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 GLOBAL
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A GLOBAL FUND FOR SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE

UGANDA STUDY ON OPPORTUNITIES FOR REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE

*We cannot survive on
hope and promises alone*



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Marianne Akumu, Sarah Kihika Kasande,
Grace Acan and Evelyn Amony



UGANDA

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Focus group discussions with survivors from Acholi, Gulu
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EXECUTIVE SUMMARY

During the two-decade long conflict between the Government of Uganda and the Lord's Resistance Army, grave atrocities were committed against the civilian population including conflict-related sexual violence which was widespread and pervasive. Women, girls, men and boys were systematically targeted for sexual violence by the Lord's Resistance Army, the National Resistance Army (NRA) and the Uganda People's Defence Force (UPDF), among others. Women and girls (primarily between 10 and 18 years old) were abducted after which they suffered forced marriage, rape and forced pregnancy, often leading to forced childbearing. It is estimated that almost 25,000 young women and girls were forced into bush "marriage" or sexual slavery after their abduction, resulting in thousands of children born of wartime rape. Boys and men also suffered sexual violence including sexual mutilation, genital torture, male castration, forced masturbation and other serious sexual harms. These violations have had long-term physical, psychological and socio-economic effects on the lives of survivors and yet reparations remain elusive.

The International Center for Transitional Justice and the Women's Advocacy Network, in collaboration with the Global Survivors Fund, conducted a study to take stock of the reparative justice needs of survivors of sexual violence in Northern Uganda, as well as the opportunities for delivering reparations to them through judicial and administrative processes. The study unpacks victims' perceptions and expectations for reparations and interim assistance. It also offers practical, concrete and context specific recommendations to policy makers and other relevant actors at the global and national level to inform the design and delivery of survivor-centred reparations to survivors of conflict-related sexual violence (CRSV). The study also sought to establish whether victims of CRSV had already received any form of interim assistance through government programs or from civil society initiatives, and if so, what lessons could be learned from these programs to inform the design and delivery of reparations programs. The study further aims to increase the understanding and awareness of survivors' right to reparations and catalyse momentum for the delivery of meaningful reparations to survivors of CRSV.

The study is based on both field research and extensive background desk research, which examined the scope and extent of sexual violence crimes committed during the conflict in Northern Uganda and the

harms and enduring consequences on victims. The researchers reviewed domestic and international legal instruments, policy documents, judicial decisions, academic commentary, and civil society reports to gain an understanding of the legal and policy frameworks for awarding reparations; the existing gaps and opportunities for providing reparations; and the social, cultural and political factors that should be considered when designing and delivering reparations to victims.

The study found that limited attempts have been made to address the needs and enduring consequences of sexual violence suffered by victims. There has been no effort to provide victims of sexual violence with interim relief or reparations to address the various harms they suffered and the ongoing consequences of those violations. The 2019 National Transitional Justice Policy provides for the award of interim and short-term reparations to victims; however, the Government of Uganda is yet to draft the enabling legislation or establish an appropriate mechanism for the award of interim reparations to victims. When interim assistance has been provided, it has been through civil society and humanitarian agencies.

Interviews with victims highlighted that health concerns including physical and psychological issues have persisted because victims have not been able to access appropriate and affordable health care. Stigma and discrimination from families, communities as well as institutions remain a barrier to the social and economic integration of victims as well as children born of war. Interrupted education, lost opportunities, health issues as well as limited victim-centred poverty alleviation programmes have compounded the economic challenges being faced by victims. Urgent interim assistance measures are necessary to address the immediate needs and challenges being faced by victims. However, they will only be transformative with the full and equal participation of victims in the mapping, design, implementation and monitoring and evaluation.

The study found that reparations for harms suffered are integral to the healing, reintegration of victims and the restoration of victims' dignity. Urgent action must therefore be taken by the government and all stakeholders to provide adequate, effective and appropriate reparations.

| Recommendations

To the Government of Uganda

POLICY DESIGN

- i.** Urgently enact the pending transitional justice legislation to establish a mechanism to provide timely, holistic and transformative individual and collective reparations including compensation, rehabilitation, and symbolic measures.
- ii.** Design reparations programs based on lessons learned from previous studies and consultations with victims and other affected populations. Draw lessons from the community-driven development initiatives currently underway in Uganda.
- iii.** Allocate funding to reparations programs and urgent interim assistance measures for victims, which should be specifically itemised in the national budget.
- iv.** Use gender-inclusive language in all processes that does not obscure or reclassify abuses against male victims.

OUTREACH AND IMPLEMENTATION

- i.** Building on previous assessments and documentation efforts, confirm the number and categories of victims, the extent of the harm, and the long-term impacts of different human rights violations to inform the design and delivery of reparations.
- ii.** Ensure that reparations are implemented in a way that does not further contribute to stigma and resentment against victims by consulting with victims' groups on modes of implementation and by having measures that prioritise victims and also benefit the broader community.
- iii.** Work with civil society actors to engage in regular community awareness dialogues to educate the larger community about the needs and realities of victims, especially formerly abducted women and their children.
- iv.** Hold targeted public education campaigns and community dialogues on the imperative of social acceptance and protection of victims of sexual and gender-based violence.

FORMS OF REPARATION

- i.** Urgently provide access to free and comprehensive medical care for CRSV survivors, including sexual and reproductive health services, testing and treatment for sexually transmitted infections, surgery for injuries resulting from rape or early motherhood. These services should be available at all Health Centre III and IVs.
- ii.** Adopt special measures to enable survivors and children born of war to obtain formal identification documents to shield them from the risk of statelessness and enable them to access basic services and claim their rights as citizens.
 - In the short term, this could include training of National Identification and Registration Authority officials on sensitive interview techniques and registration procedures.
- iii.** Amend the Registration of Persons Act to exempt children born of war from registration requirements which they cannot fulfil having been born in captivity.
- iv.** As a form of symbolic reparation, the government should issue a public apology to all victims of conflict related human rights violations in Uganda, specifically mentioning survivors of CRSV and children born of war and acknowledging the harm suffered, which continues to affect their lives.
- v.** Enhance access to education for children born of war by providing scholarships or conditional cash transfers to meet educational expenses.
- vi.** Ensure that teachers in schools that have a large population of war affected children have specialised training in psychosocial support, trauma management, and empathy. This is essential to creating a safe learning environment for children affected by conflict.
- vii.** Establish Accelerated Learning Programs (ALP) that allow CRSV victims of different ages, and levels of educational background to acquire forms of education that match their needs.
- viii.** Provide financial compensation to vulnerable victims of CRSV, prioritising those with HIV/AIDS and long-term war-related disability, to redress the harms suffered and cover livelihood assistance.

- ix. Provide land and shelter to CRSV victims and children born of war who have been rejected by their families and communities.

PREVENTION, ACCOUNTABILITY AND RESPONSE TO CRSV

- i. Strengthen police and judicial system capacities to address CRSV cases and ensure training in culture and gender-sensitive investigative procedures required for the protection of survivors and witnesses' rights and privacy.
- ii. Establish specific codes of conduct to ensure effective investigations and accountability for sexual offences committed by State actors, particularly law enforcement officers, during conflict.
- iii. Amend the Penal Code Act to provide for gender-neutral criminalisation and punishment of sexual violence and provide appropriate remedies and protection to male victims of sexual violence.

To Civil Society

- i. Undertake advocacy initiatives targeted at the government and international partners to ensure the implementation of an adequate, effective, and inclusive reparations program.
- ii. Encourage and facilitate dialogues with key stakeholders in the community to advocate for greater support and reintegration of CRSV survivors and children born of war.
- iii. Conduct advocacy at the community and national level to create awareness of the plight of CRSV survivors and children born of war and promote practical strategies and policy interventions to address the challenges these vulnerable categories face.
- iv. Hold targeted public education campaigns and community dialogues on the imperative of social acceptance and protection of victims of sexual and gender-based violence.
- v. Continue engagements with conflict affected communities to address knowledge and information gaps regarding their rights, State obligations, and avenues for redress.

- vi. Take measures to protect the safety and privacy of individual survivors, and make available any data on CRSV survivors and children born of war to the government for planning purposes, to complement State efforts to map victims and their needs.

To the International Community

- i. Ensure adequate resources for a survivor-centred and holistic response to CRSV premised on justice and accountability.
- ii. Establish a global reparations fund to support reparations efforts by States.
- iii. Develop a long-term approach to understanding CRSV resulting in children born of war and its enduring consequences, and a long-term vision for programming and remedial action. For donors, this includes developing longer funding cycles to support multi-year assistance programs.
- iv. Before engaging in a new context take time to speak to local organisations, assess, and map what has already been done and then find ways to sustainably support and reinforce those initiatives.
- v. Support and urge States to pass legislation and policies promoting robust CRSV prevention and response mechanisms.
- vi. Support civil society and survivor-led actions on prevention and response to CRSV to maximise the reach and impact of programs. This will include funding local organisations and survivor groups working in war-affected communities and building equitable partnerships with all groups.
- vii. Increase funding for medical support programs including sexual and reproductive health services and psychosocial support to CRSV survivors.
- viii. Base global policymaking on prevention and response to CRSV on survivors' perspectives, bearing in mind survivors are not homogeneous. International actors and global policy makers should go beyond tokenistic representation of victims at global forums and meaningfully engage with victims to obtain their recommendations for appropriate measures for redress, response and prevention of CRSV.



Feedback meeting on the GSF report findings with survivors in Gulu
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ACRONYMS

AC	Amnesty Commission	NTJP	National Transitional Justice Policy
AU	African Union	NUSAF	Northern Uganda Social Action Fund
AUTJP	African Union Transitional Justice Policy	ODPP	Office of The Directorate of Public Prosecutions
CAO	Chief Administrative Officers	OHCHR	United Nations Office of the High Commissioner for Human Rights
CSO	Civil Society Organisation	OSRSG-SVC	The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
CRSV	Conflict Related Sexual Violence	OTP	Office of the Prosecutor
FDG	Focus Group Discussion	PRDP	Peace Recovery and Development Plan
FIDA-U	Uganda Association of Women Lawyers	RLP	Refugee Law Project
GSF	The Global Fund for Survivors of Conflict-Related Sexual Violence	RDC	Resident District Commissioner
GoU	Government of Uganda	SGBV	Sexual and Gender Based Violence
GWVU	Golden Women Vision Uganda	SCSL	Special Court for Sierra Leone
ICC	International Criminal Court	TFV	Trust Fund for Victims (of the International Criminal Court)
ICD	International Crimes Division	UHRC	Uganda Human Rights Commission
ICTJ	International Center for Transitional Justice	ULRC	Uganda Law Reform Commission
ICTR	International Criminal Tribunal for Rwanda	ULS	Uganda Law Society
ICTY	International Criminal Tribunal for the former Yugoslavia	UN	United Nations
IDP	Internally Displaced Person	UNSC	United Nations Security Council
JLOS	Justice Law and Order Sector	UNSCR	United Nations Security Council Resolution
KII	Key Informant Interview	UPDF	Uganda People's Defence Force
LRA	Lord's Resistance Army	UPE	Universal Primary Education
MoJCA	Ministry of Justice and Constitutional Affairs	UWOPA	Uganda Women's Parliamentary Association
MP	Member of Parliament	WAN	Women's Advocacy Network
NGO	Non-Governmental Organisation	WVCN	War Victims and Children's Networking
NRM	National Resistance Movement		



I. BACKGROUND AND METHODOLOGY

1. About the Project, Project Partners, Authors and Acknowledgments

1.1. About the project

As part of a Global Reparations Study, the International Center for Transitional Justice (ICTJ) and the Women's Advocacy Network (WAN), in collaboration with the Global Survivors Fund (GSF), have conducted a study to identify the reparations' needs of survivors of conflict-related sexual violence in Northern Uganda, as well as the opportunities for delivering reparations to survivors through judicial and administrative processes. This study presents and analyses survivors' perceptions, and expectations for reparations, and offers practical, concrete and context specific recommendations to policy makers and other relevant actors at national and global levels to inform the design and delivery of survivor-centred reparations in Northern Uganda.

This Uganda study also seeks to establish whether survivors of CRSV have already received any form of assistance and/or reparation through government programmes or from civil society initiatives, and if so, what lessons can be learned from those experiences, to inform the design and delivery of comprehensive reparations in the future, including the potential delivery of interim reparative measures by GSF. As an objective in itself, the Uganda Study process further aimed to increase the understanding and awareness of survivors' rights to reparations and to create further momentum for the delivery of meaningful survivor-centred reparations to CRSV survivors in Northern Uganda.

The Uganda Study is part of a global study on reparations (the "Global Reparations Study") launched by the Global Survivors Fund (GSF) in 2020, which focusses on the status of and opportunities for reparations for survivors of conflict-related sexual violence ("CRSV") in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with over 40 local and international partners, including survivors' networks and groups. It seeks to make recommendations for further action

based on survivors' needs and aspirations and to identify potential support available among key actors and concrete action to enhance access to reparations for CRSV survivors around the world.

1.2. About the Project Partners



ICTJ works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org.



WAN is a Community Based Organisation, founded in 2015 by war-affected women in northern Uganda, to promote justice and realise economic security of its 900 members, who are all war affected women and children. It is a network of various sub-groups operating across 14 districts in Northern Uganda addressing challenges of post-conflict reintegration.



GSF was launched in October 2019 by Dr Denis Mukwege and Ms Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus seeking to fill a gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their

responsibilities. GSF advocates also for duty bearers, as well as the international community, to develop reparations programmes, and provides expertise and technical support to guide states and civil society in the design of reparations programmes. GSF's survivor-centric approach is the cornerstone of its work. For more information, visit www.globalsurvivorsfund.org.

1.3. About the Authors

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Sarah Kihika Kasande is ICTJ's head of office in Uganda. She is a human rights lawyer and transitional justice specialist with over twelve years of experience. She has provided technical advice to civil society actors and policymakers in Uganda, South Sudan, The Gambia, and Tunisia and supported their efforts to develop transitional justice initiatives that address the legacies of human rights abuses, pursue accountability, and prevent the recurrence of serious violations of human rights.

Grace Acan is a survivor of wartime violence, a social worker, and an activist advocating for justice for survivors of the LRA war in northern Uganda. She is also a co-founder of Women's Advocacy Network (WAN), a community-based organisation whose aim is to advocate for justice for war-affected women in northern Uganda. Grace is also an author of "Not yet sunset," a member of SEMA, a global survivors' network, and a board member of the Global Survivors' Fund.

Evelyn Amony is a human rights advocate for war-affected women in northern Uganda and is the chair of the Women's Advocacy Network (WAN) in Uganda, a forum for war-affected women to support survivors of conflict-related sexual and gender-based violence and to advocate for justice, acknowledgement and accountability. Evelyn is the author of the book titled "I Am Evelyn Amony: Reclaiming my life from the Lord's Resistance Army," about her life, including eleven years she spent as a captive of the Lord's Resistance Army.

1.4. Acknowledgments

ICTJ, WAN and GSF are grateful to all the survivors and survivor groups, including Women's Advocacy Network, Ribe Kenywa, Golden Women Vision, Watye ki Gen, War Victims and Children Networking, Men of Hope, Tic Cing Ber, Okonywa group, Anyariama group, Amapara group, Amandrea group, Tam Pi Anyim group, Women in Action for Women, and Lwala Girls Abducted Students Association who shared their time, stories, and perspectives, and without whom this report would not have been possible. We would also like to thank the survivors who participated in the data collection and conducted the interviews.

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2. Methodology

2.1. Aim of the Uganda Reparations Study

To identify what current avenues are available in Northern Uganda for accessing reparations for CRSV, what gaps between access and survivors' needs exist and how such gaps can be mitigated to ensure timely access to reparations for all survivors of CRSV.

2.2. Specific Objectives of the Uganda Reparations Study

1. Document to the extent possible the scope and extent of sexual violence committed during or related to the conflict period.
2. Identify and assess legal and administrative remedies in place for awarding reparations to survivors of CRSV.
3. Identify and analyse survivors' perspectives, needs and expectations in relation to reparation and interim reparative measures.
4. Identify gaps between current access to reparations and survivors' needs, and determine opportunities for, as well as possible challenges, to access to reparations in Uganda.
5. Provide contextual recommendations for ensuring that reparations and interim reparative measures are provided to survivors of CRSV in Northern Uganda.

2.3. Study Methods

The study is based on both field research and extensive background desk research, which examined the scope and extent of sexual violence crimes committed during the conflict in Northern Uganda and the harms and enduring consequences on victims. The researchers reviewed domestic and international legal instruments, policy documents, judicial decisions, academic commentary, and civil society reports to gain an understanding of the legal and policy frameworks for awarding reparations; the existing gaps and opportunities for providing reparations; and the social, cultural, and political factors that should be considered when designing and delivering reparations to victims.

The background research formed a crucial foundation for the fieldwork, in terms of identifying the gaps that the data collection process could address. Prior to the focus group discussions and key informant interviews (KII), an inception meeting was held with representatives of victims' groups to discuss the scope of the study, obtain victims' input on trauma sensitive data collection methods and tools, and the timeframe. The inception meeting further discussed how the study could be participatory and meaningful for victims. We relied on survivor groups to identify and recommend victims and other stakeholders who should take part in the study, including focus group discussion (FGD) participants.

The researchers conducted semi-structured key informant interviews (KII) with victims of CRSV to better understand their experiences of the harms suffered and assess their understanding of and expectations for reparations. The KII were conducted by members of survivors' groups, including the WAN and Golden Women Vision Uganda. Before the KII, ICTJ and WAN organised an orientation meeting for the data collectors. During the meeting, ICTJ and WAN emphasised the 'Do No Harm' principles that focused on gender and cultural considerations to minimise additional harm or risk to respondents, and prioritised informed consent, and victim-sensitive approaches to data collection.

All FGDs were conducted with a counsellor present, who offered support to victims and advised the facilitators on how to address potential traumatisation. The FGD facilitators and data collectors took steps to protect the privacy and confidentiality of the respondents and FGD participants, for example through anonymisation or use of pseudonyms, and holding FGDs at venues that were safe and offered privacy. Data collectors also reviewed the questionnaire and the consent forms. An interview packet was prepared for each data collector that included a welcome note, a checklist for the interview, the consent forms to be signed by the respondents, the questionnaires, and a notebook.



