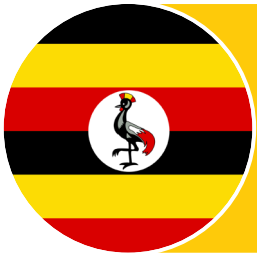


REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING UGANDA

Official Register of Survivors of conflict-related sexual violence (CRSV): None.

Commonly cited number of CRSV Survivors: Estimation of over [25,000 women and girls](#). Whereas there is no commonly cited number of male survivors of CRSV, sexual violence against men and boys during the conflict has been [documented](#).

Estimated Real Number of CRSV Survivors: Likely much higher than the estimated 25,000, which does not include male survivors.

Domestic Legal Framework for Administrative Reparations Programme: No. The 2019 [National Transitional Justice Policy](#) provides for both judicial and administrative reparations, but the parliament is yet to enact legislation to establish an administrative reparations programme.

Mechanism to implement Administrative Reparations Framework: No, see above.

Domestic Avenues for Reparations through Courts: Yes. [The International Criminal Court Act](#) 2010 provides for the application of reparation orders issued by the ICC and the award of reparations upon conviction by domestic courts for crimes under the Act. In addition, the [International Crimes Division Rules of Procedure of 2016](#) provides for the award of reparations to victims upon conviction of an accused person. The [2019 Human Rights Enforcement Act](#) also provides for the award of reparations to persons whose rights or freedoms guaranteed under the Constitution have been infringed or threatened.

Approximate Number of Survivors having received any formal Reparations for CRSV: 0

Survivor Perception regarding state of Implementation of Reparations: Frustration due to long delays and government inaction. Though welcoming the adoption of the [National Transitional Justice Policy](#), survivors despair over delay in enacting its implementation which continues to deny them reparations.

Ongoing CRSV: Yes.

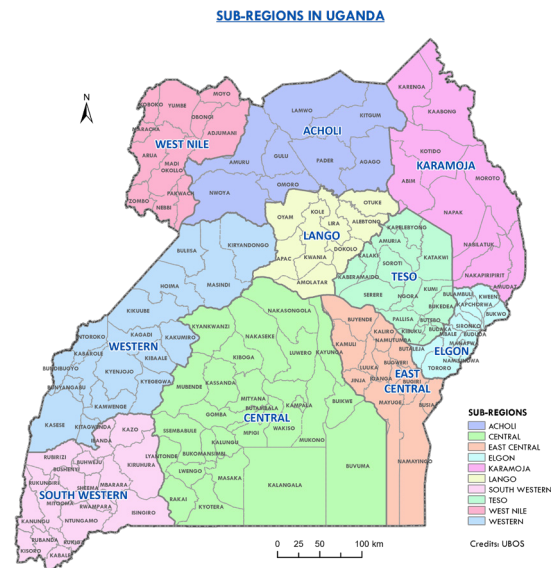


Nature and Scope of CRSV

CRSV 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 by the LRA, the National Resistance Army (NRA), and the Uganda People's Defense Force (UPDF), among others.

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. They preferred to abduct young girls who were not sexually active, and unlikely to have sexually transmitted diseases. Boys and men also suffered sexual violence including sexual mutilation, genital torture, male castration, forced masturbation and other serious sexual harms. Abducted men and boys were also forced by LRA commanders to participate in sexual violence against female abductees.

There have also been reports of sexual violence against child soldiers by older female combatants in the LRA. As one male victim who was abducted at the age of 15 remembers, "One day, ... two of the ladies ... 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".



"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."

Male survivor of CRSV



Harm caused to Survivors, Families and Communities

CRSV has lasting social, economic, and health consequences on survivors, and failure to address these can lead to serious intergenerational harm affecting the mother and her children, who in turn pass trauma on to their own children.

Many CRSV victims continue to suffer serious medical complications, including physical injuries, chronic pain, and psychological trauma. Unfortunately, many have not sought healthcare due to fear of stigmatisation as a CRSV survivor. Male survivors also fear criminal sanctions under [anti-sodomy laws](#) which do not distinguish between consensual and non-consensual intercourse between persons of the same sex.

