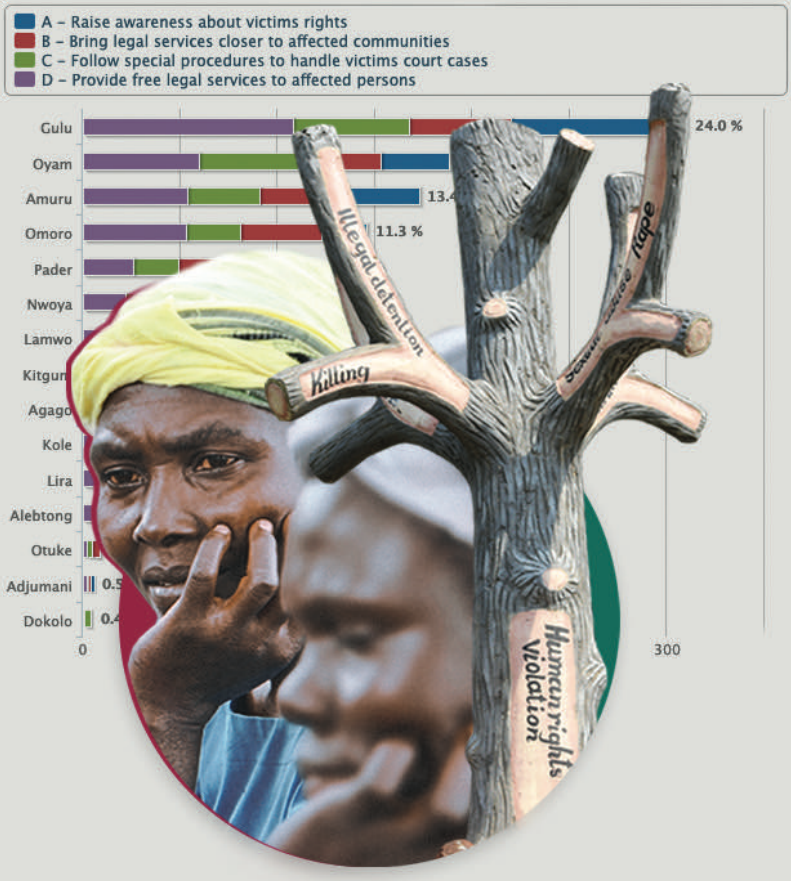
TRANSITIONAL JUSTICE IN NORTHERN UGANDA

Citizens' Perspectives



JULY 2020

TRAC.fm
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Women's International Peace Centre
Amplifying Women's Voice and Power

ICTJ
Justice
Truth
Dignity



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LIST OF ACRONYMS AND ABBREVIATIONS

AYINET	African Youth Initiative Network
CSO	Civil Society Organisations
FIDA	The Uganda Association of Women Lawyers
ICTJ	International Centre for Transitional Justice
IDP	Internally Displaced Persons
JLOS	Justice Law and Order Sector
KIDDP	Karamoja Integrated Disarmament and Development Programme
LRA	Lord's Resistance Army
NGO	Non-Governmental Organisation
NTJP	National Transitional Justice Policy
PRDP	Peace Recovery and Development Plan for Northern Uganda
RLP	Refugee Law Project
TEWPA	Teso Women's Peace Initiative

GLOSSARY [1]