The Study utilised a participatory/co-creation approach wherein **10 survivors** were engaged as data collectors

During a mock interview, the data collectors provided feedback on the process and how the questions could be structured to ease the process for themselves and the respondents. The study utilised a participatory/co-creation approach wherein 10 survivors were engaged as data collectors. This built their capacity by improving their research and communication skills. It also grew their confidence in their abilities and their sense of ownership of the process and the research. It also helped create a more open and safe space that gave the respondents the confidence to share their experiences and expectations. The data collectors were also remunerated as recognition of their expertise and labour, thereby contributing to their financial empowerment. A total of 30 respondents were interviewed for the KII.

The researchers conducted five Focus Group Discussions (FGDs) in Gulu and Lira, with victims of CRSV from the West Nile, Lango, Teso and Acholi Subregions. Each FGD had 10 to 12 participants with a total of 59 participants. The discussions were aimed at understanding the diversity of experiences of conflict, its impact, and victims’ expectations of reparations. All FGDs had interpretation to ensure that language was not a barrier to participation. At the beginning of the FGDs, the facilitators explained the principles of informed consent, anonymity, confidentiality, and voluntary participation.

They ensured all participants understood the questions and objectives of the study and were therefore able to provide informed consent to participate in the study. As part of the trauma-sensitive approach to conducting the study, we ensured that all FGDs were held in locations that provided privacy and a sense of safety for the participants. These locations were identified and recommended by WAN and the other survivors’ groups. A counsellor was present at all of the FGDs, to provide any immediate trauma counselling if needed. The FGDs were conducted in collaboration with a range of victims’ groups, including Golden Women Vision, Watye Ki Gen, Men of Courage and War Victims and Children’s Networking.

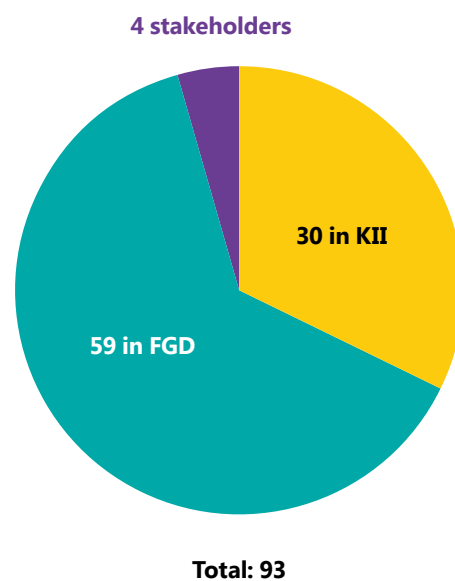
The researchers also consulted with select representative of Non-Governmental Organisations (NGOs) and government who interface with survivors and have both policy and practical experiences of providing interim assistance to survivors of conflict-related sexual violence. The stakeholders provided useful lessons for future reparative programs based on their experiences and understanding of the context.

Approximately 93 people were interviewed and consulted in total for the study, including the 30 and 59 survivors interviewed in KII and FGD respectively, and 4 stakeholders. In addition, 31 people participated in the inception meeting, and 60 more participated in validation meetings in Gulu and Kampala.

The study has a few limitations. It contains a small sample size due to the COVID-19 pandemic and related restrictions. It therefore does not claim to represent the experiences and perspectives of all victims of CRSV in the areas that were affected by the LRA conflict. However, the researchers ensured the sample was diverse and representative based on recommendations from survivor groups that took part in the data collection process. The researchers supplemented the information gathered with their own knowledge and experience in undertaking previous work on similar issues in the region.

This study is not a mapping of victims of CRSV, and it does not seek to establish the total number of victims of CRSV. It does, however, establish a common pattern in the forms of sexual violence committed, the enduring impact on victims and their perceptions of reparations and accountability.

PROPORTION OF INTERVIEWED AND CONSULTED PEOPLE FOR THE STUDY





Feedback meeting on the GSF report findings held in Gulu
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II. INTRODUCTION

Conflict-related sexual violence has been a main feature of armed conflicts and political upheavals in Uganda and across the world, with devastating consequences for victims.¹ Like many other conflicts, sexual violence was used as a weapon of war during conflicts in Uganda to systematically target civilians, inflict pain on communities, and destroy social harmony. Sexual violence has grave physical, psychological and socioeconomic impacts for victims, and yet there has been limited progress towards redressing or mitigating those harms. Whereas there has been advancement in holding perpetrators of sexual and gender-based crimes criminally accountable at the international level, reparations for victims of CRSV remain elusive. Consequently, victims continue to endure the consequences of the harms that they suffered without redress.

To address this gap, the International Center for Transitional Justice and the Women's Advocacy Network, in partnership with the Global Survivors Fund, undertook a comprehensive Study on the Status of and Opportunities for Reparations for Survivors of CRSV in Northern Uganda. The study assesses

the scope of CRSV in Northern Uganda, its enduring impact on victims, and opportunities for providing interim and long-term reparations to victims.

The study is divided into five main sections. The first part provides an overview of CRSV in Uganda and its consequences. The second part examines victims' perceptions, needs and priorities for reparations, as well as the associated risks. The third part explores their access to interim assistance and relief. It also examines the reparative impact of recovery and development programs in Northern Uganda for victims. The fourth part analyses the normative frameworks for reparations under international, regional, and domestic law that are relevant to reparations in Uganda, while also examining existing gaps. Part five addresses the status of implementation of reparations in practice, including key challenges to access reparations. Part six analyses the threats and opportunities for reparations, taking into account key stakeholders and avenues for advocacy for reparations. The paper concludes by providing recommendations for reparations and interim assistance to victims of CRSV.

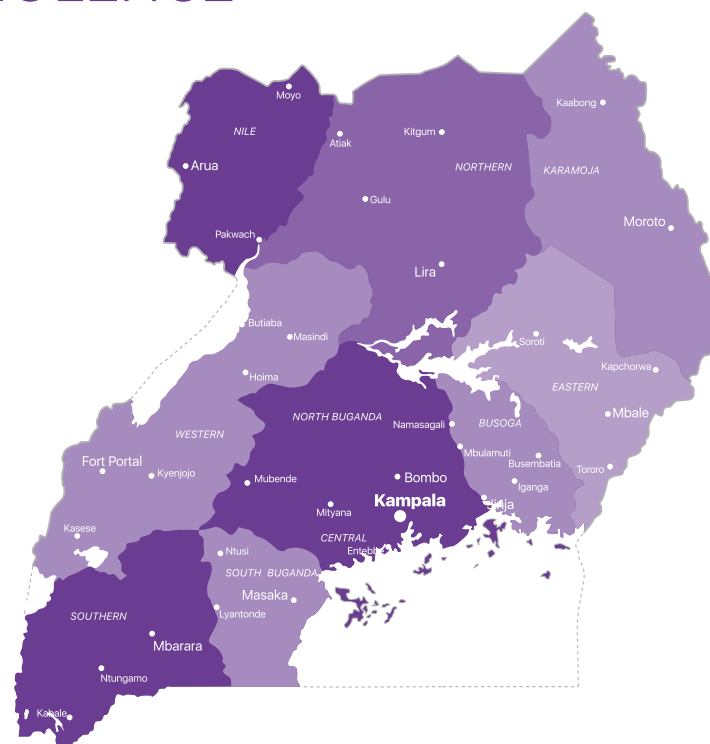
¹ The terms 'victims' and 'survivors' are used interchangeably throughout the report though both are in reference to persons who have suffered harm during the conflict. The term 'victim' is used strategically to affirm and trigger the legal rights of individuals whose rights were violated and have a legal claim to a remedy. The term 'survivor' is used in relation to the social context and to emphasise the resilience and agency of those who have suffered harm. Most individuals quoted in the report preferred to be referred to as survivors.



Focus group discussions with survivors from Acholi, Gulu
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III. CONFLICT-RELATED SEXUAL VIOLENCE



1. Context

Since its independence in 1962, Uganda has been plagued by conflict and human rights violations, from Idi Amin's military coup in 1971 to the 14 insurgencies that have taken place since Yoweri Museveni's National Resistance Army/Movement (NRA/M) took power in 1986.² Armed groups include: Uganda National Liberation Army (UNLA), Uganda National Rescue Front I (UNRF I), Former Uganda National Army (FUNA), West Nile Bank Front (WNBF), Uganda People's Democratic Army (UPDA), Holy Spirit Mobile Forces (HSMF), Uganda National Rescue Front II (UNRF II), Allied Democratic Forces (ADF), Uganda People's Army (UPA) and Lord's Resistance Army (LRA).

Following the overthrow of Amin in 1979, the UNLA, in a counter insurgency strategy against the UNRF I (comprised of soldiers who remained loyal to former

President Amin), committed atrocities on the people of West Nile region, including killings, rape and destruction of property.

When President Museveni took power in 1986, various armed groups emerged in the north as popular rebellions against the NRA's attempts to consolidate state power. Geographically, no part of the country has been spared, with all regions experiencing insurgency at one time or another.

While the motives of these groups remain unclear, they are reported to have been formed largely to address the growing North-South divide in the country which had left Northern Ugandan populations feeling alienated from the rest of the country as a result of unequal economic and development policies, as well as an overall concentration of power in the South.³

² Zachary Lomo and Lucy Hovil, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda* (Refugee Law Project 2004) https://www.refugeelawproject.org/files/working_papers/RLPWP11.pdf accessed 20 October 2021.

³ Monica Llamazares, *Northern Uganda Conflict Analysis* (Advisory Consortium on Conflict Sensitivity 2013) 5 https://reliefweb.int/sites/reliefweb.int/files/resources/ACCS_Northern_Uganda_Conflict_Analysis_Report.pdf accessed 15 October 2021.

The longest and arguably most brutal conflict was between the LRA and the Government of Uganda troops, which was characterised by a wide range of human rights violations against civilians, including murder, torture, widespread sexual and gender-based crimes, mutilation, pillaging, destruction of property, abduction, forced recruitment and use of child soldiers. Girls and young women were specifically targeted for sexual violence by the LRA, the NRA, and the Uganda People's Defence Force (UPDF), among others.⁴

The pattern of violations committed by the LRA included the systematic abduction of women and girls followed by forced marriage, rape, and forced pregnancy leading to forced child bearing.⁵ Of those abducted by the LRA, the majority were young adolescents (ages 10-18 years old).⁶ While less frequently reported upon, the NRA and UPDF have also been accused of sexual violence.⁷ Among the violations committed by these soldiers, the most often cited is the sexual exploitation of women in displaced camps by NRA and UPDF soldiers in exchange for food or money.⁸ The UPDF mobile forces have also been accused of raping women in communities they were supposed to be protecting and defending from LRA attacks.⁹

In 2006, the Government of Uganda and the LRA signed the Cessation of Hostilities Agreement in Juba, South Sudan, ushering in a period of peace negotiations. Several agreements were concluded during these talks, including the Agreement

on Accountability and Reconciliation.¹⁰ The Agreement provides for a variety of transitional justice mechanisms intended to address victims' demands for justice, communities' expectations about reconciliation, and criminal accountability for perpetrators of human rights violations during the two-decade conflict in Northern Uganda. Some of the mechanisms proposed included a truth telling process, the promotion of traditional systems of justice focused on reconciling communities, reparations, and reintegration programmes.

In June 2019, the Government of Uganda finally approved the National Transitional Justice Policy (NTJP)¹¹, giving effect to the commitments made under the 2006 Agreement on Accountability and Reconciliation. The policy seeks to address the legacy of conflict that has characterised Uganda's post-colonial period; fulfil victims' right to truth, justice and reparations; and prevent impunity for serious crimes.

The NTJP offers an opportunity to reflect on the historic, economic, political, and social factors that have fuelled conflict in Uganda and to adopt appropriate reforms to prevent their recurrence. The stated objectives of the NTJP are to enhance legal and political accountability, promote reconciliation, foster social reintegration, and contribute to peace and security.¹² The NTJP intends to achieve this by undertaking interventions under four thematic areas: formal justice, traditional justice, nation-building and reconciliation, and reparations.¹³ Under the umbrella of formal justice, the government will ensure

4 Dyan Mazurana, Teddy Atim, Ariane Brunet, Helen Kezie-Nwoha, *Making Gender-Just Remedy and Reparation Possible: Upholding the Rights of Women and Girls in the Greater North of Uganda* (FIC Tufts and Isis-WICCE 2013) <https://fic.tufts.edu/assets/Gender-Just-Remedy-and-Reparation-3-27-13-final.pdf> accessed 15 October 2021.

5 Ibid.

6 Jeannie Annan, Christopher Blattman, Khristopher Carlson, Dyan Mazurana, 'The State of Female Youth in Northern Uganda: Findings from the Survey of War-Affected Youth (SWAY) Phase II' (Survey on War-Affected Youth, April 2008) 33 https://genderandsecurity.org/sites/default/files/Annan_et_al._-The_State_of_F_Youth_in_Nern_Uganda.pdf accessed 15 October 2021.

7 Atim Mazurana, Brunet, Kezie-Nwoha (n 3). See also: Uganda Human Rights Commission and UN Office of the High Commissioner for Human Rights, "The Dust Has Not Yet Settled": Victims' Views on The Right to Remedy and Reparation: A Report from the Greater North of Uganda' (UN Women 2011) <https://www.ohchr.org/Documents/Press/WebStories/DustHasNotYetSettled.pdf> accessed 15 October 2021.

8 Ibid.

9 Chris Dolan, *Social Torture: The Case of Northern Uganda 1986-2006* (1st edn. Berghahn Books, 2009); Moses Okello and Lucy Hovil, "Confronting the Reality of Gender-based Violence in Northern Uganda" [2007] *International Journal of Transitional Justice* 433; Human Rights Watch, 'Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda' (17 No. 12(A), HRW 2005) <https://reliefweb.int/sites/reliefweb.int/files/resources/2AB11B47FE6110378525708200564DB6-hrw-uga-20Sep.pdf> accessed 15 October 2021.

10 Peace talks between the Government of Uganda and the Lord's Resistance Army /Movement commenced in July 2006, mediated by the Government of South Sudan. Agreements on five agenda items were concluded in subsequent years. This conference focused on the Agreement on Accountability and Reconciliation signed on 29 July 2007 in promoting accountability for SGBV. See <https://peacemaker.un.org/uganda-accountability-reconciliation2007>.

11 Government of Uganda, 'National Transitional Justice Policy' (Ministry of Internal Affairs, June 2019) https://drive.google.com/file/d/1zbaqYzGpRVpUpDrQUTM5c_GeMsultrB9O2/view.

12 Ibid.

13 Mazurana, Atim, Brunet, Kezie-Nwoha (n 4).

the protection of witnesses and protection of victims and remove barriers for access to justice for vulnerable victims. It also proposes to formalise traditional justice as tools for conflict resolution. The policy provides for the establishment of a reparations program for victims affected by conflict. The Parliament is expected to enact legislation that will operationalise the different measures provided for in the policy, based on the principles of gender equality and non-discrimination.

2. Nature and scope of conflict-related sexual violence

2.1. Scale, scope, forms and pattern of crimes

Conflict-related sexual violence was widespread and pervasive during the two-decade armed conflict between the Lord's Resistance Army (LRA) and the Government of Uganda. Women, girls, men and boys were systematically targeted for sexual violence by the LRA, and government troops- the Uganda People's Defence Force (UPDF), among others.¹⁴ While the conflict ended in 2006, the consequences of CRSV persist. Like many other contexts, CRSV in Northern Uganda stems from pre-existing often cross-cutting structural subordination and systemic marginalisation of women, and social cultural beliefs and norms about gender that affect how men and women participate in and are affected by the conflict. Acts of sexual and gender-based violence are part of a larger system of gender inequality. During conflict, there is a continuum and exacerbation of many of the pre-existing gender inequalities, further enabling widespread sexual and gender-based violations.

Whereas both the LRA and government troops committed acts of sexual violence against women and men in Northern Uganda, including rape, sexual mutilation, male castration, and other serious sexual harms,¹⁵ the LRA was the predominant perpetrator of such crimes, carrying out sexual violence in a systematic and widespread manner.

The pattern of CRSV committed by the LRA involved the systematic abduction of women and girls (primarily between 10-18 years old) followed by forced marriage, rape, and forced pregnancy, often leading to forced childbearing.¹⁶ They preferred to abduct young girls who were not sexually active and unlikely to be suffering from sexually transmitted diseases. Abducted girls that had not reached puberty were assigned to the homes of commanders as 'babysitters,' commonly referred to as "Ting Ting".¹⁷ Upon reaching puberty, they would be assigned to commanders as forced wives.¹⁸ Many of the abducted women and girls returned from captivity with children born of these forced marriages. As noted by Baines, the LRA maintained strict regulation over sexual relations to maintain the group's "purity", as well as to create loyalty to and interdependence on LRA commanders. The regulation of sexual relations was an organising method within the LRA.¹⁹

It is estimated that over 25,000 young women and girls were systematically abducted by the LRA across Northern Uganda and subjected to forced marriage and sexual slavery, resulting in thousands of children born of wartime rape.²⁰

According to interviews with victims, rape of civilians outside the confines of "forced marriage" was largely prohibited by top LRA leadership. However, at times,

¹⁴ Ibid 16.

¹⁵ Kennedy Amone-P'Olak, Tiholego Molemane Lekhutlile, Emilio Ovuga, Rosemary Ann Abbott, Richard Meiser-Stedman, David Gage Stewart, Peter Brian Jones, 'Sexual violence and general functioning among formerly abducted girls in Northern Uganda: the mediating roles of stigma and community relations - the WAYS study' [2016] BMC Public Health 16(64) <https://bmcpublihealth.biomedcentral.com/track/pdf/10.1186/s12889-016-2735-4.pdf> accessed 15 October 2021.

¹⁶ Mazurana, Atim, Brunet, Kezie-Nwoha (n 4).

¹⁷ Kennedy Amone-P'Olak, 'Psychological impact of war and sexual abuse on adolescent girls in Northern Uganda' [2005] Intervention 33 https://www.interventionjournal.com/sites/default/files/33_45%20P%20Olak.pdf accessed 15 October 2021; Jeannie Annan, Christopher Blattman, Dyan Mazurana, Khristopher Carlson, 'Civil War, Reintegration, and Gender in Northern Uganda' [2011] Journal on Conflict Resolution 877.

