and environmental sustainability. Some initiatives that were highlighted by KII respondents as gender-responsive in the Uganda Police Force include:

"Providing specialized training for police officers on how to handle cases of domestic violence, sexual assault, and child abuse, and ensuring that survivors have access to medical, legal, and psychosocial support".

"Establishing dedicated units or desks for women and children at police stations, staffed by female officers or officers with relevant skills and experience".

"Creating safe spaces and confidential procedures for reporting and investigating cases of sexual violence in conflict settings, and supporting the prosecution of perpetrators at national and international levels.

"Reforming laws and policies that discriminate against women and girls, such as those that criminalize abortion, restrict women's property rights, or allow child marriage.

"Increasing the representation and participation of women in the justice sector, especially in decision-making positions, and providing them with equal opportunities for career development and advancement.

"Developing gender-sensitive indicators and data collection methods to monitor and evaluate the performance and impact of the justice sector on gender equality and women's rights.

Some initiatives that were highlighted by KII respondents to strengthen gender-responsive in the judiciary include;

Introduction of GBV special sessions at the Chief Magistrate courts by providing adequate resources to conduct them.

There should be sensitisation of both JLOS actors and the public on matters of access to justice, especially for cases like Gender Based Violence which are handled in a certain way.

There is an urgent requirement for specialised facilities at the Courts s, e.g., waiting rooms and evidence rooms.

Conducting gender refresher courses for the judicial officers in light of increased cases that touch on gender-related matters.

Extending more funding to the ODPP will enable the prosecution to transport and facilitate witnesses.

Making the district chain linked committee (DCC) meetings very active enables the stakeholders to identify the loopholes/gaps affecting the system's functioning. These meetings help to address gaps and resolve them as a team.

Ensuring that there is sectoral coordination among institutions; for example, the court can work with the probation Office on matters of juveniles and survivors of gender-based violence.

The justice seekers interviewed recommended the following interventions to ensure gender-responsiveness of prison services.

"Court should always cause list people in time to avoid back loads, and it should be first come, first serve during cause listing" (Masindi)

"Offer more training to prison warders to understand better what includes gender responsiveness" (Masindi)

"Establish legal awareness sessions in prisons to help inmates handle their cases, especially for petty offences (Moroto)

"Increase fuel budget line especially where prison has to transport inmates to distant courts for sessions" (Moroto)

"The female wards need to be enlarged to accommodate the increasing number of inmates. For example, the entire prison is meant for 400 inmates, but sometimes the numbers rise to 900. This makes it hard to accommodate such numbers by the small wards" (Moroto)

The justice seekers interviewed recommended the following initiatives to ensure gender responsiveness of ODPP services.

"Organise constant legal awareness sessions for communities, including community barazas, radio talk shows, etc. However, to do this, the regional ODPP offices require permission from headquarters" (Moroto)

"Sensitisation of the population, NGOs coming on board to support with more awareness programmes" (Kamuli)

"Sensitisation of the community about reporting and following and following up on cases" (Iganga)

"Offering adequate training to the staff, especially in light of handling gender-related matters" (Iganga)

"Setting up special courts for exceptional cases, such as grave GBV cases" (Iganga)

“Boosting the budget of the ODPP to bridge the financial gap” (Iganga)

4.1.9 Complementary role of CSOs in enhancing gender responsive justice

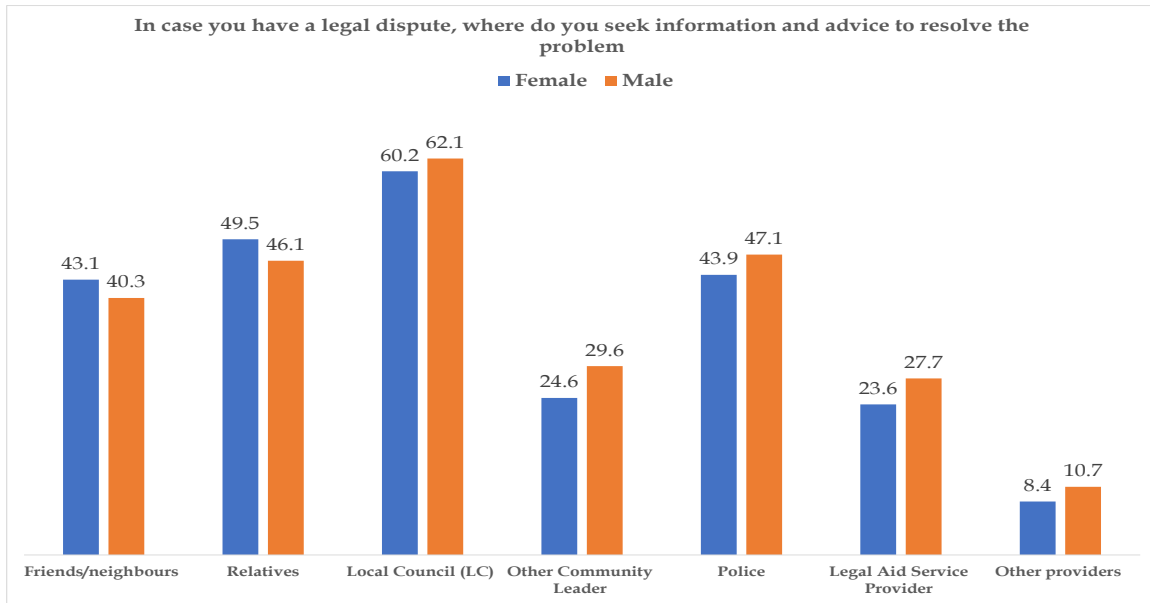
The survey also collected information on other non-government institutions that respondents were aware of that provide justice services in your community. Table 06 shows that FIDA is the most widely known non-government institution – at least 52.7% of women and 55 % of men indicate being aware of its operations. Specifically, at least 75% of surveyed respondents with higher education attainment know about FIDA, whereas 60% know about ULS Legal Aid Project.