Accountability	Willingness or obligation to accept or take responsibility by an individual or an institution for their actions
Amnesty	A pardon or forgiveness for the commission or omission of acts or crimes
Formal Justice	Includes criminal prosecutions of the architects and perpetrators of grave human rights violations and abuses; they may be pursued nationally or internationally
Reconciliation	The process that yields restoration of broken relationships, through acknowledgement, repentance and forgiveness by parties to a conflict.
Reparations	Redress given to victims of serious or gross human rights violations/abuses. Reparations reflect an acknowledgement of responsibility and accountability. They include restitution, seeking to restore victims to their situation before the violation; compensation for physical, mental, material, and moral harms or costs; rehabilitation to restore physical and psychological wellbeing and access to social services; satisfaction, including measures to stop violations, verification and full disclosure of facts, searching and identifying the abducted, disappeared or killed, apologies and official declarations, tributes to victims; and guarantees of non-repetition which include an independent judiciary, due process, upholding protections of victims and witnesses, reforming laws and institutions.
Traditional Justice	Localised cultural practices by communities to attain justice and reconciliation, it encompasses all community-driven cultural practices developed and utilised in resolving localised disputes to attain safety and access to justice by all.
Transitional Justice	The ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.[2] It consists of processes and mechanisms aimed at confronting legacies of past human rights abuses and violations in order to repair harm suffered by victims, ensure accountability, serve justice, promote reconciliation, guarantee non-recurrence of violations and abuses and build peaceful and democratic systems that contribute to the rule of law and respect of human rights.
Truth Seeking	Denotes the process adopted to give victims of past grave human rights violations an opportunity to share their experiences to come to grips with past pain and suffering and prevent future repetition.

1 Government of Uganda The National Transitional Justice Policy June 2019
2 International Centre for Transitional Justice https://www.ictj.org/about/transitional-justice

ACKNOWLEDGEMENTS

First, we are grateful to the tens of thousands of citizens whose views, experiences and opinions have informed this report. We received 94,314 responses to eightpoll questions and hundreds of phone calls. Dozens of people participated in our community dialogues.

This report is the result of an interactive radio campaign on transitional justice in the Greater North of Uganda carried out in a collaboration between TRAC FM, Women's International Peace Centre (The Peace Centre), and the International Centre for Transitional Justice Uganda.

We are grateful to African Youth Initiative Network (AYINET-Uganda), Refugee Law Project (RLP), Dr. Teddy Atim Apunyo and the Uganda Association of Women Lawyers (FIDA-Uganda) for their valuable insights and contributions to the design of the campaign.

The campaign activities in the Acholi, Teso, Lango, West Nile and Karamoja sub-regions were possible due to a partnership between the Peace Centre and the District Local Governments of Gulu, Soroti, Lira, Arua and Kotido. We thank the political and technical leaders of those districts for taking part in radio discussions and in-person dialogues on transitional justice issues, as well as committing to act on key concerns raised by community members. We thank AYINET-Uganda of Lira, Nakere Rural Women Activists of Kotido, Teso Women's Peace Initiative in Soroti, Uganda Victims Foundation in Arua and the Refugee Law Project (RLP) in Gulu for co-hosting the community dialogues.

Special thanks are due to the partners who defined the focus of this advocacy campaign and participated in the radio talk shows, including Human Rights Initiative, Ombachi Massacre Victims Foundation, Justice Human Rights and Reconciliation Commission, War Victim and Children Networking, Nebbi NGO Forum, Karamoja Women Umbrella Organisation, Kitgum Women's Peace Initiative, Iteso Cultural Union, Action Aid Uganda, People's Voice for Peace, Lango Cultural Fraternity, Lango Female Clan Leaders Association, Global Forum for Development, The Debate and Literacy Forum, West Nile Kony Rebel War Victims Association, Caritas-Uganda, Nakere Women Activists, Public Affairs Centre of Uganda, Global Women for Empowerment and Development, Legal Aid Uganda, Advocates Coalition for Development and Environment, Justice Law and Order Sector Secretariat, Uganda Amnesty Commission, Teso Women Peace Activists, Uganda Victims Foundation and Watye Ki Gen.

ICTJ Justice Truth Dignity

FIDA UGANDA

AYINET African Youth Initiative Network

REFUGEE LAW PROJECT

FOREWORD

Civil strife has marred each of the political transitions in Uganda's history, including transitions from the regime of Milton Obote (1962–1971) to Idi Amin (1971–1979) then back to Obote (1980-85) and finally to the National Resistance Movement, from 1986 to the present. During these periods of violence, it is estimated that more than 300,000 people were killed, millions were displaced and many were maimed, tortured, abducted and raped. Following the end of a 20-year war between the Government of Uganda and the Lord's Resistance Army, the government formally committed to addressing human rights violations and war crimes committed during armed conflicts.