¹⁸ Ibid. See also: Jeannie Annan, Christopher Blattman, Roger Horton, 'The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War Affected Youth', (UNICEF 2006) <https://chrisblattman.com/documents/policy/sway/SWAY.Phase1.FinalReport.pdf> accessed 15 October 2021.

¹⁹ Erin Baines, 'Forced Marriage as a Political Project: Sexual Rules and Relations in the Lord's Resistance Army' [2014] Journal of Peace Research 405.

²⁰ Teddy Atim, Dyan Mazurana and Anatasia Marshak 'Women Survivors and Their Children Born of Wartime Sexual Violence in Northern Uganda' [2018] Disasters S65. Available at: https://csw-ectg.org/wp-content/uploads/2018/01/Atim_et_al-2018-Disasters.pdf. The SLRC study was limited to Acholi and Lango and therefore does not take into account CRSV victims from the West Nile and Teso subregions that experienced conflict. The study also does not include male victims of CRSV. Thus, the estimated number of CRSV victims far exceeds the documented 25,000.

LRA fighters would rape civilian girls and women if they believed that they would not be caught or punished by their commanders. According to a study by the Secure Livelihoods Research Consortium (SLRC), approximately 20,770 households have family members that suffered during the conflict (14,601 in Acholi and 6,169 in Lango) with 24,689 individual victims of sexual war crimes (14,346 in Acholi and 10,343 in Lango).²¹ This figure does not include survivors of CRSV from the West Nile and Teso subregions.

The Study further found that boys and men also suffered sexual violence including sexual mutilation, sexual torture, male castration, forced masturbation, forced marriage and other serious sexual harms.

Abducted boys and men were also forced by LRA commanders to participate in sexual violence against female abductees.

“You would be given a wife, and you were not supposed to say no, and if they tell you, come here, you had to go. One refused and was later killed.”²²

Interviewees in all FGDs reported incidents of victims who were sexually abused by both UPDF and the LRA. Abducted women and girls that escaped or were rescued from captivity were in some cases sexually abused by UPDF soldiers while at the UPDF barracks before being handed over to reception centres for rehabilitation and reunification with their families. UPDF soldiers that committed these crimes are yet to be held accountable.

2.2. Profile of victims

Both women and girls, and men and boys suffered sexual violence during the conflict in Northern Uganda, though women were disproportionately affected and constitute the bulk of victims of CRSV.

Given the stigma around CRSV, the number of known victims is likely far lower than the actual number of victims.

Women and girls in IDP camps were vulnerable to sexual violence by male relatives and partners or by the very soldiers who were supposed to protect them.²³ This commonly happened when women went to fetch water, firewood, and food for their families. Given their desperate conditions, there were also reported incidents of women having sex in exchange for food when the power imbalance between the victim and perpetrator diminished woman's choice and consent in such sexual encounters.²⁴

Thousands of women and girls were abducted by the LRA rebels and allocated to LRA commanders as “forced wives” and compelled to perform domestic duties, including bearing children who were groomed to become LRA fighters.²⁵

21 Ibid.

22 Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

23 Erin Patrick, ‘Surrounded: Women and Girls in Northern Uganda’ (Migration Policy Institute, 1 June 2005) <https://www.migrationpolicy.org/article/surrounded-women-and-girls-northern-uganda> accessed 15 October 2021.

24 Okello and Hovil (n 9).

25 Patrick Sooma, ‘Despair and Disdain: A Tale of Sexual Abuse against Internally Displaced Women in Northern Uganda’ [2006] East African Journal of Peace and Human Rights 91.

SEXUAL VIOLENCE AGAINST MEN IN UGANDA

Men were also targeted for sexual violence in the form of rape, castration and various forms of sexual torture.²⁶ Male victims reported being forced to rape female captives or to abuse the corpses of abductees in sexualised ways. They were threatened with death if they refused. Like sexual violence against women, which is motivated by the exercise of power and dominance over women's bodies, acts of sexual violence against men were used to subdue, humiliate, and emasculate the male victim. The findings of the Study challenge common assumptions about men as perpetrators and women as victims of sexual violence. The data demonstrates that both men and women, and boys and girls, were highly affected by sexual violence during the conflict.

Sexual violence against men in Uganda remains hidden due to stigma, the absence of support tailored to meet male survivor needs, and inadequate legal protection.²⁷ Male survivors face difficulty disclosing sexual abuse out of fear that they may face arrest under the Ugandan Penal Code Act which criminalises sodomy and does not distinguish between consensual and non-consensual sexual acts between persons of the same sex.²⁸ Ugandan colonial laws do not recognise sexual violence against men, instead they categorise it as an offence against nature or sodomy.²⁹ The hostile social and legal terrain makes it difficult for survivors to disclose sexual abuse and thereby access the necessary support.

Despite the pervasive nature of these patterns of violence, there were hardly any instances of reporting sexual violence because normal protective social structures were either absent or had broken down as a consequence of mass displacement.

In addition, victims of CRSV in IDP camps did not report CRSV due to cultural taboos about sex and fear of retaliation by the perpetrators, especially if they were government soldiers. One survivor noted:

“During the insurgency there is nowhere for a victim to report; the right place to report was the army, but since they too were involved, it was hard to report. There was no Government during insurgency, even if it were my wife I could have nowhere to report. By the time you report, the perpetrators have already run away; sometimes soldiers would also participate in the rape during cattle raids. Follow up cannot happen.”³⁰

2.3. Profile of perpetrators

The main perpetrators of CRSV during the armed conflict in Northern Uganda were LRA and UPDF combatants. Sexual violence by the LRA mostly took place within the context of forced marriage. However,

there were reports of isolated incidents of rape and sexual abuse during attacks on IDP camps. Sexual violence by UPDF soldiers was mainly opportunistic targeting of vulnerable women and girls in displaced people's camps or those that escaped from LRA captivity.

²⁶ Amone-P'Olak and others (n 14); Annan and others (n 16).

²⁷ Chris Dolan, Laurel E. Fletcher, Stephen Oola, 'Promoting Accountability for Conflict-Related Sexual Violence Against Men: A Comparative Legal Analysis of International and Domestic Laws Relating to IDP and Refugee Men in Uganda' (Refugee Law Project & Berkeley Law, 2013) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2758940 accessed 15 October 2021.

²⁸ Uganda, Penal Code Act [1950 and updates] Laws of Uganda Cap 120, Section 145.

²⁹ Ibid Section 123.

³⁰ KII interview with CRSV survivor (February 2020).

The UPDF troops are also reported to have used sexual violence as a tool of humiliation and submission against civilians, especially those they accused of collaborating with LRA combatants.³¹ During one of the FGDs, participants noted that men and women were raped by government troops in the presence of their spouses,

children, or relatives. Whereas male LRA combatants were the main perpetrators of sexual violence, there were cases of sexual violence by older female combatants in the LRA against child soldiers. This included forced masturbation, rape and forced nudity. A male victim that was abducted at the age of 15 reported as follows:

“One day, when others were going for training, two of the ladies stopped me from going. They told me to undress on their husband’s bed and told another girl to undress and they ordered me to look at her. They touched my private parts until I became erect. They rubbed me till I started bleeding. Later they told me that if I had refused, I would have been killed. They were happy after that. They made tea and mandaazi and forced me to take it.”³²



Victoria Nyanjura, ED of Women in Action for Women (WAW) at the Roundtable to review findings of the GSF report
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There were also incidents of CRSV perpetrated by civilians, including displaced persons and family members who took advantage of the prevailing circumstances of insecurity and vulnerability of their victims to commit acts of sexual violence.³³

The broad range of potential perpetrators shows the enhanced level of vulnerability of CRSV victims, as violations were occurring even within the domestic sphere or in areas allegedly designated as safe, such as IDP camps. In this regard, proposals to address sexual violence in conflict should not be limited to the known categories of combatants; they should also address other categories of perpetrators.

31 Justice and Reconciliation Project, ‘The Beasts at Burcoro: Recounting Atrocities by the NRA’s 22nd Battalion in Burcoro Village in April 1991’ (Field Note XVII, Justice and Reconciliation Project 2013) https://justiceandreconciliation.com/wp-content/uploads/2013/07/Burcoro-Final_SM-2013-07-25.pdf accessed 15 October 2021.

32 Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

33 Okello and Hovil (n 9).



IV. SURVIVORS' PERCEPTIONS, NEEDS, PRIORITIES AND RISKS

1. Impact of conflict-related sexual violence on victims, families and communities

Sexual violence has lasting social, economic, and health consequences for victims. Most victims of sexual violence suffered additional human rights violations which continue to impact their lives. These include abduction, torture, displacement, mutilation, and other forms of physical and psychological abuse constituting cruel, inhuman and degrading treatment. Additionally, victims continue to suffer the serious health and social-economic consequences of these violations, which include landlessness, poverty, family break ups, poor community relations, and untreated mental and physical illnesses such as post-traumatic stress disorder, vaginal fistula, and HIV.³⁴ In Northern Uganda, some children born to the rebel fighters face major stigma in their communities and at school.³⁵

As demonstrated in a 2015 study conducted by the ICTJ, the failure to address these many and dire consequences leads to serious intergenerational problems, affecting the mother and her children, who in turn pass those challenges on to their own children. The magnitude of the problem thus gets amplified over time, preventing a group of citizens from being able to pursue productive and peaceful futures.³⁶ Furthermore, the stigma faced

by survivors affects how they are perceived within their families and communities and heightens their vulnerability to further abuse and discrimination. This section highlights some of the key impacts of CRSV on victims.

1.1. Physical and psychological health

The long-term health related consequences of sexual violence are well documented and include both psychological and physical issues. A significant number of CRSV victims continue to suffer serious medical complications, including physical injuries, chronic pain, and psychological trauma. Victims face an increased risk of exposure to HIV/AIDS and reproductive health issues resulting from rape and early motherhood. Some women reported giving birth at the age of 11 or 12 years old, in the bush and without medical attention, resulting in reproductive health complications such as obstetric fistula, incontinence, and chronic pelvic pain. Victims also reported contracting sexually transmitted diseases including HIV and syphilis, which for many women has led to infertility, mistreatment, rejection, and isolation. The targeting of women's 'maternal hopes, attachments and responsibilities' not only affects their physical well-being but also their 'social acceptability, economic status, marriage ability and life chances.'³⁷ A survivor from West-Nile reported,

³⁴ Including but not limited to psychosocial trauma, fistula, and HIV.

³⁵ Sylvia Opinia and Friederike Bubenzer, 'Gender Justice and Reconciliation in Northern Uganda' (Justice and Reconciliation Project, 2011) <http://www.ijr.org.za/home/wp-content/uploads/2019/09/IRP-IJR-Policy-Brief-Gender-Justice.pdf> See also: Virginie Ladisch, 'From Rejection to Redress: Overcoming Legacies of Conflict-Related Sexual Violence in Northern Uganda' (The ICTJ, 2015) <https://www.ictj.org/sites/default/files/ICTJ-Report-Uganda-Children-2015.pdf> accessed 15 October 2021.

³⁶ Ibid.

³⁷ Mazurana, Atim, Brunet, Kezie-Nwoha (n 4).

“When I went for a check-up the doctor told me my tubes are blocked due to syphilis... After I was diagnosed, I started experiencing domestic violence... Right now, I am having a lot of challenges because my family members keep saying I am useless, and because of the domestic violence, we cannot sit down and plan.”³⁸

Even after their return, survivors reported having limited access to adequate and effective medical care due to the unaffordable cost. However, some victims highlighted discrimination and lack of knowledge by health professionals as a major barrier. This was especially common for male victims of CRSV who reported long term physical complications due to discrimination and stigma at the hand of medical professionals who did not understand their injuries and, as a result, were not able to provide proper treatment.³⁹ A respondent added,

“even when you go to hospital, they don’t treat your injuries as a special case.”⁴⁰

Male victims are afraid to speak up or seek healthcare due to fear of facing criminal sanctions under the homophobic anti-sodomy penal provisions which do not distinguish between consensual and non-consensual sex between same sex persons.⁴¹

Sexual violence has devastating mental health consequences. Victims reported suffering post-traumatic stress disorder, insomnia, anxiety, headaches, low self-esteem and thoughts of self-harm and suicide. One victim that was interviewed for the study noted that she was in a continuous “emotional pain” and in a constant “bad mental

state.”⁴² A survivor from Teso explained, “[s]ince then I have suffered continuous and constant headaches. I have taken numerous medicines, but nothing helps. I do not sleep.”⁴³ The trauma is compounded by the absence of psychosocial support, social stigma, community rejection and discrimination. An enduring effect of the experiences of conflict for victims are the everyday triggers which remind them of their time in captivity.

Male victims’ trauma is exacerbated because they face difficulty discussing their experiences with family, relatives, or fellow victims. Women survivors’ groups such as WAN, Watye Kigen, and War Victims and Children’s Network provide a valuable space for peer-to-peer support, healing, and resilience for survivors.

Several female survivors informed ICTJ that storytelling and sharing their experiences with fellow survivors is cathartic and empowered them to speak out. Male victims have limited access to such peer support mechanisms, which are key for their healing.

Without access to adequate medical care and psychosocial support, survivors are prevented from recovering or living meaningful lives.

³⁸ Focus Group Discussion with female victims from West Nile (Gulu, May 2021).

³⁹ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

⁴⁰ Ibid.

⁴¹ Penal Code Act [1950 and updates] Sc 145.

⁴² Focus Group Discussion with female victims from Teso (Lira, May 2021).

⁴³ Ibid.

1.2. Social impacts

In addition to the physical and psychological effects, sexual violence has life long and potentially irreversible social effects on the lives of victims of CRSV and children born of wartime rape.⁴⁴ The social consequences of sexual violence include social

exclusion, stigma, discrimination, and poverty, which has made it difficult for them to reintegrate into their communities. This is compounded by the fact survivors are often perceived as perpetrators who are responsible for the abuses that the communities suffered, rather than victims and unwilling participants in the conflict.⁴⁵ As one respondent noted:

“Everyone thought I was dead, but fortunately, I survived a gunshot. When I returned in 2005, both my parents were still alive. I stayed at Gulu Support the Children Organization (GUSCO) centre until I returned home. However, upon my return, life was miserable because my father rejected me. I remember him telling me I was disowned, saying he never wanted a ‘Joseph Kony child’. My daughter and I were further taunted as killers capable of harming my siblings and told we were not part of the family. We eventually did move out, but life has been challenging. I also got engaged to a man, but my husband’s family members kept telling him his life is at risk with me. They claimed I still had LRA spirits in me from the bush, so I had no option but to quit the relationship.”⁴⁶

Most survivors reported having challenges integrating into their communities as a result of strained relationships with their families and other community members. Survivors spoke about the stigma, isolation, and discrimination they continue to face because of the violations they experienced while in captivity. Conflict and displacement disrupted the social bonds that would have been sources of support and care through which survivors could access material and non-material benefits. Instead, the conflict created ‘animosity, competition and mistrust’ among survivors and those who should have offered them protection.⁴⁷

Survivors reported being victimised and abused, especially being referred to as “Kony’s wives” by the communities even decades after their return. And while this is not exclusive to those who suffered sexual violence, the stigma is felt most by those who bore children while in captivity.

Survivors reported challenges in participating in public life as a result of the discrimination. They did not feel supported to stand for elected office or voice their opinions in community meetings because, as one person noted, “we are not listened to and our voices are suppressed.”⁴⁸

44 Mazurana, Atim, Brunet, Kezie-Nwoha (n 4).

45 Ladisch (n 32).

46 Achan (not real name) CRSV survivor, abducted by the LRA in 1995.

47 Atim, Mazurana and Marshak (n 19).

48 Focus Group Discussion with female victims from Lango (Lira, May 2021).

This lack of support extends to involvement in social events which should be family and community affairs. A survivor from West Nile explained that,

*"[t]here is a big difference between how children born in captivity and those who were not are treated. For those born in captivity, when they are getting married, the community does not want to contribute."*⁴⁹

Survivors reported receiving little empathy from the community, the majority of whom suffered in some way. In fact, some of the community members blamed survivors for the violations they suffered. As a result, they were resentful of any support extended to survivors. As one survivor from Lango noted,

"people are not happy to see support given to returnees, they allege that abductees participated in the atrocities and don't deserve anything."⁵⁰

Stigma and discrimination also extend to male survivors who have been open about the violations they experienced. They reported facing abuse and name calling, especially targeting their masculinity as well as disbelief from individuals who did not understand how a man could rape another man. This also led to stigmatisation and name calling, which was extended to the men's children and, as a result, caused rifts between the men and their children.

Sexual violence has impacted survivors' ability to form new relationships. In Teso, a respondent reported,

"I have also failed to stay in a relationship because whenever I find someone, they are frustrated by members of the community who say, 'where will you take that one? That one is a 'moving coffin', implying that she is already dead."⁵¹

Atim and others found that women survivors of wartime sexual violence were more likely to be unmarried as opposed to those who did not undergo a similar experience. The figures were even lower for those who returned with children born of war, with only about 30% remarrying in comparison to half of those who returned without children.⁵² This is particularly important in the societies where these women live, where marriage is a marker of recognition, respectability and standing. In addition, marriage is often the only means through which resources for economic and social stability, including land and housing, can be accessed.

Therefore, being unmarried has a high social and economic cost. One survivor in Gulu noted, *"if you are not married, you have no dignity."*⁵³ Consequently, many women have chosen to stay in relationships even when they have faced abuse and discrimination at the hands of their husbands and in-laws. A respondent in Gulu reported:

*"When I got married, at first I was rejected because they said I was someone who was abducted, and anytime I could do something. At the second home I found, I stay with my husband well, but the mother is always abusing me and stigmatising calling me as a person who came back from the bush. I was not having a child and, to date, there is stigma with the mother-in-law as she continues to remind me of my past experiences."*⁵⁴

49 Focus Group Discussion with female victims from West Nile (Gulu, May 2021).

50 Focus Group Discussion with female victims from Lango (Lira, May 2021).

51 Focus Group Discussion with female victims from Teso (Lira, May 2021).

52 Atim, Mazurana and Marshak (n 19).

53 Focus Group Discussion with female victims from Teso (Lira, May 2021).

54 Focus Group Discussion with female victims from Acholi (Gulu, May 2021).



Grace Acan of the Women's Advocacy Network (WAN) makes comments during the Roundtable meeting reviewing the GSF report findings
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Another survivor confirmed this saying,

"in most cases these men say we have a bad omen, and you get blamed for every bad thing that happens."