Table 06: Which other non-government institutions are you aware of that provide justice services in your community

	Refuge Law Project		Uganda Law Society Legal Aid		FIDA		LASPNET		Other, specify	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
All	15.0	7.8	44.0	28.2	55.0	52.7	12.6	10.8	18.6	17.0
No Education	13.6	2.9	42.9	15.7	46.7	46.8	10.0	1.5	11.1	3.8
Primary	9.1	6.0	36.7	25.4	42.9	44.1	4.8	8.5	25.0	15.6
Secondary	17.2	5.3	36.9	23.8	54.5	54.9	13.6	5.3	14.3	20.9
Higher Education	20.7	26.8	64.3	60.8	75.0	75.9	23.3	39.6	23.1	33.3
Youth 18-24	10.0	3.8	23.8	21.4	45.5	36.8	0.0	5.7	6.3	15.8
Young adults, 25-34 years	12.2	9.8	40.7	29.1	60.3	58.2	18.6	12.1	9.4	21.7
Middle adults, 35-54 years	13.8	9.2	47.4	30.9	55.7	54.5	12.5	11.8	25.8	15.8
Seniors, 55+	25.9	0.0	54.8	25.8	50.0	48.4	12.5	10.3	21.1	0.0
FATE Districts	15.9	6.7	66.3	39.7	63.6	54.9	27.3	19.8	31.4	21.8
Non FATE Districts	14.4	8.8	23.2	15.0	47.5	50.3	1.2	0.0	10.3	12.6

The individual survey asked, *“In case you have a legal dispute, where do you seek information and advice to resolve the problem”*. The possible categories were friends/neighbours, relatives, and LCs. Other local leaders, UPF, and paralegals. Figure 4 shows the most frequently cited category is the LCs – at least six out of every ten men and women indicate that the LC would be one of the avenues. The second most frequently cited institution is the UPF. Nonetheless, Figure 3 shows that a large proportion of respondents would rely on informal channels – notably friends/neighbours and relatives to resolve legal disputes. This may be driven by proximity – informal channels are more easily accessible through shorter distance or ease of contact (e.g., using a phone) than established government channels.

Figure 4: Potential sources of information to resolve legal disputes.



4.2 ANALYSIS OF THE APPLICATION AND IMPACT OF THE GENDER BENCH BOOK ON GENDER RESPONSIVENESS IN THE DISPENSATION OF JUSTICE

4.2.1: Levels of knowledge and applicability of the Gender bench book among judicial officer and court users

The Gender Bench Book (GBB) was developed by the Judiciary with support from UN WOMEN in 2016 with an aim of enhancing the gender-responsiveness of the judicial system, ensuring that judgments in Uganda are increasingly gender-sensitive and improving access to justice for women. It is a tool for judicial officers to use and refer to in the adjudication of cases and is intended to support and enhance the capacity of judicial officers to deliver gender-sensitive justice to the general population of Uganda.

The Gender Bench Book aims to ensure gender responsiveness and equality in judicial procedures, systems and decisions. The book presents local and international best practices, including recommendations from treaty bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW Committee) on enhancing women's access to justice. It offers guidelines for use by court officials when determining cases where women's rights are involved. It also addresses procedural issues that impede access to justice for women.

For the KIIs, the assessment inquired from judiciary stakeholders about their knowledge of the Gender Bench Book. Among the stakeholders (from Judiciary and LASPs) that were asked this question, only 7 out of the 16 judicial officers and LASPs knew about the book (about 44%). Specifically, stakeholders with knowledge identified the Gender Bench Book, a policy document that the Judiciary developed to address sex and gender-based violence cases in collaboration with UN Women. It aims to ensure gender responsiveness

and equality in the legal process. It guides lawyers and judicial officers on how to apply the existing laws, traditions, and religious practices in a way that promotes equality and affirmative action. It also helps the justice law and order sector (JLOS) institutions to adopt gender-sensitive procedures, systems, and decisions. The Gender Bench Book is a valuable resource for anyone who deals with gender-related cases. For example, it advises them to use in camera testimony for survivors of defilement. It provides comprehensive knowledge and skills on the principles and methods of handling gender-related matters. They published it after identifying some irregularities and gaps in the legal process. However, they did not widely launch or disseminate it.

Although launched in 2016, it has not been widely disseminated or used by judicial officers. However, some judicial officers have not had a chance to read it or access a copy. Some have only encountered the book when they attended a training organised by JLOS or when they did an audit for it. Therefore, there is a need for more training and sensitisation on the book and its contents. The following are some responses from judicial officers who were interviewed about their knowledge and use of the Gender Bench Book:

- *"I learned about it when I attended a training organized by the justice law and order sector in Kampala. I also audited it as part of my job. It gave me a gender perspective on the issues and factors the Judiciary should consider in their cases."*
- *"I have not had a chance of obtaining a copy of the bench book. I have heard of it but not read it."*
- *"No interface with the book yet."*
- *"I do not know about the gender bench book; I have never heard of it."*
- *"Yes, I know about it, and I participated in its creation when I was working in the Office of the DPP in gender department."*

3.2.2 Application of the Gender Bench Book in Adjudication of Cases

According to the review of case law in Uganda, it was noted there are a number of cases on record where court has taken note of the rights of women before reaching its decision as highlighted in the table below;

Cases	Gender responsiveness in regard to access to justice
Hajji Buruhan Ssenkumba v Umu Kuruthum Nanteza, Divorce Cause No. 012 of 2020	• The un remunerated domestic activities were recognized forming a better understanding of equality in marriage and during dissolution of matrimonial property recognizing their right to an equal share in matrimonial property. Affirmative action was taken in favor of respondent who had

	given a non- monetary contribution towards matrimonial property. She was to receive a share 30%.
Nanyanzi Hadijja Wafula v Mutebi Saafar Abdulkadir, Divorce Petition No 004 of 2019	• The principle in the Rwabinumi case was applied that matrimonial property may be equally divided and shared to the extent practicable. A house wife was given 30% of the property for her non-monetary contribution.
Uganda v Lomoe Criminal Case No.109 of 2016.	• This is an SGBV case which involved the culture of forcefully chasing, abducting and raping girls to make them wives. It was treated as a form of discrimination against women and not a moral issue. Gender stereotyping of women by this culture was eliminated as it limits women's access to justice.
Christopher Martin Madrama Izama v Attorney General Sc Appeal No.01 of 2016	• The appellant challenged Section 10 of the Pensions Act that it was in contravention of the Constitution because it provided different treatment for different employees upon retirement on the basis of age. However, affirmative action in form of discrimination in employment was allowed in favor of the women public servants by recognizing their right to retire by the age of 45 which is aimed at accelerating equality between men and women and access to justice.
Uganda Association of Women Lawyers & 5 others Vs Attorney General Constitution Petition No. 02 of 2003	• The ground for divorce under section 4(1) & 4 (2) of the Divorce Act Cap 249 apply to both parties to a marriage hence re affirming the provisions of Articles 21 (1) & (2), 31(1), and Art, 33(1) & (6).
Ayiko Mawa Solomon Vs Lekuru Annet Ayiko H.C Divorce Cause No. 0001 of 2015 at Arua	• The respondent's non-monetary contribution in acquisition of the matrimonial property was recognized and allowed a share of the matrimonial property as well as rehabilitative alimony to assist her readjust her life style.
Mifumi (u) Ltd & Ors Vs Attorney General & Anor SCCANo. 2 Of 2014	• Court took cognizant of Articles 31(1)(b), 31(1) and 32(2) and declared the custom of refund of bride price upon dissolution of marriage unconstitutional as it curtailed the woman's right to dissolve a marriage.
Haji Musa Kigongo Vs Olive Kigongo HC CS. No. 295 of 2015	• That despite the absence of a valid marriage, court took into consideration the time she had cohabited with the petitioner and the fact that she had sired