The need for a national transitional justice policy was borne out of the growing demand among war survivors for justice, accountability and reconciliation. The sheer magnitude of victims affected by the conflict meant the ad hoc, post-conflict recovery responses from the government, like the Peace, Recovery and Development Plan (PRDP) for Northern Uganda, and the Karamoja Integrated Development Programme, were inadequate and insufficient. Furthermore, there always remained the question of acknowledgment and accountability and the demand for reparations, which continued to grow countrywide.

On June 18, 2019, the cabinet approved the outstanding Transitional Justice Policy. The approved policy indicated the government's commitment to address justice, accountability and reconciliation. In order to document citizen's perceptions of what is needed to ensure transitional justice for war survivors, the Women's International Peace Centre and TRAC FM carried out an interactive radio campaign to allow radio listeners to voice their opinions and share their views on redress and acknowledgement of human rights violations.

The findings show that the government has made tremendous efforts to address the impacts of the war and other atrocities and to educate citizens on the need for peace and reconciliation. However, collected data from more than 93,000 respondents also show that gaps remain. For example, women and children are excluded from participating in decision-making in traditional processes meant for accessing justice. There are also unaddressed medical needs of survivors, a lack of proper documentation of survivors, of children born of war, of missing persons and of massacre sites.

As is evident in this report, popularizing the Transitional Justice Policy, building the capacity of all clan leaders to administer traditional justice, fostering equality and non-discrimination among survivors and citizens, economically empowering women survivors and their dependents are some of the key recommendations in the report.

Acting on the findings will be a milestone in addressing transitional justice gaps and ensuring the smooth implementation of the policy in Uganda. Government and all transitional justice stakeholders and actors need to work together and collaborate to ensure the policy is implemented in order to achieve its objectives.



Helen Kezie-Nwoha
Executive Director
Women's International Peace Centre

EXECUTIVE SUMMARY

In June 2019, the Government of Uganda approved the National Transitional Justice Policy, demonstrating a commitment to address the country's legacy of conflict and conflict-related peace, justice, reconciliation, accountability and social reintegration concerns. The policy raises the profile of transitional justice as a national issue that is critical to not only sustain peace but also to promote sustainable development, requiring the participation of a wide range of actors. With the anticipated policy in place, it presented an important opportunity to link commitments to action, by reflecting on the priority areas vis-a-vis past transitional justice and post-conflict recovery responses, the lingering effects of the conflict in Northern Uganda, unaddressed human rights violations, the structural causes that underpin all of this, as well as the current justice needs and priorities of victims.

This report follows radio debates during 80 talk shows held between February and June 2020 in Gulu, Kotido, Moroto, Kitgum, Soroti, Kumi, Arua, Gulu, Lira, Pakwach and Dokolo. The shows popularised the policy and collected citizens' perspectives on transitional justice in Northern Uganda. Speakers included representatives of victims groups, of women survivors support networks, of cultural and religious institutions and officials from district and local governments, from the Uganda Human Rights Commission, from Justice Centres Uganda and from civil society groups. Discussions focused on gains, challenges and opportunities in relation to victims' access to formal justice, traditional justice mechanisms, nation building and reconciliation, reparations, amnesty, memorialisation and the plight of women and children.

Over the course of the campaign, citizens (27% women and 73% male) sent a total of 93,189 responses to eight multiple choice poll questions using SMS. Real-time poll results were discussed in detail during live radio debates and informed the discussions with radio guests. Key informant interviews with victims, leaders and transitional justice experts in the sub-regions further informed the analysis of the poll results. Eight community dialogues gathered 74 community members and local leaders (38 women and 36 men) in Kotido, Arua, Gulu, Lira and Soroti to discuss specific victim's priorities and define recommendations for local action.

The purpose of this report is to share data and present citizens' views and recommendations related to transitional justice to inform action by all stakeholders including government institutions, traditional and religious institutions and civil society.



TRAC FM interactive radio talkshow

SUMMARY OF KEY FINDINGS

Transitional Justice Interventions

40% Forty percent(4 out of 10) of respondents feel that social and economic development programmes by the Government and civil society organisations have helped most in addressing post conflict challenges.



Overall, 1 out of 4 respondents feel that amnesty is still a core intervention in transitional justice.