The belief that as a result of their experiences survivors are possessed with bad spirits, has led to re-victimisation from their families. Victims reported that their families have also faced stigma and discrimination because of their association with them. The stigma is worse for male survivors of CRSV given the taboos and culture of silence surrounding sexual violence against men. One survivor noted:

"The main challenge I have faced is stigma. When I started speaking out, it spoiled some of the relationships I had with people. People would ask how possible it was for a man to sleep with another man. It also affected my children because people would tell them that their father is a woman, therefore they were orphans without a father."⁵⁵

⁵⁵ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

1.3. Economic impact

The long-running conflict completely decimated the economic infrastructure and social fabric in Northern Uganda. While a lot of progress has been made since then, it has been harder for those who suffered violence and injuries to cope. According to the SLRC study, households with members who experienced war crimes were significantly more likely to be economically worse-off, and with worse access to basic services than other households that did not experience the war.⁵⁶

This has been compounded by the break down in social networks that have historically been relied on for support and the limited livelihood and social protection systems by the state. As a result, survivors reported having significant economic needs, that have magnified over time, as their children have gotten older and required more resources, and the cost of living has also risen.

Survivors highlighted economic hardship as a major challenge. Most are unable to meet their basic needs, including healthcare, education, food, and

housing. Abducted at a young age, most CRSV survivors did not have the opportunity to go to school and acquire skills to help them earn a living. Consequently, many rely on farming to support themselves and their children.

Women who do not have access to their own land rent plots from others or dig for pay. Survivors with chronic pain and untreated physical and psychological wounds are unable to engage in farming and other forms of labour-intensive income generating activities. Other survivors have started small businesses including brewing alcohol, tailoring, and buying and selling goods.⁵⁷ A handful of survivors were supported to continue their education upon returning from captivity and subsequently found employment in the formal sector. Having a source of income has provided a sense of control over their lives as well as independence. CRSV survivors and children born of war are often denied access to land by their families or communities due to stigma and discrimination. This further exacerbates the economic harm, since land is a major source of livelihood for communities in Northern Uganda. As one survivor noted:

“The challenge I see is that life has become very difficult for many survivors. They can’t go to school. For the children born in captivity, life has become very difficult. They are chased away from their lands and end up becoming thugs in town; they have nothing. Some of the children are told to go to their parents and yet their fathers are not there, and others have chronic illnesses but cannot afford to go for treatment.”⁵⁸

Some survivors received support from family members upon return, including support with medical needs, school fees for their children, and land on which to dig. For others who received support, it primarily came from NGOs such as World Vision, JRP, AYINET, REDRESS, WAN, and Golden Women Vision, as well as individuals

and missionaries. Most victims reported never having received any support including from the government. Few victims benefitted from the reintegration packages offered under the Amnesty Commission which addressed very short-term needs and was woefully inadequate.⁵⁹

⁵⁶ Dan Maxwell, Dyan Mazurana, Michael Wagner, and Rachel Slater, ‘Livelihoods, conflict and recovery: findings from the Secure Livelihoods Research Consortium’ (ODI 2017) <https://odi.org/en/publications/livelihoods-conflict-and-recovery-findings-from-the-secure-livelihoods-research-consortium/> accessed 15 October 2021.

⁵⁷ Demographic surveys completed during the five Focus Group Discussions in Gulu and Lira.

⁵⁸ Focus Group Discussion with female victims from Acholi (Gulu, May 2021).

⁵⁹ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

While the government has since instituted various development programmes to alleviate poverty such as Northern Uganda Social Action Fund (NUSAF), the Peace, Recovery and Development Programme (PRDP), and Uganda Women's Entrepreneurship Programme (UWEP)⁶⁰, the absence of an intentional victim-centred approach that addresses the most pressing needs and priorities of communities, especially the most vulnerable, means survivors largely have not benefited from those programmes.⁶¹

1.4. Children born of war

For many of the women who suffered sexual violence during the conflict, the consequences extended beyond the physical and psychological impact of the violation because it led to new life – a child to care and provide for, when it was not their choice to become mothers.⁶²

Like their mothers, children born of war face stigma, discrimination, and social rejection, which limit their reintegration into their community.⁶³ Some women reported being welcomed back by their families on the condition that they did not bring their children. The children were also often a source of conflict in intimate relationships with new partners who viewed them as extra burdens as well as a threat to the limited available resources. One of the respondents in Gulu noted,

*"I am staying with my husband, but he only loves me and not my children."*⁶⁴

This situation has forced many women to make difficult choices to maintain their relationships including sending the children to live with their grandparents. For others, the stigma and discrimination were too much to bear, and they abandoned their relationships. A respondent from West Nile said,

*"[...] the situation was not good. The child I returned with started facing a lot of stigma from the community. I endured a lot of torture and eventually decided to leave with my children and go back home."*⁶⁵

Survivors also reported the financial burden of raising the children as one of their biggest challenges. This extended to both single mothers and those in relationships. For some of the women, new relationships were not a guarantee of support for their children born of war as their new spouses often discriminated against those children and did not provide for them or pay their school fees, leaving that burden to the mothers. Single women expressed challenges in having to take care of all the needs of their children including their education, health care and clothing needs, amidst other challenges such as paying rent and providing food.

60 The Northern Uganda Peace, Recovery and Development Program (PRDP) was launched in 2007 as a framework to eradicate poverty and improve the welfare of the population in Northern Uganda (<https://opm.go.ug/northern-uganda-rehabilitation/>). The Northern Uganda Social Action Fund (NUSAF), currently in its third phase, began in 2003 with the objective to provide income support and build the resilience of communities in Northern Uganda (<https://opm.go.ug/northern-uganda-social-action-fund-nusaf-3/>). The Uganda Women's Entrepreneurship Programme (UWEP), an initiative by the government aimed at providing financial services and income generating skills to women (<https://mglsd.go.ug/uwep/>).

61 Sarah Kasande Kihika and Eva Kallweit, 'Building Blocks for Reparations: Providing Interim Relief to Victims Through Targeted Development Assistance' (ICTJ 2020) https://www.ictj.org/sites/default/files/ICTJ_Report_Uganda_InterimRelief_Web.pdf accessed 15 October 2021.

62 Ladisch (n 32).

63 Opinia and Bubenzer (n 33); Ladisch (n 32).

64 Focus Group Discussion with female victims from Acholi (Gulu, May 2021).

65 Focus Group Discussion with female victims from West Nile (Gulu, May 2021).

“Life is not easy for us, single mothers without homes. I returned with three children born in captivity. It is my seamstress business that sustains us. I use the money I make from it to pay for rent and feed my children. However, I still face challenges catering for other essentials such as paying school fees and health care for my children.”⁶⁶

These challenges are compounded by the physical and psychological injuries, lack of education and adequate skills as a result of interrupted schooling, and lack of opportunities for the mothers to improve their lives, which has relegated many of them to petty trade or farming for other people. Findings showed that women and girls who returned from captivity with children were among the most vulnerable and scored lowest in most measures on “wellbeing, including wealth; food security; physical, mental and emotional health; access to health care; and experiences of crimes in the last three years.”⁶⁷

Having children whose parentage is unknown has also had a big impact on the mothers. In a patrilineal context where social identity and inheritance are passed down through fathers’ lineage or paternal clan, children born of war are social outcasts.

Mothers expressed distress at being unable to tell their children who their fathers are, as well as concern over their future given that access to land and inheritance often depends on the father and is impossible for these children to obtain. A mother from Gulu explained that “A child that came back from the bush does not have a place to stay because they don’t have a father.”⁶⁸

Another mother expressed how her inability to identify her father’s child has complicated their relationship. She indicated that

“we have also failed to identify the clans of these children, and that makes them hate you as a mother because they think you are simply refusing to show them their clans.”⁶⁹

To survivors of CRSV, tracing the paternal clan of their children is not only about access to land, identity, dignity, and respect; it also involves securing the wellbeing of their children in the future, when they are not around, as expressed by a mother who asked,

“where will my children go in case I die?”⁷⁰

Mothers recognised and expressed concern about the future of their children, as a result of the psychological effect of the conflict, stigma and the transmission of intergenerational trauma. One mother shared,

“Children are suffering from stigmatisation... They witnessed what happened to their mothers and have chosen not to get friends, not to get married.”⁷¹

66 Achieng (not real name) Former LRA abductee and survivor of CRSV. Interview on file.

67 Ladisch (n 32).

68 Focus Group Discussion with female victims from Acholi (Gulu, May 2021).

69 Ibid.

70 Ibid.

71 Ibid.

Another respondent expressed the additional burden adding,

*"[s]ome parents are having children with mental health issues, may be because of where we produced them from. The parents are getting extra challenges and their problems are a lot. I know some few children who are adding to the stress on their parents."*⁷²

For the children, the circumstances of their birth as a result of sexual violence places them at a disadvantage – not only bearing the psychological burden of being evidence of the “transgression of social norms and harmony” but also without the benefit of belonging and resources associated with a father’s identity.⁷³ In addition, their fates are tied to those of their mothers, and therefore they suffer because their mothers also suffer; secondary victims to the stigma, isolation and missed opportunities faced by their mothers.⁷⁴ As a result, the children face multiple layers of stigma and discrimination from their family members, communities as well government institutions, including schools and hospitals. Schools, in particular, have been sites of torment for the children who have suffered abuse from teachers and students. This has affected their performance and integration, and prompted some children born of war to drop out of school, which invariably impacts their future prospects.

The challenges faced by children born of war regarding their identity and belonging are not confined to the cultural sphere, but extend to the legal realm. Most of the children born in LRA captivity were born in South Sudan or the Democratic Republic of the Congo (DRC), outside of a formal clinic and their home country. As there was no provision for the registration of their birth, most children born of war do not have birth certificates. For children whose parents have died, they may not have sufficient information to prove their origin.

Consequently, they are undocumented and lack legal identity, rendering it difficult, if not impossible, to prove their nationality and citizenship, thus exposing them to the risk of statelessness.

Civil registration and legal identity grants access to citizenship and associated rights, including the right to vote, a national identity card, passport, as well as social benefits.

Without birth certificates or national identification cards, children born of war cannot easily access basic social services, including education and health care, and are locked out of nearly all social and economic spheres.⁷⁵

Special dispensation in the law is required to ensure children born of war are not rendered stateless, and yet the government has been slow to respond.

2. Victims’ agency

In the absence of state led responses, civil society actors and victims’ groups have undertaken initiatives at the community level to support survivors of sexual violence and end stigma. Over the years, survivors have become self-reliant as their expectations of receiving support waned.

Survivors also reported belonging to survivor groups as the most transformative means of support, a source of strength, resilience, and increased agency.

Survivors noted that affiliation with a group has provided them with a safe space for sharing experiences, solidarity, and peer support. In the absence of psychosocial support and counselling services, groups provide a space for collective healing. As one respondent noted,

72 Ibid.

73 Mazurana, Atim, Brunet, Kezie-Nwoha (n 4).

74 Ladisch (n 32).

75 Ibid.

“[p]rior to joining the victims’ group, I was in a really bad place mentally, but after joining the group and members started sharing, I realised that I am not alone. I am now better.”⁷⁶

Survivor groups have contributed to improving the economic situation of survivors by providing them with financial support, income generating opportunities and skills development. For example, WAN members are supported to make crafts and bags which they sell collectively to generate income to sustain themselves and their children.

To address the identity challenges faced by children born of war, WAN initiated a “child tracing” social project, which entails a process of locating a child’s paternal clan, often unknown due to the circumstances of birth.⁷⁷ The aim of child tracing is to locate and forge a relationship with the paternal family of a child to secure recognition, identity, land, inheritance and assistance for the child. According to WAN, this process does not override the rights of children enshrined in international human rights instruments, it is aimed at protecting the best interests and welfare of children born of war through community peace building process.⁷⁸ The process involves local leaders, paternal and maternal clans, elders, and civil society actors.

The process is not without challenges. In some cases, the children are rejected by the paternal family because they assume the child might possess the same spirits or “cen” that made the father commit crimes.⁷⁹ It also risks legitimising men’s superior status in society and entrenching gender inequality by elevating the identity and social standing of the male perpetrator of violence over that of the mother. Child tracing demonstrates how well-intended initiatives

that may respond to cultural and social needs may entrench a patriarchal system. It is therefore important for reparatory efforts to reflect the principle that reparations should be transformative, as articulated in the Nairobi Declaration,⁸⁰ to ensure that reparations help improve the overall living conditions of women, rather than reinforce unjust systems.

Survivors have also received support through NGOs in the form of psychosocial support, skills training, economic and medical support, during the process of resettlement and reintegration. While many organisations have targeted female survivors, a few have provided medical and psychosocial support for male survivors who have faced discrimination while accessing government facilities.⁸¹ Organisations such as the Justice and Reconciliation Project have supported survivors to form groups, document their experiences through storytelling and created opportunities for peer-to-peer support and healing. NGOs have also supported broader reconciliation and reintegration of victims in communities through community dialogues, healing ceremonies and awareness programmes. Organisations have supported documentation, remembrance and memorialisation efforts as well.⁸²

Religious groups and missions have continued to be a source of support for survivors who named them as integral in the process of resettling from captivity. These groups, as well as some individual donors, have also provided (and continue to provide) psychosocial and financial support.

76 Focus Group Discussion with female victims from West Nile (Gulu, May 2021).

77 Tinashe Mutsonziwa, Ketty Anyeko, Erin Baines, Grace Acan and Evelyn Amony, ‘Child tracing in post-conflict northern Uganda: A social project to unite children born of war with their paternal clans’ (Women’s Advocacy Program and The School of Public Policy and Global Affairs, University of British Columbia 2018) <http://csw-ectg.org/wp-content/uploads/2018/10/Child-Tracing-WAN-UBC-2018-1.pdf> accessed 15 October 2021.

78 Ibid.

79 Ibid.

80 Nairobi Declaration on the Right of Women and Girls to a Remedy and Reparation (adopted from 19 to 21 March 2007) International Meeting on Women’s and Girls’ Right to a Remedy and Reparation (Nairobi Declaration).

81 These include The African Youth Initiative Network, Justice, and the Refugee Law Project.

82 The Refugee Law Project established the National Memory and Peace Documentation Centre (NMPDC), which is an archive of memories and experiences of conflict to provide a holistic record of history, provide a platform for healing and dialogue and educate future generations. The Justice and Reconciliation Project has also documented several incidents of mass atrocities in Northern Uganda.

Survivors across the different regions still have expectations of a remedy to address the harms they suffered and their enduring consequences. While they are open to receiving support from any willing entity, they are also clear that the Ugandan government has an obligation to provide them with reparations because it failed in its duty to protect them. For victims, reparations provide a mechanism through which there can be justice and a process to repair the multitude of harms they suffered. As a result of the government's failure to provide reparations, survivors have resorted to alternative means to compel this action including the courts of law.

One of the survivors reported that they have initiated a lawsuit *"because we want [the] government to compensate us for those who were killed or massacred."*⁸³ Other survivors have used advocacy skills gained through trainings with different NGOs to stand up for themselves against abusive family members, as well as to advocate for their right to a remedy with policy-making organs at the local and national levels, including with the Speaker of the Parliament.

Survivors' voices were critical in maintaining the momentum that led to the adoption in 2019 of the National Transitional Justice Policy, which provides in particular for administrative reparations.

In 2019, another petition to the Parliament reignited the conversation about victims' needs for urgent interim assistance measures and led the Office of the Prime Minister to work with civil society to identify survivors and provide them with interim support through the recovery and reconstruction programmes. This process, however, has been disrupted by the COVID-19 pandemic.

3. Victims' current needs

CRSV survivors expressed that their current needs include healthcare, livelihood support, food security, education, land, and shelter. Medical needs caused by CRSV have been exacerbated by a lack of access to specialised and affordable health services and trauma support, preventing survivors to live dignified lives as full right holders.

While the psychological and emotional well-being of some survivors has improved over the years through counselling provided by different organisations and peer support from survivors' groups, a significant number still require psychosocial support and specialised medical care for the health complications resulting from rape and other injuries. The absence of such services has led to isolation, suicidal tendencies, anxiety and depression, which impacted their social integration and economic opportunities as survivors find it challenging to engage in meaningful work. Some survivors expressed the need for a medical insurance scheme that also covers their children, which would enable them to access treatment for recurrent and chronic illnesses at different health facilities. Survivors also highlighted the need for livelihood support and financial assistance programs to mitigate the economic hardship that they face. Survivors recommended cash payments paid to them monthly to meet their daily needs.

CRSV survivors and children born of war face the risk of homelessness due to stigma, social rejection and denial of land rights by their families or communities. As a result, several CRSV survivors live in rented accommodation in urban areas. This however comes at a cost because it requires paying monthly rent, which they often cannot afford due to unstable sources of income. The precariousness of this situation was accentuated during the COVID-19 pandemic, during which survivors were not able to work and struggled to pay rent. Survivors are keen to have their own land or accommodation, which they can pass onto their children.⁸⁴

83 Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

84 Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).



Several survivors interviewed for this Study identified education, including adult learning, as a common need. The majority of victims interviewed were not able to study beyond primary or early secondary school, which impacts the types of jobs they are able to undertake. The conflict deprived them of the opportunity to go to school to acquire basic literacy skills such as reading and writing. As one survivor recommended,

"if there is a way of taking these older women for adult education to help them at least learn how to write their names because in Uganda you need it."⁸⁵

Other survivors want to acquire vocational skills to enable them to earn a living and support themselves and their families.

Most survivors reported facing serious challenges keeping their children in school due to the unaffordable cost of education. Whereas primary and secondary education in Uganda is meant to

be free as part of the Universal Primary Education and Universal Secondary Education policy, the cost of uniforms, scholastic materials, examination fees, and other requirements prevent many children from accessing education.

In some instances, children born of war drop out of school either because the schools are distantly located or they are sites of further stigmatisation and rejection by both fellow students and teachers. The lack of education for children born of war exposes them to the risk of child marriage, child labour, sex work and other harmful situations. Survivors consider education for their children as a means of breaking the chains of poverty, stigma, and social rejection. Education is a pathway to empowerment, self-sufficiency, community respect, and dignity. One FGD respondent noted,

"I think if the children born in captivity are educated, there will be no fight for the land, because if they study, they can buy their own land."⁸⁶

⁸⁵ Ibid.

