



REPORT 2018

ADDRESSING THE BARRIERS FOR ACCESSING JUSTICE FOR WOMEN IN NORTHERN UGANDA



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EXECUTIVE STATEMENT

This report is based on the Access to Justice initiative implemented by Women's Global Empowerment Fund (WGEF) and Volunteer Action Network (VACNET) hosted at Gulu Women's Resource Center, with support from The Greater contribution (TGC) The project is implemented in (Gulu, Amuru Nwoya and Omoro Districts the report is providing information to identify trends and patterns over the months, as well as individual cases illustrative of these patterns. The report focuses on issues related to access to justice in northern districts, with specific reference to Ugandan laws and policies. The report describes the main obstacles that women and persons who seek access to justice have to face. It provides the obstacles, cases and testimonies . The report concludes with recommendations made to the Government, civil society Local government and other stakeholders in the human rights monitoring and promotion aimed at contributing to improve access to justice in the region .

INTRODUCTION

The justice system was considerably weakened by the conflict between the LRA and the Government in northern Uganda, between 1987 to 2006 and by the insecurity in this part of the country. Due to the insecurity, many police outposts and courts, especially in rural areas, were closed down, and law enforcement and judicial officials abandoned their positions. Until mid-2006, police started redeployment in northern.

The population in Uganda, especially in the northern districts, remains poorly informed about the formal justice system. Traditional mechanisms of dispute resolution, especially referral to the elders or the village chiefs, as well as to Local Council (LC) courts are most commonly used as they are more accessible, cost-effective, and are perceived to be more expedient, if not always fair, in settling disputes.



WHY ACCESS TO JUSTICE FOR WOMEN

There is no provision under Ugandan law for the State to provide free legal aid for persons facing trials for non capital offences, while the provision of free legal assistance for capital offences is a constitutional right. There exists no comprehensive legal, institutional and policy framework to guide the provision and regulation of legal aid services provided for cases of non-capital offences. Many initiatives, in particular by civil society organizations and donors, have attempted to address the crucial issue of providing legal assistance for persons facing trial, whatever crime they are accused of.



OBJECTIVES

- To promote access to justice through legal aid for women in post-conflict Northern Uganda.
- To address challenges faced by women in Northern Uganda in accessing justice;
- To provide information and referral services for access justice
- To set up a database for justice pathways and disseminate information
- To set a toll free line for referral and support

KEY ROLES PLAYED



OUR INTERVENTION

In Northern Uganda District, the key barriers to access to justice are: lack of knowledge of where to report rights violations; communication barriers especially for women and high levels of illiteracy among women. Many women were afraid to report human rights violations due to possible mistreatment by the perpetrators. In Amuru district, the key barriers identified were ignorance of procedures and rights among women and prevailing oppressive customs. Many of the women have little or no knowledge about their rights, how to protect themselves within the confines of the law and where to seek redress when faced with a violation.

To address violence against women, gender bias, inequality and gaps in the justice chain for women, WGEF and Volunteer Action Network (VacNet) launched this initiative that strives to provide the critical information and resources, enabling women to know their legal and human rights within the justice system. Making the justice chain work for women and community members is critical for their access to justice, but huge obstacles exist at every level.

Governments have a responsibility to ensure legislation is not only passed but enacted guaranteeing women's rights, and ensuring a justice chain that is gender responsive.

Justice is the foundation ensuring women become equal participants in decision making, development and their own futures. Without access to justice, women are disenfranchised and disempowered, experiencing violence, abuse and inequality. This initiative demands that women are viewed not as victims but as agents of change for social and economic justice.

ACCESS TO JUSTICE VOLUNTEERS TRAINED IN HUMAN RIGHTS PROTECTION

We trained a team of 25 Peer counsellors community based structure on the obstacles of access to justice, human rights protection and paralegal services. trained by a resource team from ACTION AID who engaged the with skills, paralegal services, human rights, and conflict resolution. Also trained about the justice system he improve upon their work with a deeper understanding of the types and causes of human rights abuses/violations, monitor, document, and report cases in the community. The Peer Counsellors (PCs) are positioned at parish level and serve as mediators and a link between victims and service providers for fellow community members facing human rights abuses and violations. The Access to Justice program incorporates community dialogues aimed at sensitizing the community on their rights to access fair and timely justice and provide referrals to other service providers.



COMMUNITY MEDIATION

We conducted 12 mediations meetings with community groups. included mediated and reconciled the members of Cac Pe Yweka, A VSLA group that had leadership challenges, and misappropriation the group managed t recovered now 2.000.000/=, and We reunited one family in Unyama Sub county to mention a few. Generally, we made 28 mediation's meetings both in our officer and others in the rural communities. We had 128, counseling sessions both in office and at community levels with our clients and the general Public on various issues ranging from stress, trauma, human Rights abuses or domestic violence. Peer counselors were also trained on leadership.