Access to Justice

48%

Forty-eight percent (48%) of the respondents said that traditional justice mechanisms need to include more women and youth to participate in decision-making.

39%

Additionally, 39% of respondents feel that the capacity of traditional justice structures needs to be improved. Nevertheless, poll results show that traditional justice mechanisms have played an irreplaceable role in promoting access to justice.

13%

Only 13% of respondents feel that formal justice systems have been helpful in addressing post-conflict challenges.

Nation Building and Reconciliation

31%



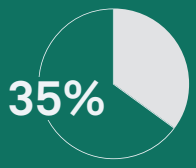
34% **31%**

Thirty-one percent (31%) of the respondents said that the best way to promote reconciliation in post-conflict communities is through providing counselling services to victims who are struggling with trauma. More women (34%) than men (31%) support this argument.

26%

Additionally, 26% of respondents feel that religious leaders have an important role to play in promoting social healing.

Reparations



Thirty-five percent (35%) of the respondents feel that Government development programmes need to target vulnerable victims such as the elderly, children born of captivity, women and persons with disabilities.

Amnesty

13%

Only 13% of respondents said that amnesty should be abolished because it undermines the rights of victims.



The majority (87%) feel that in future, amnesty should be awarded in exchange for truth and apology; that it should only be given to those who have committed minor crimes and that victims and affected communities should be consulted before it is awarded.

Memorialisation



A considerable majority (74%) of respondents consider community memorial sites and activities as essential



while 15% feel that community memorials contribute very little to honouring those who suffered or maintaining a shared memory of the past.

Women and Children (Gender Justice)



55%

Fifty-five percent (55%) of respondents feel that to ensure justice for survivors of sexual violence and children born of war, the government should apologise and support the children.



18%

In contrast, only 18% of the respondents feel that the fathers of children born of war should take on this responsibility.



Women war survivors in a community meeting at the Barlonyo Memorial site(Photo: The Peace Centre)

1.0 INTRODUCTION

1.1 Background

Uganda has experienced periods of political instability over the past 50 years with armed conflict and insurgencies in West Nile, Teso, Luwero/Central, Acholi, Lango, South Western and Karamoja sub-regions. Each has been characterised by large-scale human rights violations and abuses. Over the years, the Government, civil society, traditional and religious leaders have played a significant role in enabling victims/survivors and war-affected communities to tackle the impact of conflict at both the individual and the collective level.

In the absence of a holistic policy or legal framework to address political and legal accountability for atrocities, redress for victims, social reintegration, reconciliation and recovery, the efforts of different actors to deliver redress and to address the complex legacy of conflicts were not comprehensive and were not satisfactory to those affected. The National Transitional Justice Policy (NTJP), which the Cabinet passed in June 2019, provides the opportunity to address these gaps if it is effectively implemented.

Following the approval of the NTJP, the Women's International Peace Centre (The Peace Centre) and TRAC FM intervened through an interactive radio campaign to facilitate public discussions and reflections on citizens' experiences of the conflict, related responses and efforts by government and other actors, and gaps that still remain. This intervention sought to not only make citizens aware of existing government policies, plans and programmes, but also to enable them to actively contribute to the debate by sharing their views through the radio polls.

This report presents the findings from the interactive radio campaign and public consultations, which are intended to provide the basis for an evidence-based advocacy campaign in which citizen voices have a central role. The data will enable project partners to engage in data-driven and citizen-centred advocacy to represent the voices of citizens at a policy-making level.

1.2 The National Transitional Justice Policy

The 2006-2008 Juba peace process catalysed the effort to define a comprehensive national framework to prevent the recurrence of conflict and to provide redress for the harms and human rights violations suffered by victims and communities. The Justice Law and Order Sector (JLOS) institutions conducted various studies, held nationwide consultations with different stakeholders including the Parliament, development partners and civil society organisations (CSOs) to develop the current NTJP. [3]

The policy provides an overarching framework to guide formal and informal justice processes that address the justice, accountability and reconciliation needs in post-conflict situations with the aim of promoting national reconciliation, peace and justice. The policy specifically seeks to: address gaps in the current formal justice system; formalise the use of traditional justice mechanisms; enable reconciliation and nation building; address gaps in the amnesty process; and facilitate the provision of reparations after conflicts.