	children with him and held that the respondent had acquired an interest in the property/home. Hence recognizing the rights of women under cohabitation.
Uganda Vs Yiga Hamidu and 3Ors Criminal Case No. 005 of 2002	• Court re affirmed the equal rights of the parties to a marriage and outlawed constructive consent in marriage as it recognized the existence of marital rape where one does not give express consent to the sexual act.
Baryamureeba James Vs Kabakonjo Abwooli & 6 Ors Hccs No. 20 of 2013	• Court while interpreting Section 38 A (1), (2), (3) of the Land (Amendment) took the wider interpretation of the word spouse and took cognizant of the time the 1st defendant had spent with the plaintiff and even sired children with him and considered their relationship as equivalent to a marriage and hence being entitled to give or deny her consent to the sale by the plaintiff hence protecting her right to the family property.
Annette Yossa & 4ors Vs Ambassador Idule Amoko & Attorney General Hc Misc. Cause No. 41 of 2023	• Court took cognizant of article 31(1) of the 1995 constitution of the republic of Uganda and observed that women and men have equal rights to practice their culture; women just like men cannot be assimilated in someone else's culture unless they expressly consent; court hence allowed the deceased to be buried at her ancestral home instead of the husband's home.

According to the study findings, whereas the above cases reflect some of the principles of the GBB, it is not clear whether the largest proportion of judicial officers deliberately make reference to it in the adjudication of cases. This validates the finding that only 7 out of the 16 sampled judicial officers confirmed to using the GBB. In a bid to improve on the utilization of the GBB, selected judicial officers made the following recommendations as highlighted in the box;

- i. *Comprehensively disseminate the GBB with all judicial officers and other relevant offices such as probation and children units.*
- ii. *Revise the GBB to reflect the emerging gender trends.*
- iii. *Conduct regular trainings for judicial officers regarding the application of the GBB.*
- iv. *Need to summarise the principles and guidelines as laid down in the Gender Bench Book into a handbook.*

4.3 PERSISTENT ACCESS TO JUSTICE CHALLENGES FOR WOMEN AND GIRLS

4.3.1 Challenges / gaps do women encounter when using the formal justice services

The individual survey inquired from the respondents whether they were aware of any challenges women/girls encounter when using the formal justice services. At least 69% of women and 51% of men reported knowledge of such challenges. Respondents who indicated knowledge were asked to describe any such challenge. These qualitative responses indicate that asking of bribes, sexual harassment and distance to justice providers were the dominant challenges faced by women/girls. Regarding the payments of bribes or un-official fees, at least 24% of female respondents highlighted the challenge of corruption and described how it manifest as

"Rural women have a challenge of money; they are asked at whatever level while seeking justice".

"Corruption, most of these institutions especially the public institutions demand some airtime."

"Sometimes you as a woman you don't have any single penny but they expect you to give money. For example, if you go to the police to arrest a suspect, they want you to cater for their transport".

"Police need money; if you do not have money, no one hear you out. The police always request for fuel transport."

"Sometimes a facilitation fee is needed. For example if you go to the police to arrest a suspect, they want you to cater for their transport. It is difficult for women to exhaust the requirements of the justice sector since some money is required and yet most women do not work."

"Like in LC1 if you don't have money he cannot write for you a reference letter."

On sexual harassment, at least 12.1% of the surveyed women with knowledge of challenges identify this as one of the issue. They characterise this as

"Sexual harassment in that when women's issues are to be handed and she doesn't have money, some are requested to offer their bodies in exchange for the service to be rendered"

"Sometimes the police tend to take advantage of girl child when they are taken there and instead sexually harass them."

"Girls who have gone to seek for justice are commonly sexually coerced by some justice sector officers."

"Women are sometimes coerced into sexual relationships for their cases to be looked into."

"Sometimes women face the challenge of some male officers who want to first sleep with them before they attend to them."

"Men handling our cases take advantage of us and fail to do what is required of them."

"Being lured into having love affairs with officers in charge."

"Police can give accommodation and at night men come and rape you."

Beyond corruption and sexual harassment, other identified challenges women/ girls face include long distances, language barriers, and lack of consideration for expectant mothers. These challenges were described as

"The distance is far for some women to access such services; Walking long distances to reach like FIDA and court."

"I hear some people complain about language barrier hence they fail to understand each other. Also, some of the institutions use English as people deployed there do not know the local languages. Furthermore, some women are illiterate and cannot interpret written documents."

"Lack of self-confidence by women/girls to express themselves in courts of law."

"Police do not consider a pregnant woman because when you go there is no food, there is nowhere to sleep, no net even when you have a child."

"Even when you are breastfeeding or too pregnant they don't care about your welfare you are just subjected to very hard conditions, no food, no sleeping materials, fetching for them water and so on."

4.3.2 Other barriers that hinder access to justice for women and girls

According to the reviewed literature, there are various barriers at different levels that hinder access to justice for women and girls. Specifically, the Judiciary Gender Policy (2012) notes that although access to justice barriers affect all court users, they are more likely to affect those who have less resources, lower levels of education, and less influence - and more often than not, these are women.

This section therefore highlights the persistent access to justice challenges for women and girls as highlighted below;

Low level of education attainment: According to the LASPNET 2015 report titled *"Poverty, Vulnerability and Marginalization in the Context of Access to Justice"*, women form the majority of the illiterate population and find it hard to access justice institutions and

mechanisms for fear of the technicalities, complexities and costs involved.⁷⁹ This belief was corroborated in the Gender Bench Book 2016 (Pg 54) which reveals that illiterate people especially women fear pursuing their rights through the police and law courts. Survey findings further indicate that illiteracy prevent them from understanding and interpreting written documents or communicating with justice sector workers who use English or other languages they do not speak. Illiterate people are also less likely to be aware of their rights, the remedies available to them, and the relevant justice mechanisms that should be accessed. Accordingly, the patriarchal norms place a high premium on educating boys as opposed to girls. Therefore, more girls find themselves outside the education system, which thus creates a large group of illiterate and ignorant women. The above challenge is compounded by the fact that the laws are written in English, and since the vast majority of the women can neither write nor read, they become constrained in accessing the formal justice system.