⁸⁶ Focus Group Discussion with female victims from Lango (Lira, May 2021).

Survivors called for urgent interim assistance measures to address their socioeconomic vulnerability, including economic support in the form of start-up capital, monthly cash payments or skills development. Most victims depend on petty trade and low-income activities to sustain themselves and their families. This puts them at risk in the event of unexpected shocks such as the COVID-19 pandemic. In addition, their earnings are not enough to meet all their basic needs, including food, housing, and shelter, or to pay school fees for their children which was another major concern.

The COVID-19 pandemic has further heightened the vulnerability of many victims of CRSV and exacerbated the challenges they face. During the lockdown, to contain the spread of the COVID-19 virus, victims could not engage in petty trade and consequently struggled to secure adequate food, clean water, and healthcare, including sexual and reproductive health services and trauma counselling.

During a survey conducted by ICTJ, one of the victims stated that she was living in an urban area with seven children, including orphans whose mothers died in captivity, and depended on selling bags to feed her family and pay bills. With the lockdown, she lost her source of livelihood and it became difficult to feed her children or even buy a jerry-can of water.

Survivors called for special measures that would enable children born of war to access civil registration and national identification documents, which would guarantee their legal identity and citizenship, grant them free access to government services, and provide them with opportunities including school registration and jobs.

Survivors highlighted stigmatisation and discrimination as some of their biggest challenges greatly affecting their integration into the community. They reported being abused and called names, shunned and isolated.

This has made it difficult for survivors to move on and form new relationships, because their potential partners are dissuaded by others in the community who accuse them of being bad omens.

The discrimination has also affected victims' ability to exercise their rights and engage in public life. One survivor reported that her views are not heard nor respected, and she is often silenced during community meetings.

A respondent now living in Soroti reported giving up on reintegrating in her natal home and moving far away, where she is able to live anonymously without fear of stigma; she said,

"I am from Katakwi but I cannot return there. I am called Kony's wife and accused of being a LRA spy."⁸⁷

Survivors that took part in the Study called for community outreach and sensitisation campaigns to address the causes of stigma.

4. Victims' views and priorities on forms and modalities of reparations

The following section captures victims' views on forms and modalities of reparations, organised along the main elements of reparations as outlined in the UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law⁸⁸ (UN Basic Principles), which include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

⁸⁷ Focus Group Discussion with female victims from Teso (Lira, May 2021).

⁸⁸ United Nations General Assembly (UNGA) Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (16 December 2005) UN Doc A/RES/60/147.

COMPENSATION

During discussions with victims on reparations, the most prioritised form of reparations was individual compensation. According to the UN Basic Principles, compensation *“should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and circumstances of each case.”*⁸⁹

The majority of the participants in this Study defined compensation as a cash payment (money) in recognition of the harms they suffered. The women were adamant that the money should be paid directly to them and not to other family members or through local council representatives whom they accused of being corrupt. There was a clear emphasis that since each person had suffered as an individual, the compensation should also be given to each individual. Some of the women said they would need the bride price to be paid as part of the compensation. As one survivor noted *“culturally when a man has sex with you, he is supposed to pay bride price.”*⁹⁰ The women explained that since the government was responsible for failing to protect them from the rape that they experienced, it has an obligation to pay the bride price directly to them. Victims prefer compensation in the form of cash payments, paid out periodically and sustained over a period of time. A long-term social grant for vulnerable victims paid periodically would be useful, especially for victims with debilitating injuries or trauma.

Many of the survivors interviewed for the Study do not have bank accounts because they live far away from towns where banks are located and are also unable to maintain the monthly charges. However, most of them said they have mobile money accounts through which they can receive payments.⁹¹

When asked what amount of money they thought was appropriate as a way of compensation, the majority said it should be “good money”. When they mentioned amounts, they ranged from 10 million Uganda shillings (USD 2,825) to 900 million Uganda shillings each (USD 254,272).⁹² As one of the respondents noted, *“[i]n Uganda, a Member of Parliament is paid 60 million Uganda shillings (USD 16,951) – therefore the government can afford it. And everything in life needs money.”*⁹³

Reparations that would address the socioeconomic vulnerability of victims, such as vocational training, business support, as well as start-up capital, were highlighted as a priority. Having a source of income would help them address other needs, including being able to pay school fees for their children.

Survivors also called for land restitution and housing, especially for those who have been rejected by their families and communities. Land ownership provides certainty and stability. Some organisations have purchased land for victims in the past, which survivors thought was a good approach. However, they also noted that because some of them are too weak and without the resources to build a house, simply purchasing land might not be enough for all survivors.

89 Ibid, Principle IX, 20.

90 Focus Group Discussion with female victims from West Nile (Gulu, May 2021).

91 Ibid.

92 Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

93 Ibid.

REHABILITATION

Survivors reported experiencing persistent health challenges resulting from the physical and psychological harms that they suffered. These health needs are recurrent and require regular and specialised medical attention. For example, some survivors reported having chronic chest and back pain resulting from being forced to carry heavy loads or severe beatings while in captivity. Others have war related disabilities which require regular orthopaedic services and therapy. Among the survivors of sexual violence, reproductive health complications were common, and these require specialised medical care including reconstructive surgery. These injuries have made it difficult for survivors to engage in social and economic life. To address these medical needs survivors recommended a medical insurance scheme that would allow regular and repeated access to different health facilities, including those with specialised services. To be impactful, they recommended that the medical insurance should also cover their children.⁹⁴ Coupled with this is training for health workers on empathy and victim-centred approaches, which they believe will encourage more survivors to seek medical support.

SATISFACTION

Victims want an apology from the government, not only for its failure to protect them but also for the harms committed by government soldiers. One respondent said, *"the government should admit what they did was wrong and give punishment to those who committed the wrongs. That will be justice and help us feel at ease."*⁹⁵ Victims also demanded acknowledgment of their experiences from the State. One survivor stated, *"We need to be recognised as heroes of this country because many people have died but we managed to survive and escape with our children, and up to today we are fighting for our children. Government must recognise that."*⁹⁶

Victims also want those who are missing to be traced and a determination made about whether they are dead or alive. One respondent noted that this would help improve relations between the returnees and the communities, explaining that those who lost children or whose children did not return "get pained" when they see them because their own children could not come back. This also contributes to victims being stigmatised.

COLLECTIVE REPARATIONS

In addition to individual reparations, victims highlighted the need for collective reparations. They suggested schools to be constructed in the areas where massacres took place to provide an education for the children affected by conflict. While some schools have been built for this specific purpose, survivors reported that they are too expensive and unaffordable for those to whom they are supposed to cater.⁹⁷ Scholarships and education grants should be provided for children born of war to support their access to education, including children in secondary school and university whose education levels are often not considered. Accelerated Learning Programs (ALP), such as the Functional Adult Literacy programmes to enable adult CRSV victims gain basic literacy skills, were also recommended.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

Support to victims' groups, including trainings on income generating activities, advocacy, trauma management as well as financial support to their savings facilities, were also recommended. Annual prayers have been another process through which survivors commemorate different events that took place, including the various massacres. These have always been organised by survivors, who believe it is time that the government takes over these processes as a form of acknowledgment. Some of these areas, like Barlonyo, have existing memorial sites, which communities want upgraded to tourism sites so that more people can learn about the massacres committed.

Special measures should be adopted to enable children born of war and victims of CRSV to obtain birth certificates and national IDs, to enable them to access basic services and claim their rights as citizens. For victims, guarantees of non-repetition are also important to ensure their children will not undergo similar experiences.

The need for urgent and interim reparations was highlighted in most of the discussions. Many victims are ageing and dying without receiving any support or acknowledgment of their suffering. Survivors believe that interim reparations would help them deal with some of their current challenges. For many, the already long wait has dampened their expectation of ever receiving reparations, especially from the government.

Therefore, while they recognised that it is the government's responsibility to provide reparations, and that aspects such as acknowledgment and an apology should come from the State, they were open to receiving support from anyone with the ability to do so, including NGOs. Some survivors also believed NGOs have the responsibility and mandate to provide reparations.

Survivors were also adamant that they should be consulted and involved in the formulation and implementation of reparations measures to mitigate some of the risks.

Survivor groups were named as channels through which reparations could be received, as well as the right entities to identify the beneficiaries since they are familiar with the victims in their areas, including those who are not part of a group.

Victims also noted that they are best placed to determine the modality and forms of payment since they are familiar with the conditions. While a few victims

mentioned Local Councils (LCs) as authorities through which reparations could be delivered, concerns were expressed about honesty and corruption.

5. Risks and Security Assessment

5.1. Main risks faced by CRSV victims

The armed conflict involving the LRA and the government came to an end in 2006 and since then the region has known relative peace. Over the years, the region has seen significant economic and infrastructure developments that have improved the quality of life for some. However, it still remains one of the poorest in the country with low GDP levels and high unemployment, which has particularly affected the youth as well as the unskilled populations, including conflict victims.⁹⁸

While there has been an improvement in the security situation and in the conduct of the army, victims highlighted a fear of reprisals by the army as a consequence of speaking out about the atrocities they committed during the conflict. One survivor reported having received threats from UPDF soldiers as a result of speaking out about his rape by soldiers in one of their units. The soldiers were only restrained following the intervention of the RLP.⁹⁹ Victims are still wary about speaking about atrocities committed by the UPDF as there is a risk of reprisals.

⁹⁸ Uganda Demographic and Health Survey 2016 <https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>.

⁹⁹ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

Many victims are still fearful about disclosing their sexual abuse to their families and communities because of the resulting stigma that could lead to their

rejection and ostracisation. Some mothers have not informed their children about the circumstances of their birth. One survivor noted,

“Some people’s partners and families do not know what happened to them so any reparations program should be mindful of attitudes, prejudices and assumptions and be able to also support those who do not want to identify themselves as victims”.¹⁰⁰

Any reparation process has to take this into account and ensure the anonymity of those who choose to remain so. There is also a risk of jealousy and revictimisation from family and community members if victims receive benefits that others do not. One respondent reported,

*“People are not happy to see support given to returnees, they allege that abductees participated in atrocities and don’t deserve anything. Even when we want to participate in a program like this, you have to sneak away.”*¹⁰¹

5.2. Mitigating measures

SAFETY AND PROTECTION

The safety and protection of victims must underscore any reparation process to prevent victimisation. Victims suggested several strategies including that support should be channelled through victims or their groups, who will be able to identify the victims and ensure the support reaches them while also maintaining their confidentiality.

INVOLVEMENT OF SURVIVOR GROUPS

Survivor groups were recommended as a platform through which profiling of survivors, methodologies on distribution of benefits and engagement with stakeholders can be undertaken.

COMMUNITY SENSITISATION

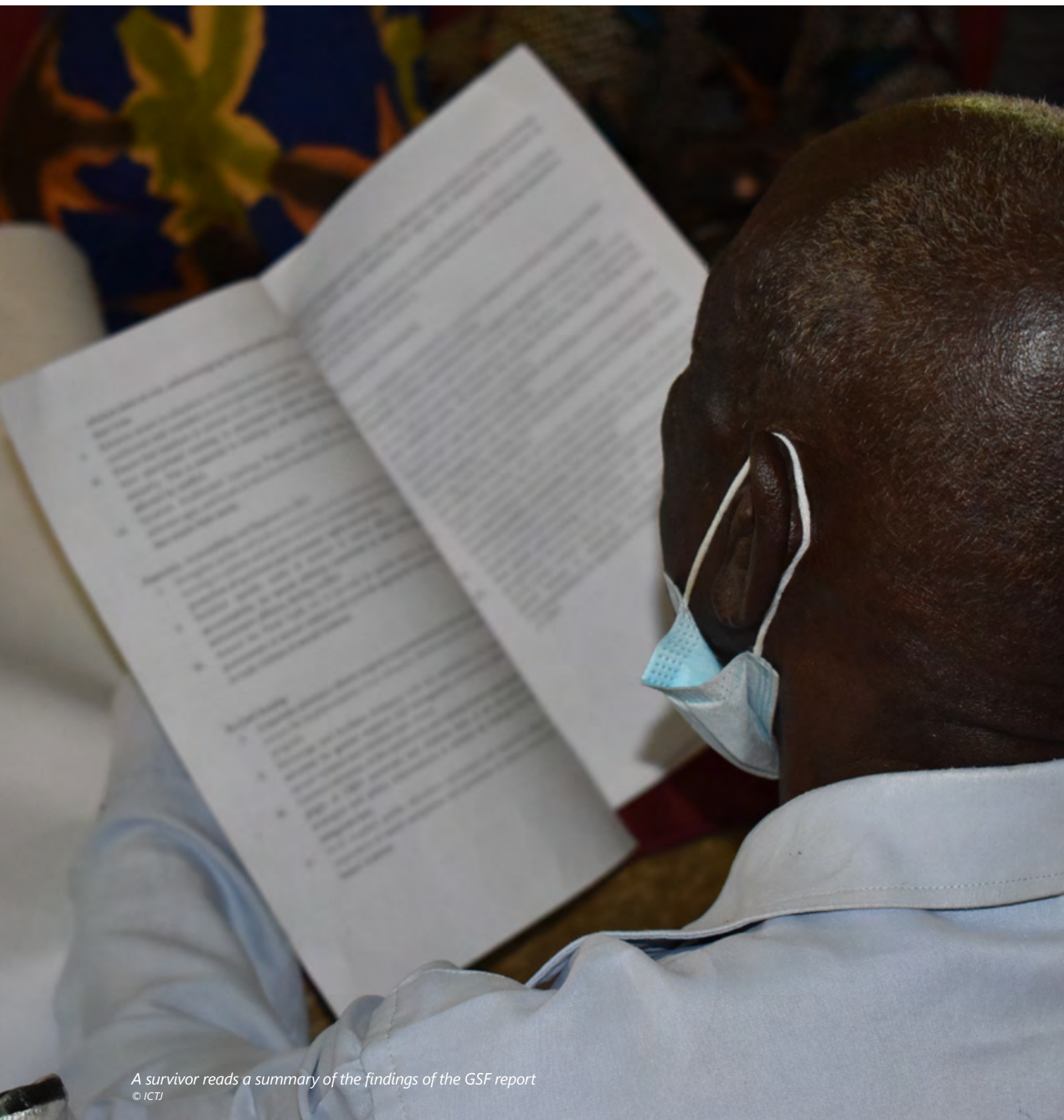
Community sensitisation was also recommended to promote empathy and understanding about the experiences of survivors and their need for support. This would minimise the chances that those who benefit from a program would be targeted.

CONFIDENTIALITY

Maintaining confidentiality is crucial to preserving the safety and dignity of survivors. In situations where services are provided these should not be obviously targeted at survivors, as this will limit participation and may cause further stigmatisation. Instead, providing multiple services to the community will minimise chances that survivors will be identified and will encourage their participation.

¹⁰⁰ Focus Group Discussion with male and female victims from Lango (Lira, May 2021).

¹⁰¹ Ibid.



A survivor reads a summary of the findings of the GSF report
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V. ACCESS TO ASSISTANCE OR INTERIM RELIEF

1. Assistance or interim relief available to CRSV victims to date

Following the end of the conflict, various organisations as well as the government provided different forms of assistance to the region. This included supporting the return and reintegration of those who had been in captivity back into the communities. The Amnesty Commission, which is the government entity charged with, among others, the demobilisation of former combatants and the resettlement and reintegration of returnees, provided some initial support. Returnees were provided with amnesty cards as well as some provisions including “a sack of posho, 15 kilogrammes of beans, some kilos of sugar and some money.”¹⁰²

This was inadequate considering some returnees did not have a home to which to return. Survivors have expressed dissatisfaction with the amnesty process because in order to benefit from the amnesty package they were required to apply for amnesty cards, which they maintain should have been restricted to perpetrators and not victims.

Various local, national, and international organisations came in to support and have been able to provide services including medical care and rehabilitation, psychosocial support, vocational skills, legal aid, education scholarships for the children, family tracing and research and documentation. The biggest challenge remains the overwhelming number of victims.¹⁰³

Despite the amount of support that has been extended to the region, not everyone has been reached; and, in many cases, the support provided has addressed only some of the challenges victims face. Most organisations often address a specific issue, such as medical support, leaving unaddressed other co-existing challenges such

as lack of resources to buy food or take children to school. This is why for many victims the answer to what type of reparations they would like was ‘money’, as this would allow them to determine what issues to prioritise.

Organisations also have categories of people to whom support is targeted, for example to child mothers, the elderly, primary victims of the conflict or focused on a specific region. As a result, victims outside of Acholi feel they have been largely neglected while some in Acholi feel the bulk of support has gone to Gulu, largely side-lining districts on the outskirts.

While some organisations have provided support directly to CRSV victims, this has often been addressed as support to child mothers or to women to avoid stigmatisation by the communities. This is an example of an effective camouflaging strategy that allows for these victims to receive support without having to come forward as victims of CRSV. One of the stakeholders from an organisation providing support explained that:

“[A] portion of some projects specifically targeted SGBV as child mothers etc. or as members of the community who suffered at the hands of uniformed personnel [...] while there are other programmes where their objective was working with amputees, or counselling, and sometimes in the course of those programmes it is found out that they are also SGBV victims.”¹⁰⁴

Male victims of CRSV complained that there is limited support targeted to them. Even when organisations are providing support specifically to victims of CRSV, most services are not tailored to meet the needs of male survivors. As a result, many have been unable to receive the support that they require.¹⁰⁵

¹⁰² Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

¹⁰³ Dyan Mazurana, Anastasia Marshak, Jimmy Hilton Opio, Rachel Gordon, and Teddy Atim, ‘Recovery in Northern Uganda: How are People Surviving Post-Conflict?’ (Briefing Paper 4, Secure Livelihoods Research Consortium 2014) <https://securelivelihoods.org/wp-content/uploads/Recovery-in-Northern-Uganda.pdf> accessed 15 October 2021.

¹⁰⁴ Key informant interview with stakeholder (7 June 2021, Kampala).