CAC PE YWEKA SAVINGS GROUP

WOMEN AND JUSTICE SYSTEM

Uganda has been recognized as a world leader for the institutionalization of gender mainstreaming and gender sensitive policies, since the National Resistance Movement (NRM) Government came to power in 1986. However, it is widely acknowledged that there is a significant gap between the law and the effective implementation of the law as stated in a preliminary draft of the National Land Policy. 30 Enforcement mechanisms are still lacking and although statutory and customary traditions and practices that discriminate against women in access, use and ownership of land have been outlawed by both the Constitution and legislation, practice does not acknowledge these changes.



STRENGTHENING THE LOCAL COURT



We supported and strengthened the local councils (LCs), which are more accessible, use neither complex language nor processes and are also deemed to be fair and less corrupt. Local councillors and local leaders within the sub-villages (rwot kweri) often mediate land wrangles. As a result, we conducted 28 community dialogues with the LCs have been instrumental in protecting and supporting not just the legal needs of women but also in advocating for better livelihoods and support services for women. However, the support given by LCs is limited because of their limited jurisdiction, functional lethargy, corruption and incapacity to handle many cases.

In Northern Uganda District, the key barriers to access to justice are: lack of knowledge of where to report rights violations; communication barriers especially for women and high levels of illiteracy among women . Many women were afraid to report human rights violations due to possible mistreatment by the perpetrators. In Amuru district, the key barriers identified were ignorance of procedures and rights among women and prevailing oppressive customs. Many of the women have little or no knowledge about their rights, how to protect themselves within the confines of the law and where to seek redress when faced with a violation.

"One of the major challenges facing women with disabilities are the land wrangles. If a woman with a disability loses her husband, her in-laws will in most cases throw her out of the land laying emphasis on her disability claiming she is useless and not able to make use of it" Atoo -----Amuru District



Also research findings indicate that most women in post conflict Northern Uganda live in abject poverty. This poverty is perpetuated by the lack of ability to engage in productive work, lack of family support or care, lack of a source of livelihood . Women are also stigmatized as incomplete human beings needing special care and attention. This reality impinges on their dignity and ability to voice their concerns.

Acan States:

"Since my husband died out neighbours are encroaching on my land. I don't know how to handle this issue because I have no money to go and get help and also follow up the matter"¹



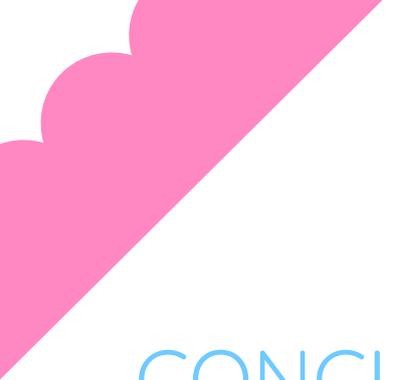
THE BARRIERS

Access to justice is a critical tool in promoting social cohesion, civic accountability, combating discrimination and abuse of state authority. Promoting access to justice through legal aid accessibility champions human rights protection, promotion and respect. It also builds individual and communal solidarity and confidence in the justice system and what it stands for. access to justice needs' of women and the provision of legal aid alone is not a solution to address these challenges. It is focusing on regulating legal aid service providers without a deep appreciation of the legal aid needs of its beneficiaries. Once adopted, effective implementation of the national legal aid policy has the opportunity to check legal and justice exclusion faced by the very poor, vulnerable and marginalized women in far and hard to reach places. Women face distinct challenges different from those faced by their male counterparts or other women in general and often had no education, and no empowerment



RECOMENDATIONS

1. A strong legal awareness and knowledge campaign targeting women and the general community on their human rights and where to seek redress when violated is critical. The awareness campaign should take into consideration the peculiar needs of women.
2. It is important that justice sector actors such as the police, prosecutors, judicial officers, prison officers are empowered with knowledge on promoting and protecting the rights of women. This will ensure that these actors are more responsive to the rights of women
3. Informal justice mechanisms such as local council courts and local leaders/traditional justice mechanisms should be prioritized and strengthened to enable them dispense effective justice.
4. The capacity of local councillors and local leaders should be built to enable them understand their role and reinforce their contribution to the justice system.
5. Community based paralegals should be trained and equipped to support legal aid before the local council courts. This will ensure that the legal aid provided in these courts, local council courts and traditional courts, and justice dispensed by the local councillors meets and subscribes to international principles.



CONCLUSION

Our hope is that the access to justice program will continue to support women and the community, will have a greater understanding of their rights, how the justice system works, how to address breakdowns, advocate for gender responsiveness, and equality. Through the workshops, mediations, setting up a hotline and activities issues of decision making about sexuality, reproductive health, marriage, divorce, violence, economic rights, including inheritance and property ownership will be explored and elevated.