Expensive and complex justice system: The HiiL Poverty and Access to Justice Report 2021 draws a direct link between poverty and access to justice. The report highlights that while justice problems are widespread, poor people especially women experience more frequent, complex and intersectional⁸⁰ legal problems yet less than 5% of those problems end up court. Despite the provision of legal aid services, this is limited to state-brief scheme particularly in criminal matters. On the other hand, for civil matters, the demand for legal aid is still high. Currently legal aid is provided by Legal Aid Service Providers (LASPs) previously funded by the Democratic Governance Facility (DGF). The DGF Annual Report of 2019 revealed that LASPs were able to provide legal aid services to a total 547,690 clients(the statistics though are not disaggregated according to gender, they are given in lump sum). However, following the close of DGF, the sustainability of legal aid service provision hangs in balance.⁸¹ This is further exacerbated by the continued absence of a state funded legal aid scheme despite protracted advocacy initiatives by LASPNET and other stakeholders to fast track the enactment of the national legal aid law. The bill attained the second reading in May 2023 and was referred back the Committee on Legal and Parliamentary Affairs for reconsideration.

For police posts or stations available in the community, **the individual survey inquired where any money has to be paid for using services.** Figure 6 shows which communities

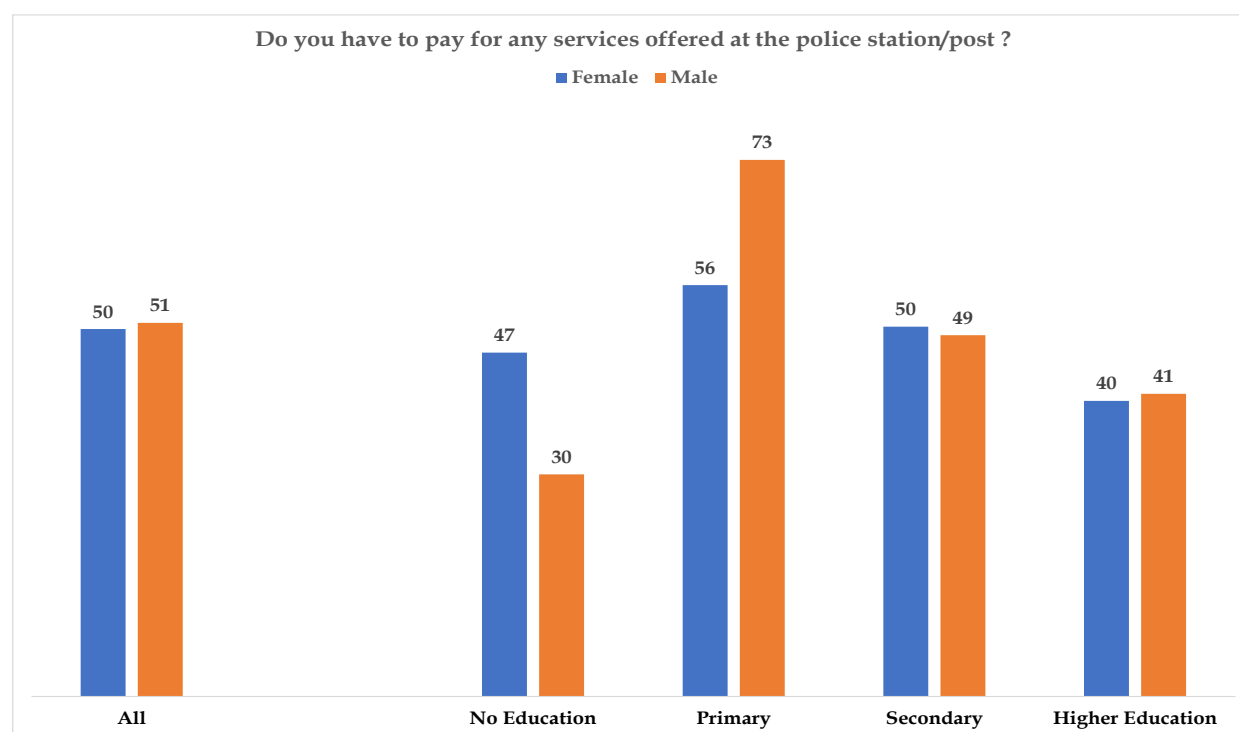
⁷⁹ The 2019/2020 Uganda National Household Survey shows that only 61.1% of women aged 18 and above can read and write, compared to 76.1% of men (UBoS, 2021).

⁸⁰ Although poor people do not encounter significantly more legal problems than the non-poor, they nonetheless face more unique problems relating to land, family, debt, and issues with obtaining social welfare.

⁸¹ Accessed via <https://www.monitor.co.ug/uganda/oped/commentary/dgf-closure-crippling-legal-aid-services--4274624> on 5th July 2023.

report police payments by gender and education attainment of the respondents. One out of every two individuals surveyed indicated that some form of payment was charged at the police stations/posts. Among illiterate individuals, i.e. with no education, a larger proportion of women than men reported that payments were required (47% vs 30%).

Figure 5: Payment for services at the Police Station/Post



For individuals who report the requirement to pay for police services, the survey asks what types of services are paid for and why. In regard to payment of services at police, the survey indicated that the police in Uganda often demand money from people who need their services. Some common terms mentioned for these bribes are fuel, airtime, tea, or lunch.

Overall, the amount of money people have to pay depends on the nature and severity of the case, the officer's rank and attitude, and the person's bargaining power. Sometimes, people pay money voluntarily to speed up the process or to get favourable treatment from the police. However, people usually pay money out of fear or desperation, as they have no alternative or recourse. The payment of such fees undermines the rule of law, erodes public trust, and violates human rights in Uganda.

Limited trust in the formal justice system: According to the Civic Space Index report of 2022 produced by the National Coalition for Human Rights Defenders, justice institutions such as the Uganda Police Force, Office of the Director of Public Prosecutions and Judiciary are among the least trusted institutions. The HiiL Justice Needs Survey report

of 2016 further notes that when especially women are faced with legal problems, they first seek advice from different sources from their social networks before proceeding to legal sources and formal sources. The study added that “*courts and lawyers are marginal to the experience of day-to-day justice of people*”, with less than five percent of dispute resolution taking place in a court of law, and lawyers being involved in less than one percent of the cases. Local Council Courts were indicated to be the most widely used sources of information and advice, followed by family members; and friends. However the composition of the Local Councils and sometimes their limited knowledge in providing gender responsive justice frustrates women to the extent of inhibiting them from reporting cases.

Geographically distant justice service locations: The Gender Bench Book, 2016 states that the geographical distance of the courts is a challenge, especially in rural areas. It is a common occurrence for witnesses to fail to appear in court due to lack of transport, which delays the progress of cases. This becomes more challenging for women since often times they have a multitude of roles to play before attending courts especially attending to their gardens. Rural women cannot afford to hire domestic help, and so must carry their children on their backs to justice delivery agencies such as police, judiciary and LASPs. Walking long distances may mean women arriving late, after court has already adjourned, or non-attendance for lack of transport. The end result is limited or no access to justice for such women. The situation may not be as challenging for men who typically control the household income and do not shoulder domestic responsibilities. Furthermore, walking longer distances to access justice centres is a huge risk that exposes women and girls to SGBV incidences particularly rape and defilement.⁸²

Limited access to technological infrastructure: Amidst the technological advancement era, justice institutions such as courts of law and police have increasingly adapted the digitization through e-justice⁸³. The use of smart phones report and track one’s case before a justice institution like court and police have become a common occurrence. Despite e-justice being an innovative and cost-effective model, it should however be noted that ownership, access and use of smart phones especially among rural women is still on a downward trend. This coupled with high internet costs and unstable internet connection disproportionately affects access to justice for women and girls.