¹⁰⁵ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

The government has taken a development assistance approach to addressing the needs of the region. Through programmes such as the Peace, Recovery and Development Plan (PRDP), Northern Uganda Social Action Fund (NUSAF), Operation Wealth Creation (OWC) and the District Discretionary and Equalisation Grant (DDEG), the government has emphasised economic and infrastructure interventions. However, the programmes have been criticised for being oblivious to the unique experiences and needs of victims of gross human rights violations limiting their benefit from these programmes as a result.¹⁰⁶

The government also implemented loan programmes including the Uganda Women Entrepreneurship Programme (UWEP) and Emyooga, which are intended to extend affordable credit to low-income earners to strengthen their capacities to engage in enterprises that would increase their incomes. However, similar to other development programmes that took top-down approaches, these programmes did not take into consideration the prevailing economic situation. Two groups reported that they tried to apply for the loans but eventually discarded the idea as it was not practical. One respondent explained:

"We registered for Emyooga after the RDC said our group could even be recognised as a special category. However, the whole process was so expensive that we abandoned it. We, first of all, needed 250,000 shillings to open a bank account and each person had to contribute 35,000 shillings. When we also evaluated what we would get – 31 million shillings which was to be divided among 14 groups of over 100 members in total, it did not seem worth the effort. Especially since the money is a loan that you have to pay back and yet there is no guarantee that the business will work."¹⁰⁷

Similarly, another group said they applied for a grant under the UWEP programme but when they were called back a year later, the number of beneficiaries had been reduced to 15. The group intended to use

the money to undertake farming activities, but the long drought meant they would not be able to make any profit and therefore renege on the loan payment. As a result, they decided to return the loan.

Some victims have benefitted from ad hoc support through their advocacy work from area members of the Parliament, Operation Wealth Creation, and the district. However, these were one-off forms of support that did not address all their needs.

Through government health facilities, some victims have been able to access medical care, although in many cases it has not been sufficient. Most hospitals and health centres provide post-exposure prophylaxis (PEP) to victims of sexual violence, which is administered within 72 hours after sexual assault to minimise the risk of HIV infection. However, victims of conflict-related sexual violence cannot benefit from PEP due to the lapse in time. While most people have access to health centres, these are often woefully under resourced. Larger hospitals that offer more specialised services are often farther away and more expensive. This has been one of the barriers for CRSV victims accessing adequate medical care for their injuries.

Support to CRSV victims must take into account the cultural and social realities of the communities in which they reside and endeavour to provide support that does not further alienate them from the community while maintaining their dignity, right to confidentiality as well as empowering them through the process.

Therefore, victims must be part of the design, implementation and monitoring of any process providing reparations. Victims are best placed to identify beneficiaries and provide feedback on ways of mitigating stigma from the community.

Procedures can be put in place that do not require victims to be publicly identified, thereby protecting their confidentiality and right not to be disclosed.

¹⁰⁶ Kasande Kihika and Kallweit (n 57); International Alert, 'Monitoring the impact of the Peace, Recovery and Development Plan on peace and conflict in Acholi and Lango', (IA, 2015) <https://www.international-alert.org/wp-content/uploads/2021/08/Uganda-PRDP-Acholi-Lango-2011-EN-2013.pdf>

¹⁰⁷ Focus Group Discussion with female victims from Teso (Lira, May 2021).



VI. AVENUES FOR REPARATIONS

1. International human rights obligations, legal and policy frameworks for reparations

Victims' right to reparation has been long recognised under international law. As noted by the International Court of Justice, *"reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which in all probability would have existed if that act had not been committed."*¹⁰⁸ Reparations have been recognised as vital to acknowledging harm to victims and a key component in addressing their complex needs in the aftermath of violations of international human rights and humanitarian law.¹⁰⁹

The right to reparation is enshrined in a number of international and regional human rights instruments which require states to provide an effective remedy to victims of human rights violations. The right to an effective remedy is central to the enforcement of human rights.¹¹⁰ Without access to an effective remedy all other rights would be meaningless and unenforceable. The Universal Declaration of Human Rights stipulates that all individuals have the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted to him [or her] by the constitution or by Law.¹¹¹ The Human Rights Committee in General Comment 31 obliges States Parties to make reparations to

individuals whose rights have been infringed.¹¹² It further recognises that in the absence of reparations to individuals whose rights have been violated, the right to an effective remedy under Article 2 of the International Covenant on Civil and Political Rights (ICCPR) will not be dispensed.¹¹³

Despite these legal obligations the UN ad hoc tribunals for Rwanda and the former Yugoslavia did not explicitly provide for reparations for victims of crimes that were within their jurisdiction. It is not until the adoption of the Rome Statute of the International Criminal Court that reparations for victims of serious international crimes became an integral part of criminal accountability mechanisms. The Rome Statute incorporates reparative approaches to address harms suffered by victims of crimes within the court's jurisdiction, including victims of sexual and gender-based crimes.¹¹⁴ The Appeals Chamber has further highlighted that a gender inclusive approach should guide the design and implementation of reparations.¹¹⁵

The key elements of an effective remedy include equal and effective access to justice before a lawfully constituted impartial court or quasi tribunal; access to adequate, effective and prompt reparation for harm suffered and access to relevant information concerning violations and reparation mechanisms; and access to fair and impartial proceedings.¹¹⁶

108 Case Concerning the Factory at Chorzów (Germany v Poland) (Merits) [1928] PCIJ Rep Series A No 17.

109 Jeremy Sarkin, 'Providing reparations in Uganda: substantive recommendations for implementing reparations in the aftermath of the conflicts that occurred over the last few decades' African Human Rights Law Journal (2014) 14 AHRLJ 526.

110 Naomi Roht-Arriaza, *Impunity and Human Rights in International Law and Practice* (1st ed, OUP 1995).

111 Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) art 48.

112 UNHRC 'General Comment No. 31 [80]' in 'Note by the Secretariat, Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies' (2006) UN Doc HRI/GEN/1/Rev.8, para. 16.

113 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 2.3.

114 Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002, amended 2010) 8544 UNTS 2187 (ICC Statute) art 75. The court has since issued reparations orders in various cases, including *The Prosecutor v. Bosco Ntaganda*. ICC-01/04-02/06.

115 *The Prosecutor v. Thomas Lubanga Dyilo*. ICC-01/04-01/06.

116 UNGA Basic Principles and Guidelines (16 December 2005) UN Doc A/RES/60/147.

Uganda is a party to a number of international legal instruments that recognise victims' rights to remedies and reparations. They include the ICCPR, which obliges States to provide an effective remedy to those whose rights have been violated,¹¹⁷ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which requires States to *"ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation"*.¹¹⁸

The other legal instruments include the 1949 Geneva Conventions domesticated by the Geneva Conventions Act, which provides for the prosecution of grave breaches.¹¹⁹ The Rome Statute of the International Criminal Court (ICC), domesticated by the ICC Act of 2010, stipulates in Article 75, Paragraph 2 that the "Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation to victims"¹²⁰ and establishes an ICC Trust Fund for Victims. Other international conventions that further enshrine individuals' rights

to effective remedies include the International Convention on the Elimination of All Forms of Racial Discrimination (CERD);¹²¹ the International Covenant on Economic, Cultural and Social Rights (ICESCR);¹²² the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);¹²³ The Convention on the Rights of the Child;¹²⁴ and the Convention on the Rights of Persons with Disabilities.¹²⁵

At the regional level, Uganda is a party to The African Charter for Human and Peoples' Rights, whose provisions have been interpreted to espouse the right to an effective remedy.¹²⁶ In the case of *Jawara v The Gambia*,¹²⁷ the African Commission on Human and Peoples' Rights set out the three key components of a remedy: availability, effectiveness and sufficiency. The Commission proceeded to expound that: *"A remedy is considered available if the petitioner can pursue it without impediment, it is deemed effective if it offers a prospect of success, and it is found sufficient if it is capable of redressing the complaint."* Uganda has also ratified The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which explicitly provides for the right to an effective remedy by requiring states to provide appropriate remedies to any woman whose rights or freedoms have been violated.¹²⁸

117 "Each State Party to the present Covenant undertakes [t]o ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity", In: International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 2.3 (a).

118 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 24841 UNTS 1465 (CAT), article 14.

119 The Geneva Conventions Act 1964 (UG).

120 The International Criminal Court Act 2010 (UG); Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002, amended 2010) 8544 UNTS 2187 (ICC Statute) art 75; International Criminal Court Assembly of State Parties (ICC-ASP) Rules of Procedure and Evidence (First Session, 3-10 September 2002) UN Doc ICC-ASP/1/3/Corr.1, R 95 97.

121 International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 9464 UNTS 993 (ICERD).

122 International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 14531 UNTS 993 (ICESCR).

123 Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979; entered into force 3 September 1981) 20378 UNTS 1249 (CEDAW).

124 Convention on the Rights of the Child (adopted 20 November 1989; entered into force 2 September 1990) 27531 UNTS 1577 (CRC).

125 Convention on the Rights of Persons with Disabilities (adopted 13 December 2006; entered into force 3 May 2008) 44910 UNTS 2515 (CRPD).

126 African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter) art 7 provides for the right of every individual to have their cause heard, recourse to a "competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force". Article 26 obliges states to guarantee the independence of the courts and to allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of rights enshrined in the Charter. General Comment No.4 further emphasises the rights provided under art 5 on the right to redress for victims of torture and other cruel, inhuman or degrading punishment or treatment (torture or ill treatment), including for sexual violence and during armed conflict.

127 (2000) AHRLR 107 (ACHPR 2000) p 32.

128 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 1 July 2003; entered into force 25 November 2005) OAU/AU Treaties, Conventions, Protocols & Charters (Women's Protocol to African Charter).

Among the notable developments in international frameworks to advance victims' right to reparations was the adoption of the UN Basic Principles.¹²⁹ According to the Basic Principles, victims have a right to "adequate, effective and prompt reparation."¹³⁰ The elements of the right to reparations include a) equal and effective access to justice; b) adequate, effective and prompt reparation for harms suffered; and c) access to relevant information concerning violations and reparation mechanisms.¹³¹ In the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations, states should endeavour to establish programs for reparations and assistance to victims.¹³²

The Basic Principles further provide for a broad range of reparative measures, which include restitution, rehabilitation, guarantees of non-repetition, compensation and satisfaction. However, it is important to note that such reparations are not primarily about money, but rather about making crucial repairs to individuals. Administrative reparation programs serve to publicly acknowledge wrongdoing, restore victims' dignity, and raise public awareness about the harms victims have suffered.¹³³ Reparations for serious crimes committed during conflict play a crucial role in facilitating the healing process for victims and the community at large by acknowledging the suffering of victims and taking positive steps towards making amends for harm suffered.¹³⁴

The UN Secretary General's Guidance Note on Reparations for Conflict Related Sexual Violence urges states to provide prompt, adequate and effective remedies to victims of CRSV, delivered through a combination of judicial and administrative reparations.¹³⁵

The guidance note further implores governments to provide urgent interim reparations to victims to "address immediate needs and avoid irreparable harm."¹³⁶ It recognises meaningful inclusion and consultation of victims in the mapping, design, implementation, and monitoring and evaluation phases as a critical element for successful reparations programs. It further emphasises that reparations should strive to be transformative, including in design, implementation, and impact.¹³⁷

Often, debates about reparations are centred on their potential to restore a person's position in society to what it was prior to the conflict; however, as the Nairobi Declaration¹³⁸ acknowledges, this often overlooks that women were seldom equal rights holders prior to a situation of conflict or violence. Women and girls suffer disproportionately in times of conflict and widespread violations due to pre-existing inequalities. Therefore, reparations for women should not merely be a restorative process that reinstate pre-existing gender hierarches and inequality; they should contribute to transforming social norms and practices to advance gender equality and respect for human rights. Reparations should empower survivors taking them to a situation beyond the status they held pre-conflict.

The Nairobi Declaration calls for a gender just approach to reparations that is "based on the fundamental principles of gender equality, indivisibility of rights and non-discrimination."¹³⁹ The declaration further stipulates that "reparations must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women's and girls' lives."¹⁴⁰

129 UNGA Basic Principles and Guidelines (16 December 2005) UN Doc A/RES/60/147.

130 Ibid.

131 Ibid, Principle 11.

132 Ibid.

133 Ellen L. Lutz, 'After the Elections: Compensating Victims of Human Rights Abuses', Ellen L. Lutz, Hurst Hannum and Kathryn J. Burke (eds), *New Directions in Human Rights* (UPP 2016) 557.

134 Brandon Hamber, 'Repairing the Irreparable: Dealing with the Double-Binds of Making Reparations for Crimes of the Past', [2000] *Ethnicity & Health* 215.

135 UNGA Guidance Note of the Secretary General Reparations for Conflict-Related Sexual Violence (June 2014) ST/SG(02)/R425.

136 Ibid.

137 Ibid.

138 Nairobi Declaration (n 80).

139 Ibid.

140 Ibid.



A Member of Parliament gives feedback at the roundtable to review the GSF report findings
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Reparations in the form of guarantees of non-recurrence offer the greatest potential to transform gender relations and prevent the reoccurrence of sexual and gender-based violence by tackling the underlying structural causes and establishing institutional or legal reforms.¹⁴¹

The Nairobi Declaration further requires reparations programs to take into account any characteristics of victims—including gender, age, or belonging to a marginalised group—which may impact the way

they are affected by violations and, consequently, their ability to recover and enjoy the benefits of reparations.¹⁴² These ideals are also enshrined in the African Union Protocol on the Rights of Women in Africa which calls on member states to “*establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.*”¹⁴³

Uganda is also a party to the International Conference on the Great Lakes Region (ICGLR) Pact on Security,

¹⁴¹ Rashida Manjoo, ‘Introduction: reflections on the concept and implementation of transformative reparations’ [2017] *The International Journal of Human Rights* 1193.

¹⁴² Cristian Correa, ‘Getting to Full Restitution: Guidelines for Court-Ordered Reparations in Cases Involving Sexual Violence Committed during Armed Conflict, Political Violence, or State Repression’ [The ICTJ 2017] <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Court-Reparations-2017.pdf> accessed 15 October 2021.

¹⁴³ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (adopted 1 July 2003; entered into force 25 November 2005) OAU/AU Treaties, Conventions, Protocols & Charters (Women’s Protocol to African Charter).

Stability and Development in the Great Lakes Region adopted by eleven States to prevent violent conflicts and address the consequences of the conflict.¹⁴⁴ The Pact has a number of protocols including the Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination¹⁴⁵ and the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, which contains model legislation to address the legal gaps in domestic legal systems to effectively prevent and punish acts of systemic rape of women and children in the Great Lakes Region.¹⁴⁶ The ICGLR further adopted the 2011 Kampala Declaration on ending sexual and gender-based violence.¹⁴⁷ Both the Protocol and Kampala Declaration provide for multifaceted approaches for the response and prevention of SGBV and support to victims. The measures include prosecution of perpetrators and forms of medical, psychosocial, forensic, and legal assistance to victims.

The 2019 African Union Transitional Justice Policy (AUTJP) recognises the centrality of gender justice in transitional justice process. The AUTJP importantly highlights the need to acknowledge the gendered nature of conflicts; address the cultural, socioeconomic, legal, and political status of women; and guarantee transitional justice mechanisms help women claim and enjoy their rights.¹⁴⁸ The AUTJP stresses the need to address the structural inequalities that enable gender-based violations and urges transitional justice measures to transform gender relations and promote equitable gender norms to enable women to enjoy their political, economic, and social rights.¹⁴⁹

2. Relevant domestic legal and policy frameworks

Uganda has incorporated some of the normative frameworks and standards that protect against discrimination and gender-based violence. In particular, the Constitution of the Republic of Uganda prohibits discrimination against any person on grounds of sex, race, religion, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.¹⁵⁰ The Constitution further stipulates that “women shall be accorded full and equal dignity of the person with men” and “women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.”¹⁵¹ The Constitution prohibits “laws, cultures, customs or traditions which are against the dignity, welfare, or interest of women” or “which undermine their status.”¹⁵² Uganda has also domesticated the Rome Statute of the International Criminal Court through the International Criminal Court Act, 2010, which provides for the prosecution of Rome Statute crimes in Uganda and the award of reparations to victims.¹⁵³

The domestication of the Rome Statute enables the prosecution of a broad range of sexual crimes including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity.¹⁵⁴ Article 64 of the ICC Act of 2010 requires the government to enforce the International Criminal Court’s orders for victims’ reparations. However, the International Criminal Court Act, 2010, cannot be applied retrospectively to prosecute crimes of

144 The Pact on Security, Stability and Development for the Great Lakes Region (adopted December 2006; entered into force June 2008; amended on November 2012) ICGLR (The Pact for the Great Lakes). Member states are Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of the Congo, Kenya, Uganda, Rwanda, Sudan, Tanzania, and Zambia.

145 Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (adopted 29 November 2006; entered into force June 2008) ICGLR (Genocide Protocol for the Great Lakes Region).

146 Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (adopted 30 November 2006; entered into force June 2008) ICGLT (Sexual Violence Protocol for the Great Lakes Region).

147 Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region at The Fourth Ordinary Summit and Special Session on Sexual and Gender Based Violence (SGBV) (adopted 16 December 2011) ICGLR (Kampala Declaration on SGBV).

148 African Union, ‘Transitional Justice Policy’, (Addis Ababa 2019) Sections 3 Par 101 104.

149 Ibid.

150 The Constitution of the Republic of Uganda 1995, Art 21(1).

151 Ibid, art 33 (1) (4).

152 Ibid, art 32 (2).

153 The ICC Act allows Ugandan courts to try crimes against humanity, war crimes and genocide defined under the Rome Statute of the ICC. The Rome Statute contains specific reference to gender-based violence as a possible war crime and crime against humanity. Included in this definition are rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and “any other form of sexual violence of comparable gravity.”

154 The International Criminal Court Act (2010) Act 11 Laws of Uganda.

CRSV that were committed during the LRA conflict prior to its enactment. Under Article 28 (7) of the Constitution, “[n]o person shall be charged with or convicted of a criminal offence which is founded on an act or omission that did not at the time it took place constitute a criminal offence.”¹⁵⁵

Other domestic legal texts relevant to addressing CRSV include The Penal Code Act as amended¹⁵⁶, the Evidence Act, the Trial on Indictments Act, the Criminal Procedure Code and the Domestic Violence Act, 2010.¹⁵⁷ These laws collectively provide for sexual offences and define the procedures required to prosecute sexual violence generally. However, the strict and narrow definitions of the ingredients of these offences and the high evidential burden¹⁵⁸ that are required to secure a conviction under these laws are not realistic or feasible to meet in cases of CRSV. Moreover, the domestic criminalisation of sodomy and gender biased definitions of sexual violence deny male victims of sexual violence redress. Further, pervasive gender stereotypes, victim blaming cultures, and homophobia discourage male survivors from reporting these crimes. In addition, sexual violence often tends to disappear under the category of torture. While CRSV could amount to a form of torture, it is important to consider the specific types of remedies necessary to address the enduring consequences of CRSV, which may be different than other forms of torture.