3 JLOS, 2019 - The Uganda National Transitional Justice Policy
https://www.jlos.go.ug/index.php/about-jlos/projects/justice-for-children/item/707-download-uganda-national-transitional-justice-policy-ntp-2019

The policy and its implementation are guided by the principles of victim-centredness, gender equality, vulnerability, best interests of the child, transparency, accountability, public participation, inclusiveness, complementarity, confidentiality, neutrality and integrity. Policy implementation led by the Ministry of Internal Affairs involves various stakeholders and prioritises victim and public participation, including women and children so as to ensure it is meaningful and impactful.

The policy guides planning, resource allocation and implementation of specific interventions according to the five strategic priorities to end impunity, ensure justice, reconciliation, and ultimately sustained peace and development. These strategic priorities and interventions include formal justice, traditional justice, nation building and reconciliation, amnesty and reparations.

There are cross-cutting issues to be addressed across the five areas that include social protection and addressing the needs of women, children, the elderly, persons with disability and persons living with HIV/AIDS. They include addressing medical, physical, social and psychological problems in communities; land conflicts; gender-related challenges; ensuring participation; and climate change issues related to the resettlement of former internally displaced persons (IDPs) and refugees.



Obiya Village, Uganda. Burial ceremony in the Acholi region of northern Uganda. (Photo: Thomas Morley/ICTJ)

2.0 THE METHODOLOGY

2.1 Approach

TRAC FM and the Peace Centre partnered with the International Centre for Transitional Justice (ICTJ-Uganda), African Youth Initiative Network (AYINET-Uganda), Refugee Law Project (RLP) and Uganda Association of Women Lawyers (FIDA-Uganda) in a campaign to engage citizens in discussions on transitional justice in the context of the NTJP. Radio talk shows were held on 10 local radio stations in Northern Uganda on transitional justice. Quantitative and qualitative data collection methods were used.

2.2 Poll Questions

The radio poll questions for each of the transitional justice thematic areas are outlined in the paragraph below. The specific focus of radio discussions were defined and developed through consultations with 21 partner organisations working in the Acholi, Lango, Teso, and West Nile sub-regions. These included AYINET, ICTJ-Uganda, Refugee Law Project, Concerned Parents Association, Women's Peace Initiatives, Northern Uganda Transitional Justice Working Group, Teso Women's Peace Activists, Uganda Victims Foundations, Foundation for Justice and Development Initiatives, Ombaci Massacre Victims Association, People's Voice for Peace, Amuria Development Agency, West Nile Kony Rebels War Victims Association and Watye Kigen.

Radio listeners participated in the debate by sending responses to eight poll questions via SMS free of charge on six broad themes: 1) Transitional justice interventions, 2) Access to justice – formal and traditional, 3) Reparations, 4) Nation building and reconciliation, 5) Amnesty and 6) Memorialisation, with gender cutting across all six. Each thematic area had a headline question with subsets of questions for participants to respond to.

The questions were announced regularly on local radio stations prior to the talk shows, to ensure the shows were focused, interactive and reflected a wide range of views. TRAC FM online polling software tabulated all the responses and screened the responses in real time, enabling the talk show host and the guest speakers to discuss the results and enrich the conversation. Phone-in discussions between radio guests and key actors in the sub-regions, including representatives of victims' groups, women's survivor networks, district local governments, the judiciary, cultural institutions, religious leaders and women's rights organisations, informed the analysis of the poll results to minimise bias and consider diverse views. Some of these perspectives are reflected in the featured voices.

In responding to questions broadcast by the radio stations, listeners contributed to the discussion. The TRAC FM software ensured that all incoming SMS submissions were

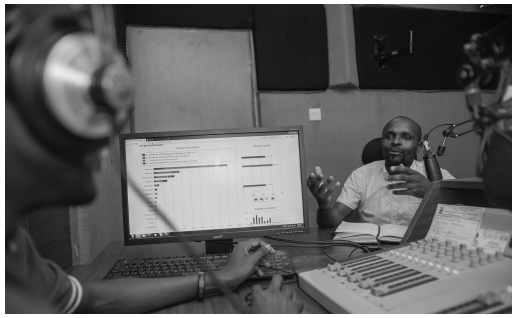
automatically recognized, categorised and presented in clear graphics and maps. This visualization was instantly updated online, to present the latest results to the talk-show host, who then shared the poll results with radio talk show guests and listeners. After the radio talk shows, infographics of the collected data were developed and then published in the local print media and freely shared online.