Young women and girls often sustain serious injuries resulting from early pregnancy, violent rape and brutal punishments suffered when they refused to have sex with LRA commanders. Such injuries include vaginal fistula, genital injuries, and injuries to reproductive organs. Several survivors report experiencing chronic pain long after the incident, which severely affects their ability to carry out basic chores or income generating activities such as farming. Survivors also reported contracting HIV and syphilis as a result of rape. Given the circumstances of conflict, victims were unable to obtain treatment for syphilis, or anti-retroviral drugs for HIV. Untreated sexually transmitted infections (STIs) have affected survivors' ability to bear children which has grave social consequences in a society where women's dignity and social standing are intrinsically linked to their marital status and reproductive abilities.

CRSV also has devastating mental health consequences. Most survivors report suffering from post-traumatic stress disorder, anxiety, and suicidal thoughts. The trauma is exacerbated by the absence of psychosocial support, social stigma, and community rejection. Male victims' trauma is further accentuated because of difficulties discussing their experiences with family, relatives or fellow victims. Without access to adequate medical care and psychosocial support, survivors are prevented from recovering or living meaningful lives.

Socioeconomic consequences of CRSV are also significant. These include stigma and social rejection, economic hardship, denial of land rights, poverty, family break ups and poor community relations. Children born to rebel fighters face major stigma in their communities and at school, and victims report that their families have also faced stigma and discrimination because of their association with them. The stigma is worse for male survivors of CRSV.



Survivors' Perspectives

Needs and Expectations

CRSV survivors express that their 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 citizens. Some survivors spoke of 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 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; many rely on petty trade and farming to support themselves and their children. 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. CRSV survivors and children born of war are often denied access to land by their families or communities due to stigma and discrimination, which further exacerbates the economic harm as land is a major source of livelihood. Survivors request measures to address their socioeconomic vulnerability including economic support in the form of start-up capital, monthly cash payments or skills development.

Several survivors also identified education, including adult learning and basic literacy skills, as a common need. Others spoke of acquiring vocational skills to enable them to earn a living and support themselves and their families. Most survivors reported challenges to keeping their children in school because of the cost of uniforms, school materials, examination fees, and other required expenses, as well as the distance to schools. Children born of war also drop out of school because of stigmatisation and rejection by fellow students and by teachers, and the lack of education exposes these children to heightened risk of child marriage, child labor, sex work and other harmful situations. Survivors consider their children's education as a way to break the chains of poverty, stigma, and social rejection, and a pathway to empowerment, self-sufficiency, community respect, and dignity.

Housing was also highlighted as a key priority. Stigma and community rejection has compelled many CRSV survivors to live in rented accommodation in urban areas, which they cannot afford, and which causes much worry because they have the risk of homelessness.

Survivors further seek collective reparations, including memorial sites for those who died, trainings for civil servants including teachers and health workers on trauma management, and trauma informed approaches to education or healthcare in post-conflict areas. An apology from government for its failure to protect survivors, as well as for harms committed by government soldiers, along with efforts to acknowledge and raise awareness about what victims have lost and continue to endure is also requested.



Survivors' Initiatives

Various survivor organisations and groups across different regions have provided a space for victims to find kinship and healing. Through their advocacy efforts, groups of survivors have been able to receive support and resources including psychosocial treatment, economic and rehabilitative support, skill and capacity building and advocacy. This has been provided primarily 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, and have therefore been a powerful force for advocacy at the local, national, and international stage.

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 Parliament reignited the conversation about victims' needs for interim reparations 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 has however been disrupted by the COVID-19 pandemic.



Inception meeting of GSF research, Gulu, April 2021 © ICTJ



Reparations

IN THEORY

- The Government has an obligation under Article 50 of the [Constitution of Uganda](#) and International human rights legal instruments to provide effective remedies and reparations to victims of human rights violations.
- Under the [Juba Agreement on Accountability and Reconciliation](#) of 2007, the government committed to provide reparations to victims, with special priority to vulnerable victims, including women and children.
- The [National Transitional Justice Policy](#) of 2019 provides short-term and long-term reparations to victims, which are collective and individual, and material and symbolic.
- In 2014, the Parliament of Uganda unanimously [passed a motion](#) directing the government to establish a gender-sensitive reparations programme for victims of the Northern Uganda conflict.