Consequently, legal redress for victims of sexual violence in conflict remains elusive in spite of the multitude of incidents of sexual atrocities committed in recent conflicts in Uganda.¹⁵⁹

Until August 2016, there had been no substantial endeavours to prosecute perpetrators of CRSV anywhere in Uganda. Some progress was made with the amendment of the indictment of Kwoyelo, a former Lord’s resistance army commander, to include six counts of conflict-related sexual violence.¹⁶⁰ Kwoyelo’s trial is still underway at the International Crimes Division.

Uganda faces several challenges which collectively hamper effective prosecution of sexual violence in conflict. Victims of CRSV tend to lack knowledge about where to report the crimes. Moreover, there are limited safe and secure environments for reporting, and the police lack the required investigative capacity. With limited facilities and capacity to support evidence collection, it is difficult to provide substantial evidence to secure a conviction. Additionally, the prosecutors, police and medical personnel lack the skills and the coordination required to conduct an effective prosecution. The Police are also limited in their capacity to protect witnesses and victims due to the absence of institutionalised witness protection measures. A draft Witness Protection Bill was prepared by the Uganda Law Reform Commission in 2015, but it has not been tabled before the parliament.¹⁶¹

2.1. Domestic legal and policy frameworks relevant to reparations (including for CRSV)

In Uganda, victims’ rights to a remedy and reparation are anchored in the Constitution, written law, principles of common law and doctrines of equity.¹⁶² The Constitution imposes an obligation on the State to protect, promote, fulfil, respect, and uphold

155 The Constitution of the Republic of Uganda 1995, Art 28 (7).

156 i.e., With the definition of sexual crimes of rape (Section 123, 124); attempt to commit rape (Section 126); Abduction (126); Indecent Assault (128); Amendment of Section 129 to include child to child sex and aggravation defilement of people under the age of eighteen years old.

157 Section 2 provides sexual abuse as any conduct of a sexual nature that abuses, humiliates, degrades, or otherwise degrades the dignity of another person. Section 4 provides for prohibition of domestic violence, while Section 5 states consent of the victim is not a valid defence. Section 6 establishes the requirements for starting proceedings in local council courts, and Section 7 assigns duties to the police officers who receive complaints of domestic abuse, including assistance to the victims and assurance of their proper counselling and support. Section 8 imposes duties and sets the scope of medical practitioners; Section 9 states the jurisdiction of the Magistrates of Courts. Sections 10-16 create a protection order for victims and mechanisms for its enforcement. Finally, Section 17 establishes the Jurisdiction of Family and Children Courts in matters relating to Domestic Violence, whether children are involved or not.

158 The criminal standard is beyond reasonable doubt.

159 For example, Sheikh Killings in Busoga, the Kichwamba Massacre, the Mpondwe, St John Seminary Kirindi Massacre.

160 The indictment against Kwoyelo was amended to include six counts of SGBV, which had not featured on the initial charge sheet. The focus had been on investigating and prosecuting the cases of murder, kidnap with intent to murder, causing serious injury to body etc. under the Geneva Conventions Act and the Penal Code Act.

161 The ODPP has identified among its challenges, the limited capacity of law enforcement agencies and other State organs to detect and adequately respond to cases of CRSV. These include logistical challenges hampering evidence collection and challenges in handling these crimes and establishing their elements.

162 The Judicature Act 1996, Section 14 (2) (b).

the rights of all individuals.¹⁶³ When the State fails to meet the foregoing obligation, it is required to provide an effective remedy to the aggrieved party. The right to redress is enunciated in Article 50 of the Constitution, which guarantees all persons the right to a judicial remedy for violation of their constitutional rights. It stipulates that *“any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation.”*¹⁶⁴ Article 50 gives every individual the right to lodge a complaint with the courts, on his or her own behalf or on behalf of an unnamed group of persons whose rights have been violated.¹⁶⁵

The Human Rights Enforcement Act, enacted in 2019, provides for the enforcement of human rights enshrined in the Constitution. The Act states that a person or organisation who claims that a fundamental or other right or freedom guaranteed under the Constitution has been infringed or threatened may apply for redress to a competent court.¹⁶⁶ It further provides that when human rights violations arise in any suit being determined by a subordinate court, the matter will be referred to the High Court for determination.¹⁶⁷ The Act provides several remedies for victims of human rights violations including compensation, restitution, rehabilitation of victims, including the provision of medical and psychological care, and satisfaction.¹⁶⁸

The Agreement on Accountability and Reconciliation signed between the Government of Uganda and the LRA provides for the award of collective and individual reparations to victims, with priority being given to members of vulnerable groups.¹⁶⁹ The agreement

further provides for transitional justice processes to take into account the views and concerns of women and to protect their privacy, dignity, and security.¹⁷⁰

In addition, the Agreement on Comprehensive Solutions, agreed to during the peace talks in 2007 between the government and the LRA, requires the Government of Uganda to develop and implement a policy for the support and rehabilitation of victims to the conflict with particular attention to vulnerable groups.¹⁷¹ Drawing on key principles in the Agreement, the Government established the International Crimes Division (ICD) of the High Court of Uganda which has jurisdiction over international crimes. The ICD Rules of Procedure contain various provisions designed to ensure the effective prosecution of sexual and gender-based crimes and the protection of the interests of victims and witnesses of these crimes.¹⁷² Notably, the Rules of Procedure provide for the award of reparations to victims upon the conviction of an accused person.¹⁷³ The court is required to take into account the views of victims when determining the type of reparations to award.¹⁷⁴

Uganda has also adopted the national transitional justice policy which provides the overarching framework for addressing justice, accountability, and reconciliation needs in post-conflict situations. It is also designed to provide holistic interventions to achieve lasting peace and proposes various justice mechanisms for victims and war affected communities.¹⁷⁵ The NTJP stipulates that gender considerations will be mainstreamed in all aspects of the transitional justice process and that the government will support the full involvement and participation of women in transitional justice processes.¹⁷⁶

163 The Constitution of the Republic of Uganda 1995, art 20.

164 Ibid, art 50 (1).

165 Ibid, art 50 (2).

166 The Human Rights (Enforcement) Act 2019, Sections 3 and 5.

167 Ibid, Section 7 (1).

168 Ibid, Section 9 (2) (a) (b) (c).

169 Government of the Republic of Uganda and the Lord's Resistance Army/Movement, 'Agreement on Accountability and Reconciliation' (adopted in Juba 29 June 2007) par 11; 'Annexure to the Agreement on Accountability and Reconciliation' (adopted 19 February 2008) par 9 (1).

170 Ibid, par 10 (1).

171 GoU and LRA/M, par 12.

172 The Judicature (High Court) (International Crimes Division) Rules 2016, Rules 35 and 36.

173 Ibid, 48 (1).

174 Ibid, 48 (3).

175 GoU, National Transitional Justice Policy 2019, 20.

176 Ibid.

The Transitional Justice Policy acknowledges that reparations are integral to the recovery and reintegration of victims,¹⁷⁷ stipulating that *“the Government shall establish and implement a reparations programme for victims affected by conflict. In doing this, the Government shall consider interim, short-term reparations.”*¹⁷⁸

In the context of ordinary crimes, several legal provisions grant courts the discretion to award compensation to victims of crimes in addition to other penal sanctions. The Trial on Indictments Act grants courts the discretion to order a convicted person to pay compensation to a victim which it deems fair and reasonable, in addition to any other lawful punishment, when it appears from the evidence that the victim has suffered material loss or personal injury as a consequence of the offence committed.¹⁷⁹ As amended, the Penal Code Act Cap 120 criminalises a range of sexual offences and provides for the award of compensation in cases of defilement (the rape of a minor) for any physical, sexual, and psychological harm suffered.¹⁸⁰ In determining the amount of compensation, the court is expected to take into account the extent of harm suffered by the victim of the offence, the degree of force used by the offender, and medical and other expenses incurred by the victim as a result of the offence.¹⁸¹

The implementation of the Rome Statute provides an opportunity to catalyse reforms of the criminal and procedure codes which, in the long term, will strengthen accountability for sexual and gender-based crimes in Uganda.

2.2. Domestic legal and policy frameworks relevant to interim reparations

The 2019 National Transitional Justice Policy provides for the award of interim and short-term reparations to victims. However, the government is yet to draft the enabling legislation or establish an appropriate mechanism for the award of interim reparations to victims.

Instead, the government continues to prioritise development and recovery programs in Northern Uganda to rebuild key sectors such as health, education, and water, which had been destroyed during the conflict. These programs, such as the Northern Uganda Peace, Recovery and Development Program (PRDP), implemented in three phases (I, II, and III), and the Northern Uganda Social Action Fund (NUSAF) have prioritised infrastructural development and economic empowerment programs. They were not designed to respond to community challenges such as post-conflict trauma, medical and recovery needs of victims of sexual and gender-based crimes, or the stigma faced by children born in captivity and their mothers. Most interim assistance to victims has been provided by civil society organisations and humanitarian agencies.

177 Ibid.

178 Ibid.

179 Trial on Indictment Act 1971 and amendments, (TIA) Section 126.

180 Penal Code Act [1950 and updates] Section 129 B (1) (2) on defilement (performing a sexual act on an underaged person).

181 Ibid.



Inception meeting of GSF research, Gulu
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VII. STATUS OF IMPLEMENTATION OF REPARATIONS

1. Government and other duty-bearers position

Despite the clear legal obligations and policy commitments to provide reparations, the government has yet to establish a functional reparations program.

The seeming reluctance to design and implement a comprehensive reparations plan remains a source of continuous frustration for victims.

Nevertheless, in response to the patent imbalance in resource distribution, massively reinforced by the conflict in Northern Uganda, the GoU has employed a range of development and recovery programs to improve people's lives by promoting peace and rebuilding key sectors such as health, education, law enforcement, and water, which had been destroyed during the conflict.

The development programs include the aforementioned PRDP and NUSAF, which are intended to facilitate the comprehensive recovery and reconstruction of the conflict-affected northern and north eastern parts of Uganda. Despite significant funding for these programs, they were not designed to address the dire needs of victims. In the past, the line between development initiatives and reparations has sometimes been blurred, sowing confusion among victims and communities.¹⁸²

2. Access to reparations

The government has made ad hoc payments to victims' groups. These include the Acholi War Debt Claimants (AWDC), a group of victims who lost livestock and sued the government, seeking compensation for livestock and other property destroyed during the war. Following negotiations, the AWDC reached an out-of-court settlement with the government of Uganda, in which the government agreed to pay close to 35 trillion shillings¹⁸³ to 22,000 individuals. To date, only Shs12.1 billion shillings¹⁸⁴ have been given to the claimants.¹⁸⁵ Out of the 20,000 claimants, 17,000 have been given part of their compensation, with people getting cash ranging from Shs250,000 to Shs4 million.¹⁸⁶ Moreover, the implementation of the settlement was flawed and there was no clear process of identifying and registering eligible beneficiaries. As a result, and due to corruption, individuals that did not suffer loss were registered and benefitted from the settlement while eligible victims were excluded.¹⁸⁷

3. Key challenges and obstacles faced in accessing remedies

Whereas victims' right to reparation is recognised under international and domestic legal instruments, its practice is far from satisfactory. Victims are yet to obtain reparations for the harms suffered. To date, there is no mechanism that specifically deals with victims' reparations. The GoU has yet to institute a comprehensive victims' reparations program that addresses their individual and collective needs.¹⁸⁸

182 In June 2012, ICTJ, with funding from the OHCHR, held two-day training seminars in the districts of Kitgum and Gulu with victims' and civil society groups, members of district peace committees, local government, and religious leaders. For a more complete discussion, see: The International Center for Transitional Justice, 'Reparations for Northern Uganda Addressing the Needs of Victims and Affected Communities' (The ICTJ, 2012) <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Paper-Reparations-Uganda-2012-English.pdf> accessed 15 October 2021.

183 Equivalent to USD 13,534,416,087 at the rate of USD 1= 2586 Ugandan shillings in 2013.

184 Equivalent to USD 4,679,041.

185 'War debt claimant faints over cash compensation', (The Monitor, 10 June 2013) <https://www.monitor.co.ug/uganda/news/national/war-debt-claimant-faints-over-cash-compensation-1544496> accessed 15 October 2021.

186 Ibid. Equivalent to between USD 97 and USD 1547.

187 James Owich, 'Uganda: 4,000 Ghosts Claimants Exposed in War Debt List' (The Monitor, 27 April 2016) <https://allafrica.com/stories/201604270635.html> accessed 15 October 2021.

188 Ibid.

Whereas the NTJP provides for reparations, the Parliament needs to enact legislation setting up a mechanism for the delivery of reparations. The legislation would also identify the source of funding and define the types of reparations and eligible victims.

The government has to work within a limited budget and respond to many competing priorities. Given the number of victims and the magnitude of economic losses incurred, a reparations program that tries to fully compensate for economic losses will be impossible to fulfil. Hence, the government should consider narrowing the types of violations, limiting the amount of compensation to what it can afford to deliver over time, building compensation into its budget in a way that is sustainable, and complementing and strengthening compensation with meaningful symbolic forms of reparations to victims of CRSV.

Registration of victims is likely to require some form of identification of beneficiaries so that victims can be properly identified. Rigid identification requirements lead to the exclusion of victims, especially formerly abducted persons—including victims and their children born of war—who have difficulty obtaining official identification documents.

One of the common concerns shared by victims is the rampant corruption, which might prevent them from accessing reparations. Respondents further noted that local livelihood grants are riddled with corruption. The beneficiary selection processes are characterised by acts of nepotism and favouritism, with most local government officials selecting their relatives and friends to receive benefits, excluding vulnerable members of the community. The processes by which these programs offer support are influenced by bribery and rent seeking, with beneficiaries sometimes having to pay bribes to receive livelihood support and assistance.

Singling out victims of CRSV for reparations while excluding other categories of victims or affected populations that suffered harm could unintentionally increase stigma and community backlash against them. The absence of a truth-seeking process to clarify what happened during the conflict and to identify the extent of victimisation, has created room for mistrust, resentment and alienation of formerly abducted persons who are perceived by community members as having contributed to their suffering during the conflict. Therefore, it is important to provide reparations that address the specific needs of victims in a manner that does not isolate them from their communities and are beneficial to the broader community.



Presentation of the GSF report findings at the Roundtable with policymakers and organisations held in Kampala
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VIII. ANALYSIS OF OPPORTUNITIES AND THREATS FOR REPARATIONS

1. Opportunities for reparations

Recent developments have renewed hope that victims may receive reparations. The passing of the NTJP after nearly a decade in development was an indication of the government's openness to finally deal with the legacy of the conflict. However, the policy requires supportive legislation including the Transitional Justice Bill.

While the development of the bill has been largely undertaken by the respective government agencies with limited consultation from victims and civil society, a draft will provide a framework from which advocacy efforts will be grounded. Members of the Parliament have already expressed interest in hearing directly from victims about which issues they consider important and learning more from the experiences of civil society.

On 4 February 2021, the International Criminal Court found Dominic Ongwen guilty of 61 counts of crimes against humanity and war crimes. He is the first person to be held accountable by a judicial court for crimes that were committed during the two-decade conflict. On 6 May 2021, the Trial Chamber issued an Order for Submissions on Reparations in the Ongwen case. This order was an opportunity for organisations and individuals with local expertise to share information that could influence the award of reparations by the court including on the number of victims who should be eligible for reparations, and the types and modalities of reparations that should be considered.

2. Mapping of key stakeholders

2.1. National authorities

GOVERNMENT ENTITIES

While the government has taken measures to improve the socio-economic development of Ugandans across the country, Northern Uganda has continued to lag behind across various development indicators as a result of the effects of the long conflict. Government development assistance programmes such as NUSAF and PRDP were designed to close these gaps, but there is limited evidence that they have improved the lives of individuals and communities. This is in part because the programmes were developed in a top-down approach, and because communities were not consulted about their most pressing needs and the type of support that would have the most impact on their lives and livelihoods.¹⁸⁹

As mentioned, the development focus has primarily been on the economic recovery of the region while limited attention has been paid to the social and health needs of victims. As a result, vulnerable individuals including those who experienced forms of CRSV have not had their most pressing needs met, which has limited their ability to participate in economic activities. There is need for more holistic and targeted programming through an effective transitional justice process that supports the inclusion of vulnerable individuals in the development agenda.

¹⁸⁹ Kasande Kihika and Kallweit (n 57).

GOVERNMENT ENTITIES

The Ministry of Internal Affairs (MoIA), which is the one mandated to ensure and maintain internal security, peace and stability,¹⁹⁰ has been charged with overseeing the implementation of the transitional justice process including the NTJP, with support from the Ministry of Justice and Constitutional Affairs (MoJCA). It is therefore key in the implementation of any reparations program in the country.

The Justice Law and Order Sector (JLOS), which is under the MoJCA, brings together different public institutions working on the administration of justice, human rights and maintaining rule of law and order to ensure a holistic and unified implementation process, with the objective of ensuring access to justice for all persons.¹⁹¹ JLOS has been at the forefront of the transitional justice process from its initial phase and has been critical in bringing together government, civil society, and victims' groups in the development of the NTJP. JLOS also hosts the government's technical advisor on transitional justice who advises on all transitional justice related matters; undertakes research, advocacy, and communication; and interfaces with relevant stakeholders to facilitate the planning, implementation, and monitoring of all transitional justice initiatives in the country.

The operationalisation of the NTJP will require a multi-sectoral approach and will therefore include other government Ministries, Departments and Agencies.

CIVIL SOCIETY ORGANISATIONS

Local and international civil society organisations have been providing various forms of assistance to victims during and after the conflict. This has included: memorialisation initiatives (building/maintaining sites); organising memorial prayers; providing reparative services including medical repairs, treatment and psychosocial services; livelihood support such as skilling, providing agricultural inputs, supporting the setting up of Village Loans and Savings Associations (VSLAs); advocacy for policies and legislation such as the NTJP to support victims' recovery; supporting reintegration and reconciliation; and child and family tracing. CSOs have relied on the good will and proximity they have to the government and their communities to undertake this work.