Corruption in the justice system: Both real and perceived corruption are rife within the justice sector. According to Transparency International's 2022 Corruption Perceptions Index Report, Uganda ranked 142nd among the 180 countries in the Index. On the other hand, round 8 of the 2019 Afrobarometer Survey makes reference to Uganda Police Force

⁸² <https://www.laspnet.org/joomla-pages/reports/research-reports/519-report-on-rule-of-law-access-to-justice-and-security-needs-in-refugee-settlements-1/file> accessed on 1st June 2023.

⁸³ Judiciary has the ECMIS; ODPP has the PROCAMIS while Police has a mobile application.

as the most corrupt institution followed by the Judiciary.⁸⁴ In most cases most poor and vulnerable persons particularly women are disadvantaged when seeking justice in matters involving the rich. This is because the latter can use their influence and connections to navigate the justice system at the detriment of the poor women. Under such circumstances many rural women (widows) have lost their property especially land at the whims of the “haves” under the watch of the justice system. Survey findings indicate that besides bribery, some justice actors demand sexual favors from the complainants or the accused before handling their cases.

Cultural norms and stereotypes: There are various cultural norms and stereotypes that continue to entrap women and girls thus perpetuating gender inequalities. Patriarchal practices such as widow inheritance among the Acholi subjugates women to be perceived as “property” to be owned.⁸⁵ Among the Sabiny, Female Genital Mutilation (FGM) practices are still prevalent to the extent that girls run to Kenya to undergo through the practice and later return.⁸⁶ As a result of such discriminatory practices, women’s rights are undermined and therefore they are intimidated to report violations before courts of law, police and other justice institutions.⁸⁷ Survey findings indicate that traditional beliefs and norms discourage women from reporting their problems or seeking justice, such as viewing it as a taboo or a sign of weakness. Land disputes and inheritance issues are challenging for women, especially those in polygamous unions or customary marriages, who face discrimination or violence from their husbands or relatives.

Lack of gender mainstreaming and sensitivity in the justice system: Survey findings indicate that there are instances where female survivors are escorted by their fathers or have their cases handled by male judges or lawyers who may be biased or insensitive. Furthermore, it is argued that the criminal justice system does not provide substantive access to justice for women who report and prosecute cases of rape; instead they experience the process as a series of continued gendered violations. In sum, the justice they undergo is highly gendered (Adoch C, (2022)⁸⁸. Relatedly, pregnant women lack special needs accommodation in police stations and detention facilities, such as food, rest, and sanitary pads thus they right to access fair and equitable justice.

⁸⁴ According to the survey, 68% of Ugandans think that most or all of the police are involved in corruption, compared to 42% for the judiciary (Hatchile Consult Ltd, 2021). https://www.afrobarometer.org/wp-content/uploads/2022/02/afrobarometer_sor_uga_r8_en_2020-01-09.pdf

⁸⁵ <https://www.laspnet.org/joomla-pages/reports/research-reports/377-access-to-justice-for-the-poor-marginalised-and-vulnerable-people-of-uganda/file> accessed on 1st June 2023.

⁸⁶ Interview with the Commissioner Gender and Women Affairs conducted on 1st May 2023.

⁸⁷ Key Informant Interview with the Principal Research Officer of Uganda Prison Services from the Department of Research and Innovations.

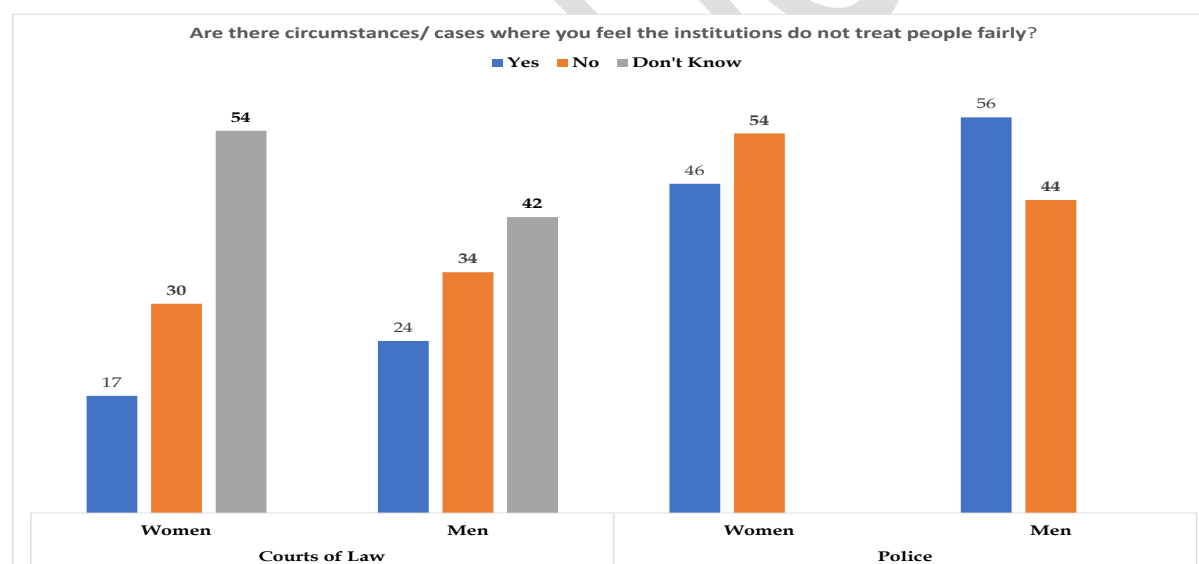
⁸⁸ Access to gender justice in Uganda: a feminist analysis of the experience of victims of rape in the reporting and prosecution processes (Unpublished PhD dissertation). Makerere University, Kampala, Uganda.

Sexual harassment: The respondents indicated there is also the challenge of sexual harassment and coercion by some unprofessional JLOS officers, who take advantage of the girl child or the women who seek their help and violate their dignity and rights. As such, there is exploitation and corruption by male officers who handle their cases and demand money, sex, or favors in exchange for their services. Discrimination and stigma are based on their marital status, especially if they are not formally married or if they report domestic violence by their husbands. As such, they fear losing their marriage, children, or livelihood if they pursue legal action against their abusers or violators.