2.3 Radio Debates

Between February and June 2020 TRAC FM and The Peace Centre worked with 33 CSOs to engage millions of radio listeners in interactive debates on transitional justice.[4] Responses were captured and analysed.

TRAC FM's network of 10 popular radio stations boosted the campaign's reach to cover the Greater North of Uganda reaching the West Nile, Acholi, Lango, Teso and Karamoja sub-regions.[5] Two radio stations were purposively selected per sub-region for their wide coverage, use of widely spoken local languages and their performance in past TRAC FM polls.

A total of 80 radio debates were conducted in Acholi, Alur, Ateso, Kumam, Langi, Lugbara and Ngakarimojong languages, with a focus on transitional justice and to raise awareness of the NTJP and its aspirations, to streamline access to justice, nation building and reconciliation, reparations, amnesty and memorialization and to address the plight of women and children.



2.4 Community Dialogues

The Peace Centre partnered with District Local Governments of Lira, Soroti, Gulu, Arua, Kotido and Teso Women's Peace Activists in Tubur, Soroti, Nakere Rural Women Activists in Kotido, Refugee Law Project in Awach-Paibona, Gulu, AYINET in Ogur, Lira and Uganda Victims Foundation in Dadamu, Arua to conduct five community dialogues at sub-county level. These focused on including those whose voices are typically excluded from radio discussions and radio polls, because of lack of access to mobile phones or radios, because they are often undertaking domestic duties during the radio programme, as well as persons with disabilities and representatives of victims' groups. Feedback was captured and analysed.



4 Uganda Law Society, Justice and Rights Associates, Justice Centres Uganda, FIDA-Uganda, Uganda Human Rights Commission, Women and Peace Initiative-Uganda, Foundation for Women Affected by Conflict, Refugee Law Project, OJ Disability Care Foundation, Amuria District Development Agency, Kumi Human Rights Initiative, Ombachi Massacre Victims Foundation, Justice Human Rights and Reconciliation Commission, War Victim and Children Networking, Nebbi NGO Forum, Karamoja Women Umbrella Organisation, Kitgum Women's Peace Initiative, Iteso Cultural Union, Action Aid Uganda, People's Voice for Peace, Lango Cultural Fraternity, Lango Female Clan Leaders Association, Global Forum for Development, The Debate and Literacy Forum, West Nile Kony Rebel War Victims Association, Caritas-Uganda, Nakere Women Activists, Public Affairs Centre of Uganda, Global Women for Empowerment and Development, Legal Aid Uganda, Advocates Coalition for Development and Environment , Justice Law and Order Sector Secretariat, Uganda Amnesty Commission, Teso Women Peace Activists, Uganda Victims Foundation, and Watye Ki Gen.

5 Voice Of Karamoja, Akica FM, Mighty Fire FM, Mega FM, Delta FM, Continental FM, Radio Pacis Arua, Pakwach FM, Radio Wa, and Dokolo FM

QUICK STATS

10 Radio Stations

8 Poll Questions

80 Radio Talkshows

94,318 Total Responses

70,441 Unique Respondents

22.5% Female Respondents

77.5% Male Respondents

Period:
JAN - JUN 2020



3.0 POLL FINDINGS

3.1 Transitional Justice Interventions

Introduction

The Government and civil society have championed a number of transitional justice interventions in an attempt to promote peace, recovery and reconciliation in post-conflict Uganda. However, these interventions have received praise and criticism in equal measures. For example, while traditional justice mechanisms have been praised for bringing justice closer to affected communities, they have also been widely criticised because they provide less room for women and young people in the dispute resolution process. Concerns also remain around who benefits from amnesty and socio-economic development programmes.