However, in the past few years the operating environment for NGOs has become increasingly more restrictive, and the government has, in some instances, stopped the operations of NGOs, especially those working on human rights and democracy issues.¹⁹² While NGOs are ostensibly able to implement activities without interference, certain types of work—such as research or truth-seeking initiatives—that involve unearthing the UPDF's role in the conflict and the atrocities they committed, including CRSV, have been stopped in the past through a ban or refusal to renew their operating permits, for example. To mitigate these risks, NGOs have maintained close partnerships with government entities such as the Justice, Law and Order Sector (JLOS), in their push for the implementation of a full transitional justice process through the policy and supporting legislations.

¹⁹⁰ Ministry of Internal Affairs <https://www.mia.go.ug/>

¹⁹¹ Justice Law and Order Sector <https://www.jlos.go.ug/>

¹⁹² 'Uganda: Harassment of Civil Society Groups' (Human Rights Watch, 27 August 2021) <https://www.hrw.org/news/2021/08/27/uganda-harassment-civil-society-groups#> accessed 11 November 2021.

REPRESENTATIVE SURVIVOR ORGANISATIONS AND INITIATIVES

There are various survivor organisations and groups across the different regions that have provided a necessary space for victims to find kinship and healing. Through their advocacy efforts, these groups have been able to access support and resources including psychosocial support, economic and rehabilitative support, skill and capacity building, and advocacy. This has primarily been through local and international NGOs, church-based organisations, local government, and academic institutions. Survivor groups are considered legitimate since they are made up of and led by victims themselves. They have therefore been a powerful force for advocacy at the local, national, and international stage. It is, however, important to be cognisant of the different dynamics that exist inter and intra the groups to ensure that there is equity.

2.2. International institutions and authorities

UN AGENCIES AND REGIONAL BODIES

UN agencies have provided funding for NGOs to undertake various activities including advocacy, skills and vocational training, legal support and documentation. Entities such as UN Women have been particularly interested in supporting processes to ensure reparations for CRSV through support to research and advocacy, policy formulation as well as the implementation of the UN Security Council Resolution 1325 on Women, Peace and Security in the country.

ICC AND ICC TRUST FUND FOR VICTIMS (ICC TFV) (REPARATION AND ASSISTANCE MANDATES)

The ICC TFV has provided assistance in Uganda to the victims of the LRA conflict since 2008. By their own estimates, they have reached 56,000 victims.¹⁹³ The support provided has included: medical support including provision of artificial limbs and prosthetics; counselling and psychosocial services; livelihood support; vocational training; improved agricultural services; and income generating activities. Together with the ICC Outreach Office in the country, they have also provided information and awareness about the various ongoing legal processes seeking reparations. The ICC TFV works through local and international partners in the different regions.¹⁹⁴

Civil society groups have over the years advocated for a transitional justice process that takes into account the full experiences of individuals and victims. This has included, among others, the need to address the stigma faced by CRSV victims and the specific needs of children born of war and their mothers. The slow progress by the government to pass and implement the NTJP was a barrier faced by victims for a long time. Through advocacy initiatives by local, national and international organisations as well as development partners, the policy was passed, providing some hope that reparations may be provided in the future.

In 2014, the Women's Advocacy Network submitted a petition to the Parliament seeking its intervention in addressing issues and challenges faced by war-affected women in the Acholi sub-region. The petition, which was received by the Speaker of the Parliament, reignited the conversation about the need for interim reparations for victims.

¹⁹³ Key interview with stakeholder (7 June 2021, Kampala).

¹⁹⁴ Ibid.

Advocacy initiatives have also been undertaken to ensure victims' voices are heard and their rights respected. Following initiatives by various organisations, a victims' counsel was allowed in the Thomas Kwoyelo trial. During this process, support was provided to the International Crimes Division (ICD) to build the capacity of judges to prosecute international crimes including CRSV as well as to the awarding of costs including reparations.

Organisations including the Refugee Law Project have also undertaken various advocacy initiatives to ensure the inclusion and recognition of male victims of CRSV.

3. Threats to effective reparations for conflict-related sexual violence

In the past, the main reason given by the government about why reparations were not feasible was the large number of victims across the different regions and the resulting high cost. The government maintained that it did not have the funds to implement a large-scale reparations program. Some government officials consider the development assistance programs, so far undertaken, as a form of reparations. They argue that the development programs which provide benefits to victims, constitute reparations.¹⁹⁵ More recently, within the NTJP, the GoU acknowledged the relevance of reparations, establishing that they are *"integral to victim's re-integration to society."*¹⁹⁶ However, as mentioned before, the lack of effective legislative implementation hinders survivors of CRSV and children born of war to obtain concrete interim and holistic reparations.

While the government has welcomed stakeholders providing different types of support aimed at improving the living conditions of citizens across the country, it is likely that any programme providing a significant amount of support to various individuals and communities could be viewed with suspicion. This is especially heightened during the election period. It is therefore important to get the buy-in and partnership of government entities such as the Justice Law and Order Sector and the Ministry of Internal Affairs before such an initiative is undertaken. Otherwise, support could be viewed as subversive and intended to destabilise the government.

Families and community members are a potential threat to victims benefitting from reparations.

Due to prevailing cultures and customs, it is important to consult with survivors about how much information they would like divulged without placing them at risk.

One of the stakeholders highlighted the importance of ensuring acceptance from the husband in the case of most female survivors, because otherwise he could refuse her participation or it could destabilise the family environment. Yet, since some partners may not be aware of the violations suffered by the survivors, confidentiality should be prioritised except with the express consent of the survivor.

Local leaders can frustrate programs being implemented in their locality if they do not feel sufficiently involved. It is therefore important to engage them to a certain extent, while being cognisant of issues such as confidentiality and feedback from victims on their experiences.

4. Relevant lessons learned from other contexts

Other countries have over the years grappled with how to ensure redress and accountability for CRSV victims. One of the demands from victims has been acknowledgment for the suffering they underwent, and recognition of the fact that they are, in the words of one of the victims, *"heroes for surviving."*¹⁹⁷ In Croatia, a law was passed in 2015 that recognised

¹⁹⁵ Avocats Sans Frontiers, 'Towards a comprehensive & holistic transitional justice policy for Uganda: Exploring linkages between transitional justice mechanisms' (ASF 2013) https://asf.be/wp-content/uploads/2014/05/ASF_UG_TJ-Linkages-Paper_201308.pdf.

¹⁹⁶ GoU, NTJP, p 20.

¹⁹⁷ Focus Group Discussion with male and female victims from Acholi (Gulu, May 2021).

the rights of victims of sexual violence during armed conflict and included a provision on compensation for victims.¹⁹⁸ Similarly, in Kosovo, a law was enacted that recognised and provided benefits to victims,¹⁹⁹ and the Commission for the Verification and Recognition of Sexual Violence Status was set up to review the claims.

In Colombia, the 2011 Victims and Land Restitution Statute (Ley 1448) awarded priority to women and children –especially victims of CRSV– in accessing the collective and individual administrative reparation programs envisaged in the law. During its implementation, the Victims Unit has prioritised different strategies for the comprehensive individual reparation of women and child survivors of CRSV²⁰⁰, as well collective reparation projects for women’s organisations.

In the latter, the Comprehensive Plans for Collective Reparation²⁰¹ have included structural measures like productive agricultural self-made projects and organisation-owned spaces for gatherings and other organisational activities.²⁰² Currently, 9 women and 3 LGBT organisations have been acknowledged as collective victims of sexual and other forms of gender-based violence, and their reparation process is still ongoing.²⁰³

Furthermore, the 2016 Peace Agreement (later incorporated in the Colombian Constitution and further legislation) created a Comprehensive System for Truth, Justice, Reparations and Non-Recurrence,

comprised by a truth commission, a special tribunal to prosecute, indict and punish the most serious crimes committed during conflict, and a unit for the search people deemed as missing.²⁰⁴ One of the core principles of the system is reparation of victims, as follows:

Victims have the right to be compensated for the injury and loss suffered because of the conflict. Restoring victims’ rights and changing their lives for the better, in an end-of-conflict scenario, is a fundamental aspect of building a stable and long-lasting peace.

Following such a transformative mandate, the Agreement demanded the creation of a Gender Group (GG) within the Commission for Truth, Coexistence and Non-Recurrence, aiming to determine the overall gender and sexual proxies of armed violence in the country.

As of today, the GG has staged the first public act of responsibility acknowledgment for CRSV victims and is preparing both a chapter of the final report and a transversal inclusion of gender analysis in the overall narration of conflict deployed in such document. A similar provision is included in the Special Jurisdiction for Peace mandate, the accountability mechanisms established under the Peace Agreement, which is bound by the obligation to acknowledge the suffering and the differential impacts of CRSV during armed conflict.

198 Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War (2015) <https://reparations.qub.ac.uk/assets/uploads/Law-on-the-Rights-of-Victims-of-Sexual-Violence-during-the-Armed-Aggression-against-the-Republic-of-Croatia-in-the-Homeland-War.pdf>.

199 On Amending and Supplementing the Law No. 04/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and their Families, Law No. 04/L-172, Article II, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO (Apr. 23, 2014) <http://old.kuvendikosoves.org/common/docs/ligjet/04-L-172%20a.pdf>.

200 For example, the “Strategy for the Comprehensive Reparation of Women Victims of Sexual Violence”, the trust fund for child victims, including children born of war, and a strategy dedicated exclusively to former child soldiers. See in: Victims Unit, ‘Comprehensive Reparation Strategies with a differential and gender approach’ (VU, n.d) <https://www.unidadvictimas.gov.co/es/estrategias-de-reparacion-integral-con-enfoque-diferencial-y-de-genero/43933> accessed 14 March 2022.

201 Planes Integrales de Reparación Colectiva in Spanish are the documents in which the types of collective harms and modalities of reparations agreed between the Victims Unit and the victims’ organisations are established for their further implementation. Arts. 151 & 152 of the Victims’ Statute.

202 Victims Unit, ‘Reparación Colectiva: Enfoques diferenciales y organizaciones de mujeres,’ (VU, n.d) <https://www.unidadvictimas.gov.co/es/enfoques-diferenciales-y-organizaciones-de-mujeres/125> accessed 14 March 2022.

203 Ibid. See also: Caribe Afirmativo, ‘La Unidad de Víctimas reconoce al colectivo LGBT de El Carmen de Bolívar como sujeto de reparación colectiva’ (CA 2020) <https://caribeafirmativo.lgbt/la-unidad-de-victimas-reconoce-al-colectivo-lgbt-de-el-carmen-de-bolivar-como-sujeto-de-reparacion-colectiva/> accessed 14 March 2022.

204 Colombian Government and the Armed Revolutionary Forces of Colombia–People’s Army (FARC-EP), ‘Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace’ (adopted 26 November 2016) 132.



Group photo at the feedback meeting on the GSF report findings held in Gulu
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Both institutions are entitled to provide further recommendations on reparations and redress with a specific consideration of violence's gendered dimensions, although there is still debate around the JEP's possibility to order reparations.²⁰⁵ Institutional arrangements operationalising involvement of gender approaches to TJ like the ones mentioned above could be a useful guidance for the implementation of the different components included in the NTJP.

Medical support as well as the education of children were two of the most pressing needs identified by victims. In Chile, victims and one of their descendants are entitled to university scholarships, and victims are also provided with medical insurance through the reparations program. This has allowed the victims to use funds they have received to address their other needs including income generating activities.²⁰⁶ This is an approach that could be taken in Uganda.

²⁰⁵ See GSF report on Colombia.

²⁰⁶ Cristián Correa, 'From Principles to Practice: Challenges of Implementing Reparations for Massive Violations in Colombia' (ICTJ, October 2015) https://www.ictj.org/sites/default/files/ICTJ_Report_ColombiaReparationsChallenges_2015.pdf accessed 15 October 2021.



IX. RECOMMENDATIONS

| To the Government of Uganda

Policy Design

- i. Urgently enact the pending transitional justice legislation to establish a mechanism to provide timely, holistic, and transformative individual and collective reparations including compensation, rehabilitation, and symbolic measures.
- ii. Design reparations programs based on lessons learned from previous studies and consultations with victims and other affected populations. Draw lessons from the community-driven development initiatives currently underway in Uganda.
- iii. Allocate funding to reparations programs and urgent interim assistance measures for victims, which should be specifically itemised in the national budget.
- iv. Use gender-inclusive language in all processes that does not obscure or reclassify abuses against male victims.

Outreach and Implementation

- i. Building on previous assessments and documentation efforts, confirm the number and categories of victims, the extent of the harm, and the long-term impacts of different human rights violations to inform the design and delivery of reparations.
- ii. Ensure that reparations are implemented in a way that does not further contribute to stigma and resentment against victims, by consulting with victims' groups on modes of implementation and by having measures that prioritise victims and also benefit the broader community.

- iii. Work with civil society actors to engage in regular community awareness dialogues to educate the larger community about the needs and realities of victims, especially formerly abducted women and their children.
- iv. Hold targeted public education campaigns and community dialogues on the imperative of social acceptance and protection of victims of sexual and gender-based violence.

Forms of Reparation

- i. Urgently provide access to free and comprehensive medical care for CRSV survivors, including sexual and reproductive health services, testing and treatment for sexually transmitted infections, surgery for injuries resulting from rape or early motherhood. These services should be available at all Health Centre III and IVs.
- ii. Adopt special measures to enable survivors and children born of war to obtain formal identification documents to shield them from the risk of statelessness and enable them to access basic services and claim their rights as citizens.
 - In the short term, this could include training of National Identification and Registration Authority officials on sensitive interview techniques and registration procedures.
- iii. Amend the Registration of Persons Act to exempt children born of war from registration requirements which they cannot fulfil having been born in captivity.
- iv. As a form of symbolic reparation, the government should issue a public apology to all victims of conflict related human rights violations in Uganda, specifically mentioning survivors of CRSV and children born of war and acknowledging the harm suffered, which continues to affect their lives.

- v. Enhance access to education for children born of war, by providing scholarships or conditional cash transfers to meet the educational expenses.
- vi. Ensure that teachers in schools that have a large population of war-affected children have specialised training in psychosocial support, trauma management, and empathy. This is essential to creating a safe learning environment for children affected by conflict.
- vii. Establish Accelerated Learning Programs (ALP) that allow CRSV victims of different ages and levels of educational background to acquire forms of education that match their needs.
- viii. Provide financial compensation to vulnerable victims of CRSV, prioritising those with HIV/AIDS and long-term war-related disability, to redress the harms suffered and cover livelihood assistance.
- ix. Provide land and shelter to CRSV victims and children born of war who have been rejected by their families and communities.

Prevention, Accountability and Response to CRSV

- i. Strengthen police and judicial system capacities to address CRSV cases, and ensure training in culture and gender-sensitive investigative procedures required for the protection of survivors and witnesses' rights and privacy.
- ii. Establish specific codes of conduct to ensure effective investigations and accountability for sexual offences committed by State actors, particularly law enforcement officers, during conflict.
- iii. Amend the Penal Code Act to provide for gender-neutral criminalisation and punishment of sexual violence and provide appropriate remedies and protection to male victims of sexual violence.

To Civil Society

- i. Undertake advocacy initiatives targeted at the government and international partners to ensure the implementation of an adequate, effective and inclusive reparations program.
- ii. Encourage and facilitate dialogues with key stakeholders in the community to advocate for greater support and reintegration of CRSV survivors and children born of war.
- iii. Conduct advocacy at the community and national level to create awareness of the plight of CRSV survivors and children born of war, and promote practical strategies and policy interventions to address the challenges these vulnerable categories face.
- iv. Hold targeted public education campaigns and community dialogues on the imperative of social acceptance and protection of victims of sexual and gender-based violence.
- v. Continue engagements with conflict affected communities to address knowledge and information gaps regarding their rights, State obligations, and avenues for redress.
- vi. Take measures to protect the safety and privacy of individual survivors, and make available any data on CRSV survivors and children born of war to the government for planning purposes, to complement State efforts to map victims and their needs.

| To the International Community

- i. Ensure adequate resources for a survivor-centred and holistic response to CRSV, premised on justice and accountability.
- ii. Establish a global reparations fund to support reparations efforts by States.

- iii. Develop a long-term approach to understanding CRSV resulting in children born of war and its enduring consequences, and a long-term vision for programming and remedial action. For donors, this includes developing longer funding cycles to support multi-year assistance programs.
- iv. Before engaging in a new context, take time to speak to local organisations, assess and map what has already been done, and then find ways to sustainably support and reinforce those initiatives.
- v. Support and urge States to pass legislation and policies promoting robust CRSV prevention and response mechanisms.
- vi. Support civil society and survivor-led actions on prevention and response to CRSV to maximise the reach and impact of programs. This will include funding local organisations and survivor groups working in war-affected communities and building equitable partnerships with all groups.
- vii. Increase funding for medical support programs including sexual and reproductive health services and psychosocial support to CRSV survivors.
- viii. Base global policymaking on prevention and response to CRSV on survivors' perspectives, bearing in mind survivors are not homogeneous. International actors and global policy makers should go beyond tokenistic representation of victims at global forums and meaningfully engage with victims to obtain their recommendations for appropriate measures for redress, response, and prevention of CRSV.



X. CONCLUSION

This Study has established that conflict related sexual violence was pervasive during the conflict in Northern Uganda. It was exacerbated by pre-existing discriminatory social and cultural norms that normalise violence against women. While the conflict ended almost fifteen years ago, survivors of CRSV are yet to get reparations. The delay in providing reparations to victims violates their right to effective, prompt, and adequate reparations under international law. Reparations are a critical step towards healing, acknowledgement, and reintegration for victims in the communities. Therefore, the government of Uganda and the international community should

urgently establish a comprehensive reparations program that fulfils victims' rights and restores their dignity. Reparations programs and interim assistance measures should be designed and implemented with the full involvement of victims, whose voice and agency must be respected. These programs should take into account the heightened vulnerabilities of victims to shocks such as the COVID-19 pandemic on their lives and livelihoods. Furthermore, reparation measures for CRSV should go beyond repairing harm suffered by survivors, and serve as a catalyst for long-term transformation of gender norms and practices to advance gender equality and inclusion.



Around the Sipi falls, Mount Elgon national park, Uganda
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