4.4 USERS' FEEDBACK ON THE ACCESS TO JUSTICE SUB PROGRAMME SERVICES IN RELATION TO GENDER JUSTICE NEEDS AND HOW JUSTICE AGENCIES ARE ADDRESSING THOSE NEEDS

The individual survey sought information on whether there are incidents where Courts of Law do not treat women and men fairly and equally. Figure 7 shows that at least 17% of women and 24% of men report that Courts do not treat persons equally.

Figure 6: Treatment of persons equally and fairly by Judiciary and Police



Respondents were asked the reasons for such belief for the individuals that report unfairness, and all responses were open-ended. The respondents indicated that the Courts of Law have many flaws that adversely affect women's lives. One of the challenges women face in the justice system is the frequent adjournment of cases, especially those involving sexual violence. Specifically, some courts over-adjourn cases without giving a valid reason or taking too long to pass judgement, which can affect the case outcome. This causes frustration and wastes the survivors' and their families' time and resources. Another challenge is the delay in hearing cases, which can prolong the trauma and affect

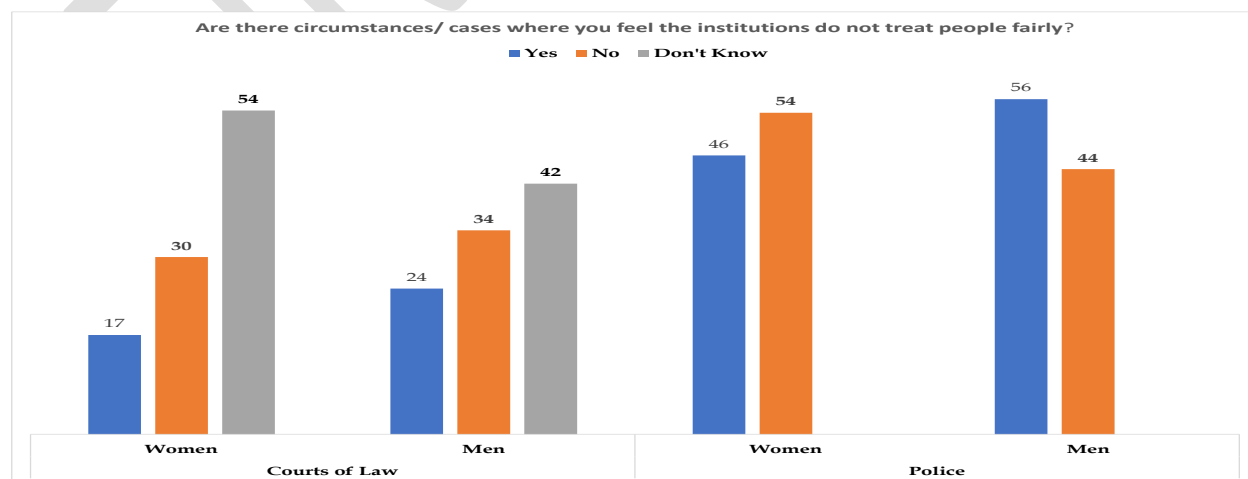
the evidence. Some women also report being discriminated against in court, as men are given better preference and consideration because they have work to do.

Moreover, some perpetrators of SGBV crimes like defilement can escape justice by paying bribes or using their influence. This shows that the court system favours the rich and powerful over the poor and vulnerable. Women also face challenges in accessing legal information and representation, as they may be ignorant of the law or unable to afford a lawyer. Finally, some women struggle to balance their court attendance with their domestic responsibilities, as they have to deal with household chores and childcare after a long day in court.

Many respondents indicated being dissatisfied with the court system because they face issues such as extortion, corruption, delay, discrimination, and injustice. They feel that people with money and connections can manipulate the system to their advantage while those who are poor and vulnerable suffer. Women and children are particularly disadvantaged in land disputes and domestic abuse cases.

Figure 8 shows that for police, 46% of women and 56% of men consider that the police do not treat persons equally and fairly. Several reasons were cited why the respondents felt this way. The first relates to corruption and bribery. Some police officers may demand money from survivors who report cases before attending to their cases or arresting the suspects. They may ask for exorbitant amounts of money for transport or other expenses, which many survivors cannot afford. Expecting more money or bribes from men than from women or using money as a criterion for prioritizing cases or providing services. For example, they ask for transport fees from complainants who may be unable to afford them or delay or deny assistance to those who cannot pay. This can lead to delays in investigations and prosecutions or even the dropping of cases.

Figure 7: Do the Judiciary and Police treat all persons equally and fairly



Secondly, there is discrimination and bias, especially relating to the fact that women are not allowed to explain themselves, not taking their explanations seriously, or not listening to them fairly when they report crimes or seek help. Relatedly, oftentimes the police may side with men in cases of marital issues and domestic violence hence compromising women's interests and safety when resolving family conflicts. They may also intimidate or blame women for provoking violence or not complying with cultural norms. Male police officers may sometimes demand sexual favours from women in exchange for assistance, which is a form of GBV itself. A case in point is a police officer in Rukiga District has been arrested for having sex with a suspect in police custody.⁸⁹ Furthermore, there are language barriers, and not providing adequate interpretation or assistance to illiterate people or those who do not speak English often leads to bullying them financially.

There are instances of lack of protection and safety – some police stations may not have adequate facilities or personnel to protect survivors, especially women and children. They may not have separate cells for men and women or private rooms for interviewing survivors. They may not have trained staff to provide counselling, medical care or legal aid. They may not have shelters or referral systems for survivors who need further help. Some survivors may face threats or violence from the suspects or their families, especially if they are released on bail or not arrested. These challenges discourage many women and girls from reporting cases or seeking help from the police, which perpetuates a culture of impunity and silence around GBV.

⁸⁹ <https://www.watchdoguganda.com/news/20220119/128497/rukiga-police-officer-caught-red-handed-having-sex-with-suspect-in-custody-arrested.html> accessed on 12th June 2023.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 CONCLUSION

The survey results show that the justice sector institutions have attempted to ensure gender sensitivity in their services. They have put in place frameworks to ensure that women and girls can access justice. For example, the Judiciary has a Strategic Plan IV (2020/2021-2024/25) that identifies gender as a cross-cutting issue to be integrated into the justice delivery. The Judiciary also has a Gender Policy and Strategy that aims to achieve gender equality in access and treatment by the Judiciary. Similarly, the Access to Justice sub programme is currently implementing the JLOS Gender and Equity Mainstreaming Strategy of July 2019. UPF has a Gender Policy since 2018 and has set up the Gender Desks and Family Child Protection Units. The ODPP established a department of gender, children and sexual offences since 2016/17.