The NTJP acknowledges that previous efforts to address human rights violations and abuses were isolated, non-systematic, limited by implementation challenges and inadequate in addressing injustices. The policy has been designed to address the violent past, promote accountability, administer justice, enable victims to enjoy equal economic, social and political rights and reconcile people and communities that have been affected by armed conflicts.

In the first poll question of this campaign, which was broadcast on 10 radio stations between February 19 and March 3, 2020, radio listeners were asked to reflect on the transitional justice measures and post-conflict recovery processes that have been most helpful in addressing challenges they faced as a result of armed conflicts.

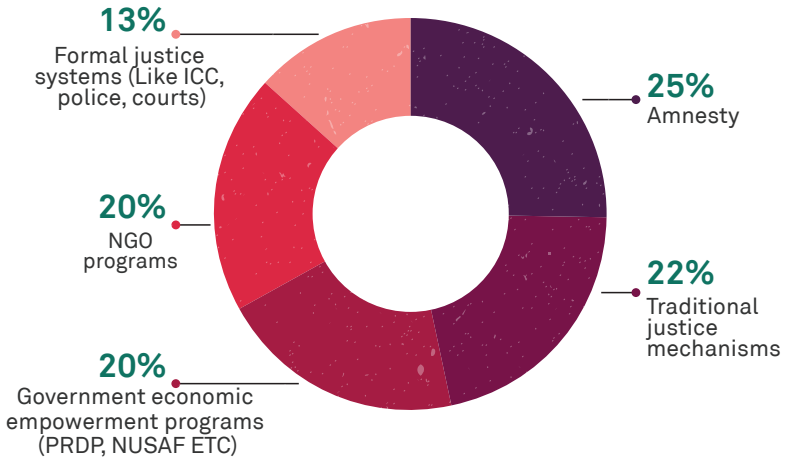
Answer options followed the main themes as set out in the NTJP: Formal justice systems, NGO programmes, amnesty, traditional justice mechanisms and government economic empowerment programmes. In total 10,568 responses were received.



A former child soldier at a Rehabilitation Center, Gulu, northern Uganda, Dec. 2005. (Photo: inmediahk)

Infographic 1a:

Which of the following has helped most to address the challenges you are facing as a result of conflict?



TOTAL RESPONSES **10,568** GENDER PARTICIPATION **21%** Female **79%** Male

This poll question aired from 19th Feb to 02nd Mar 2020 on 10 radio stations in Northern Uganda.

At least 1 out of 4 (25%) of respondents said that amnesty played a key role in the transition period. However, only participants in Acholi (38.2% women, 32.3% men) and Lango (33.2% men, 25.6% women) ranked amnesty highest. This is consistent with the fact that especially in these sub-regions, amnesty was key to ending the two-decade war between the government and the Lord's Resistance Army (LRA). Amnesty encouraged combatants to demobilise and resettle and enabled an estimated two million IDPs across Lango and Acholi sub-region to return home. [6]

Amnesty was rated least helpful in Karamoja and Teso where conflict-related internal displacement and human rights violations fuelled largely by armed cattle raids and the Uganda People's Army rebellion in Teso that preceded the LRA insurgency.

According to 35% of respondents, access to justice through both traditional justice mechanisms and formal justice systems has helped in addressing their challenges. However, more respondents (22%) feel that traditional justice mechanisms have been more effective than formal justice systems (13%).

> *"In Lango region, young children were abducted to fight in the war as rebels. You find a brother is forced to abduct or attack his sister. Through amnesty both will be allowed to return home without being arrested. This would bring peace to the family. In the end, both the sister and the brother are victims of the conflict.*
>
> **Respondent,**
> District Local Government, Dokolo