IN PRACTICE

- Despite policy commitments and legal obligations under the [Ugandan Constitution](#) and International human rights instruments, Uganda is yet to provide interim assistance or reparations to victims.
- Two years after the adoption of the [National Transitional Justice Policy](#), the government has yet to enact legislation that would establish a mechanism for implementing a reparations program. The Parliamentary resolution passed in 2014 remains to be implemented.
- The few compensation payments made have been ad hoc and have focused on victims who lost property.



Opportunities

Uganda has clear legal and policy commitments to provide reparations and the government acknowledges its obligations, as well as victims' rights to a remedy and reparations for harms suffered. That said, the government has been focusing primarily on development and recovery programmes to promote peace and rebuild key infrastructure destroyed during the conflict. These programmes are of limited reparative value for victims, but do offer lessons and create a foundation upon which reparative approaches can be based and built in the future.

The ICC Trust Fund for Victims (ICCTFV) has implemented victim assistance programmes in Northern Uganda since 2008, providing physical rehabilitation, vocational training, psychological counselling, and establishing income generation and village savings and loans associations (VSLA). The ICC TFFV's work offers valuable lessons for future reparations programmes.



Focus group discussions with survivors from Gulu, Acholi region, May 2021 © ICTJ



Focus group discussions with survivors from Lira, Teso region, May 2021 © ICTJ



Key Challenges

- Absence of verified data about the number of survivors and the extent of harm, which makes it difficult to plan for reparations.
- Competing demands and widespread needs in the war-affected region, and limited government resources.
- Stigmatisation and discrimination by families, community members and local leaders leading to exclusion and limited access to services.
- Lack of civil identification documents, which are often required for registration of beneficiaries and to access various government services.
- Pervasive corruption and nepotism, which has hampered survivors' access to livelihood and assistance programs. Grants meant to benefit vulnerable households have instead gone to relatives and friends of government officials, and officials solicit bribes to include individuals on beneficiary lists or provide them with information about livelihood assistance programmes.
- Lack of survivor trust in state processes, which is likely to undermine their effectiveness.
- Local leaders frustrating programmes being implemented by NGOs in their locality where they do not feel sufficiently involved.
- Misconceptions that CRSV survivors are gaining more than the rest of the war-affected communities.



Recommendations

To the Government of Uganda

Policy Design

- 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.
- 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.
- Allocate funding to reparations programs and urgent interim assistance measures for victims, which should be specifically itemised in the national budget.
- Use gender-inclusive language in all processes that does not obscure or reclassify abuses against male victims.

Outreach and Implementation

- 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.
- 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.
- 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.
- 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

- 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.



Recommendations (continued)

- 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.
- Amend the Registration of Persons Act to exempt children born of war from registration requirements which they cannot fulfil having been born in captivity.
- 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.
- Enhance access to education for children born of war, by providing scholarships or conditional cash transfers to meet the educational expenses.
- 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.
- 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.
- 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.
- 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

- 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.
- Establish specific codes of conduct to ensure effective investigations and accountability for sexual offences committed by State actors, particularly law enforcement officers, during conflict.
- 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 the Civil Society

- Undertake advocacy initiatives targeted at the government and international partners to ensure the implementation of an adequate, effective and inclusive reparations program.
- 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.
- 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.
- Hold targeted public education campaigns and community dialogues on the imperative of social acceptance and protection of victims of sexual and gender-based violence.
- Continue engagements with conflict affected communities to address knowledge and information gaps regarding their rights, State obligations, and avenues for redress.
- 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

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



Recommendations (concluded)

- 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.
- 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.
- Support and urge States to pass legislation and policies promoting robust CRSV prevention and response mechanisms.
- 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.
- Increase funding for medical support programs including sexual and reproductive health services and psychosocial support to CRSV survivors.
- 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.



Next Steps

Urgent action by the international community, Ugandan civil society organisations, and State authorities is needed to assist, support and sustain survivors' efforts to obtain the implementation of the above recommendations and achieve recognition and effective reparation. These include:

- Establish the number and categories of victims, the extent of harm, and the long-term impacts of different human rights violations to inform the design and delivery of reparations.
- Ensure that reparations are implemented in a way that does not further contribute to stigma and resentment against victims.
- Work with civil society actors to engage in regular community dialogues to educate the larger community about the needs and realities of victims, especially formerly abducted women and their children.