Some measures taken to protect vulnerable people in the justice system include assigning female officers to receive complaints from women at the Police Stations and ensuring a 30/70 percent ratio of female to male Prisons staff recruited. There have been attempts to fast-track cases involving pregnant women, persons with disabilities, or other vulnerable groups. The judiciary and ODPP allow defilement and rape cases to be heard in private, with a casual dress code for the court staff. Special SGBV sessions are held to fast disposal of cases alongside other innovations in the judiciary such as plea bargaining **despite its shortcomings especially where it has been argued that it makes perpetrators end up getting away with lenient sentences to the detriment of the survivors, as well as** technological advancement (ECCMIS) among other. In prosecuting SGBV cases the ODPP uses male and female dolls to help survivors and witnesses of sexual abuse (defilement and rape cases) to show what happened to them. This facility also aids witnesses and survivors with speech impairments to testify and demonstrate what happened clearly. The Prisons Service upholds gender responsive justice; through incarceration of male and female prisoners in separate prisons and has maternal facilities in a few prisons for expectant female inmates and women incarcerated with their infants. There are programs implemented in partnership with non-state actors to improve the economic livelihoods of women in prisons.

Some of the other ways to ensure gender-responsive justice in remand homes include the granting of bail to female juveniles so they can attend court from home where they can be comfortable and supported by their families and communities. The remand home ensures that boys and girls are provided with legal representation and court orientation, which enables them to express their opinions and be respected during the judicial process. Finally, speeding up trials for children on remand and minimizing the time they spend in detention, can have negative impacts on their physical and mental health.

The gender bench book is a tool that helps judicial officers apply a gender lens to their work. It guides how to handle cases involving gender issues and factors, such as violence against women, sexual offences, child marriage, and inheritance rights. Among the stakeholders (from the Judiciary and LASPs) that were asked this question, only 7 out of the 16 judicial officers and LASPs knew about the book (about 44%). Nonetheless, it was noted there are a number of cases on record where the court has taken note of the rights of women before reaching its decision.

The Gender Bench Book (GBB) and other legal instruments have contributed to the advancement of women's rights in Uganda, especially in the areas of employment and succession. Some case law and statutory amendments have been made that illustrate the application of the GBB principles and the constitutional provisions on gender equality. It also acknowledges the role of other actors, such as civil society organizations, in advocating for women's rights. The GBB advocates that judicial officers should base their decisions on the current laws and policies that protect women's interests in family matters.

On the other hand, the survey established that corruption, sexual harassment and distance to justice providers remain the dominant challenges faced by women/girls regarding accessing justice. One of the main barriers that rural women face when seeking justice is the issue of corruption **at all levels including at the Child and Family Protection Unit**. Many public institutions, such as the police and the local councils, demand money from the women who need their services. This money can be for airtime, transport, fuel, or facilitation fees. However, most rural women do not have a stable income and cannot afford to pay these bribes. As a result, their cases are ignored or delayed, and they are denied access to justice. Regarding sexual harassment, women are sometimes coerced into sexual relationships for their cases to be addressed.

Some women face multiple barriers to accessing justice services, such as courts. These barriers include long distances, language differences, illiteracy, lack of self-confidence, and poor treatment by the police. Some women have to walk for hours to reach the nearest service provider, while others struggle to communicate or understand the documents they need. Moreover, some women are intimidated or discouraged by the court environment, especially if they are pregnant or have young children. Additionally, some women report being mistreated by the police, who do not provide them with adequate food, shelter, or health care.

According to the study findings enumerated above, women and girls face considerable challenges in accessing justice, especially when they are survivors of sexual harassment, land disputes, or domestic violence. They need to be sensitized about their rights and the legal services available. They also need special support from the authorities, such as female police officers, judges, and interpreters. Sensitizing community members and

government staff about the dangers and consequences of corruption and encouraging them to resist and report any corrupt practices. Sensitization programs should target not only women and girls but also men and boys, who can be allies in promoting gender equality and justice and sensitizing the people about the law and their rights. This would empower them to resist corruption and bribery and seek justice through legitimate channels.

Further, to promote justice and accountability for women in disputes, the Access to Justice Sub Programme can take several measures, including reducing the duration of detention. Other measures include: **facilitating or equipping UPF to conduct proper investigations on SGBV cases**; increasing counsellors and paralegals at the village/LC1 level and engaging the community in legal awareness; sensitizing the justice sectors on the adverse effects of bribery and enforcing strict supervision of the officials; providing necessities and accessible as well as quality and affordable legal services for women and girls at police stations; establishing women committees at the village/LC1 level to settle women cases; hiring more female police officers and sensitizing the litigants about appeals; and making all institutions of justice free and fighting corruption at all levels.

5.2 SPECIFIC RECOMMENDATIONS

Based on the study findings, the following recommendations have been drawn in respect to promoting gender responsive justice within the Access to Justice Sub Programme. These recommendations are clustered according to the different institutions as highlighted in the table below;

No	Institution	Recommendations
1.	Parliament	• Fast track the enactment of pending legislations such as the National Legal Aid and witness Protection laws. • Allocate more resources to the Ministry of Gender, Labor and Social Development and Ministry of Justice and Constitutional Affairs to promote gender responsive justice. • Allocate more resources to the Ministry of Justice and Constitutional Affairs to facilitate to close the human resource gaps especially in Judiciary and ODPP. • Make it mandatory for all public servants to undertake the gender responsive online course administered by the Ministry of Public Service. • Continuously track gender responsive budgeting across all government MDAs.

2.	Development partners	• Facilitate justice institutions and CSOs with financial and technical support for developing gender responsive policies and strategies. • Facilitate the Access to Justice Sub Programme to implement the Gender and Equity Mainstreaming Policy through the conduct of capacity building trainings for justice institutions on gender responsive justice among others. • Make it mandatory for funded institutions to demonstrate how they intend to enhance gender responsiveness in their programmes. • Facilitate Ministry of Gender, Labour and Social Development and Uganda Prisons Service to effectively handle the issue of children incarcerated with their mothers given their needs.
3.	Access to Justice Sub Programme	• Develop a gender responsive score-card for justice institutions with compliance indicators that can be assessed on annual basis. • Facilitate TOT trainings for justice institutions on gender responsive justice. • Identify and recognize gender responsive justice champions within the justice sector as a motivational strategy. • Facilitate justice institutions to review and or develop gender policies. • Set up a pilot phase to track Gender responsive performance indicators as developed and annexed to this study report
4.	Uganda Police Force	• Review and assess the implementation of the Uganda Police Gender Policy 2019. • Conduct more capacity building trainings of police officers in application of gender responsive justice during execution of duties. • Develop tailor-made knowledge products such as pocket hand-books on gender responsive justice. • Design and implement zero tolerance to corruption policies. • Introduce monitoring mechanisms such as cameras, feedback systems, or audits at police stations and other public institutions. • Undertake timely follow up on issues reported to ensure they are solved and providing resources for

		investigation. This would ensure that complaints are not ignored or dismissed due to corruption or lack of resources. • Provide protection and support for women who face sexual harassment, rape, or domestic violence and encouraging them to report their cases. • Encourage more female officers to join the police force as well as promote them into top management positions in order to address the gender imbalance recruitment.
5.	Judiciary	• Ensure and uphold people centered justice approaches as well as put into consideration the peculiarities of justice seekers. • Fast track the review of the Judiciary Gender Policy and Strategy of 2012 and develop and disseminate a new one. • Conduct more gender responsive justice trainings especially for the lower bench. • Establish child care centers in courts to enable a conducive environment for mothers and their children. • Adoption of the open-door policy where judicial officers can easily be accessed and approached in light of gender related issues. • Prioritize gender concerns raised by clients during court open days and Barazas. • Update the Gender Bench Book and translate it into local languages. • Consider undertaking an independent assessment to interrogate plea bargain, its outcomes and impact on gender related justice. • Review and assess gender responsiveness in the sentencing trends by the Judiciary.
6.	Uganda Prisons Service	• Develop and popularize the UPS Gender Policy. • Engage more CSOs to support in designing women empowerment Programmes within prisons. • Consider recruitment of more female officers within the prisons especially at top management level. • Explore more rehabilitation Programmes for women prisoners.

7.	Office of the Director of Public Prosecutions	• Develop and popularize the ODPP Gender Policy. • Conduct more gender responsive justice trainings for state attorneys. • Promote more gender-responsive prosecution strategies.
8.	CSOs/LASPs	• Develop institutional gender responsive policies. • Conduct advocacy initiatives towards the enactment of gender responsive laws such as the NLAB. • Undertake collaborative engagements with justice institutions towards enhancing gender responsive justice. • Undertake awareness and sensitization campaigns on provision of gender responsive justice as well as popularizing referral pathways
9.	UWONET	• Conduct gender refresher courses and training for the frontline justice actors on gender-responsive justice and SGBV case management. • Support the development of a popular version of the updated Gender Bench Book and disseminate it widely including making copies available to all judicial officers. • Advocate for reforming laws and policies that discriminate against women and girls, such as those that criminalize abortion, restrict women's property rights, or allow child marriage and provision of sanitary pads at every police station.

ANNEXURES

- Pictorial
- **M&E tracker of the report recommendations.**
- **Validation list of participants of this report**

Selected research pictorial



The field research team interviewing H/W Kosia Kasibayo in his office at Masindi Magistrates court.



Focus Group Discussion in Kabalye Remand home (Masindi).



A Focus Group Discussion with GBV Survivors at Kiryandongo Police main Station.

MONITORING AND EVALUATION TRACKER FOR THE RESEARCH STUDY RECOMMENDATIONS

No.	Recommendation	Prioritization
Parliament		
1.	Fast track the enactment of pending legislations such as the National Legal Aid and witness protection laws.	
2.	Allocate more resources to the Ministry of Gender, Labor and Social Development and Ministry of Justice and Constitutional Affairs to promote gender responsive justice.	
3.	Allocate more resources to the Ministry of Justice and Constitutional Affairs to facilitate to close the human resource gaps especially in Judiciary and ODPP.	
4.	Allocate more resources to the Ministry of Justice and Constitutional Affairs to facilitate to close the human resource gaps especially in Judiciary and ODPP.	
5.	Continuously track gender responsive budgeting within the Justice Sector .	
6.	Make it mandatory for all public servants to undertake the gender responsive online course administered by the Ministry of Public Service.	
Development partners		
7.	Facilitate justice institutions and CSOs with financial and technical support for developing gender responsive policies and strategies.	
8.	Make it mandatory for funded institutions to demonstrate how they intend to enhance gender responsiveness in their programmes.	
9.	Facilitate Ministry of Gender, Labour and Social Development and Uganda Prisons Service to effectively handle the issue of children incarcerated with their mothers given their needs.	

10.	Facilitate the Access to Justice Sub Programme to implement the Gender and Equity Mainstreaming Policy through conducting capacity building trainings for justice institutions on gender responsive justice among others.	
Access to Justice Sub-Programme		
11.	Develop a gender responsive score-card for justice institutions with compliance indicators that can be assessed on annual basis.	
12.	Facilitate TOT trainings for justice institutions on gender responsive justice.	
13.	Identify and recognize gender responsive justice champions within the justice sector as a motivational strategy.	
14.	Facilitate justice institutions to review and or develop gender policies.	
Uganda Police Force		
15.	Review and assess the implementation of the Uganda Police Gender Policy 2019.	
16.	Apply gender equality and equity lens during recruitments to ensure women are given opportunity to serve in top management and decision making positions.	
17.	Conduct more capacity building trainings of police officers in application of gender responsive justice during execution of duties.	
18.	Develop tailor-made knowledge products such as pocket hand-books on gender responsive justice.	
19.	Design and implement zero tolerance to corruption policies.	
20.	Introduce monitoring mechanisms such as cameras, feedback systems, or audits at police stations and other public institutions.	
21.	Undertake timely follow up on issues reported to ensure they are solved and providing resources for investigation.	

22.	Provide protection and support for women who face sexual harassment, rape, or domestic violence and encouraging them to report their cases.	
Judiciary		
23.	Fast track the review of the Judiciary Gender Policy and Strategy of 2012 and develop and disseminate a new one.	
24.	Conduct more gender responsive justice trainings especially for the lower bench.	
25.	Establish more child care centers in courts to enable a conducive environment for mothers and their children.	
26.	Adoption of the open-door policy where judicial officers can easily be accessed and approached in light of gender related issues.	
27.	Prioritize gender concerns raised by clients during court open days and barazas.	
29.	Update the Gender Bench Book and widely disseminate it.	
Uganda Prisons Service		
30.	Develop and popularize the UPS Gender Policy.	
31.	Engage more CSOs to support in designing women empowerment programmes within prisons.	
32.	Consider recruitment of more female officers within the prisons especially at top management level.	
33.	Explore more rehabilitation programmes for women prisoners.	
Office of the Director of Public Prosecutions (ODPP)		
34.	Develop and popularize the ODPP Gender Policy.	
35.	Conduct more gender responsive justice trainings for state attorneys.	
36.	Promote more gender-responsive prosecution strategies.	
LASPs/CSOs		
37.	Develop institutional gender responsive policies.	

38.	Conduct advocacy initiatives towards the enactment of gender responsive laws such as the NLAB.	
39.	Undertake collaborative engagements with justice institutions towards enhancing gender responsive justice.	
40.	Undertake awareness and sensitization campaigns on provision of gender responsive justice.	
UWONET		
41.	Conduct gender refresher courses and training for the frontline justice actors on gender-responsive justice and SGBV case management.	
42.	Support the development of a popular version of the updated Gender Bench Book and disseminate it widely including making copies available to all judicial officers.	
43.	Advocate for reforming laws and policies that discriminate against women and girls, such as those that criminalize abortion, restrict women's property rights, or allow child marriage and provision of sanitary pads at every police station.	

Key

	Immediate
	Continuous