6 Up to 95% of the population in Gulu, Kitgum, Pader, Lira and Apac districts. (Global IDP Database)

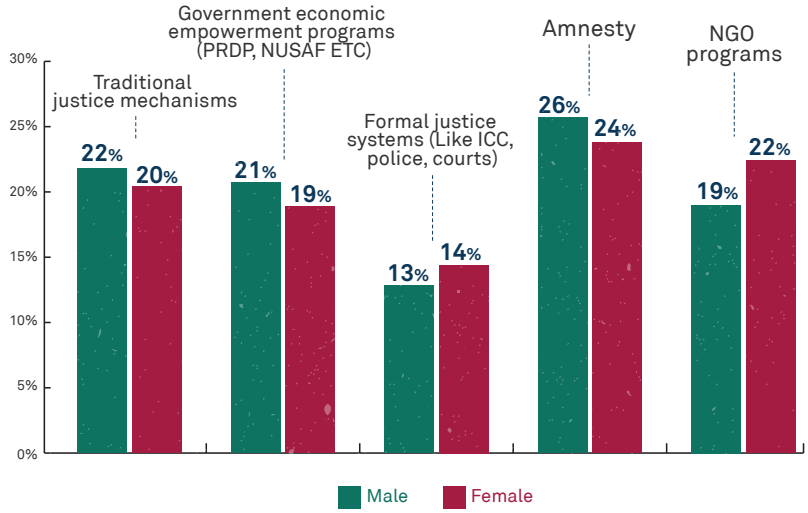
The results of this poll also indicate that 40% of respondents feel that a combination of social and economic development programmes by non-governmental organisations (NGOs) and the government have helped to address some of the challenges.

Another striking finding shows that respondents from West Nile indicated that government economic empowerment programmes have been more valuable (29.7%) than NGO programmes (12.7%). This result is significantly different than the results from the other regions and could be attributed to the fact that several NGOs left the West Nile sub-region when the conflict ended and set up headquarters in the more centrally located towns of Gulu and Lira. Therefore the Government's Peace, Recovery, and Development Plan (PRDP) for Northern Uganda were more visible and essential for citizens in West Nile.

The poll results are consistent with the 2015 assessment of PRDP 1 and 2, which showed that in West Nile, 55.3% found it responsive to community needs.[7]

> *"The government economic programmes come with a lot of bureaucracy. Sometimes persons with disabilities are excluded from services just because they are disabled.*
>
> **Respondent,**
> OJ Disability Care Foundation, Teso

Infographic 1b: Results have been weighted to correct for the actual male/female ratio.



In Karamoja, only 12.5% of female respondents compared to 26.7% male ranked government economic programmes as the most beneficial intervention - indicating that the PRDP had not been deliberately inclusive of or equally beneficial to women and other vulnerable groups, such as persons with disabilities.

In Teso and Lango sub-region, traditional justice mechanisms were rated second most helpful for both female and male respondents. For both genders, traditional justice was preferred to the formal justice

7 Peace, Recovery and Development Plan 3 for Northern Uganda July 2015 –June 2021

systems, which are often perceived as out of reach, costly and affected by delays in the disposal of cases. Clan leaders have played a key complementary role, especially in resolving land disputes, clan and community conflicts and using truth telling and traditional rites to facilitate reconciliation. While the rest of the sub-regions ranked formal justice as the lowest (for 12.8% of men and 14.4% of women), in Karamoja, it was rated most helpful for women (37%) and second most helpful for men (23.5%). According to a Kotido District Councillor, women perceive formal courts as less likely than traditional institutions to discriminate against them due to their gender. Both men and women were of the view that there is a need to harmonise formal courts with cultural justice processes and leaders that are better understood and more accessible to the community. This is to ensure a fairer dispensation of justice in handling disputes or conflict related to cattle raids.

In Teso, respondents (34.3% female and 24.8% male) said that NGO programmes were most beneficial, while in Karamoja and Acholi they were ranked the second most beneficial. In Teso and Acholi sub-region, NGOs, which operated at the grassroots level during and after the conflict made important contributions to victims'/survivors', families' and communities' healing. This includes support through traditional ceremonies and rituals, medical and psychological rehabilitation and through social and economic community-based reintegration, especially for young mothers and children born in captivity.

> *"NGOs played a big role as an independent actor complementing the work of government and up to now the impact of their work at this level can really be felt. They supported cleansing ceremonies and mediation done by traditional leaders including the reception centres giving returnees psychosocial support, packages and continuous follow-up to their families.*
>
> **Respondent,**
> Foundation for Women Affected by Conflict, Kitgum



Lacambel Ogena shares the role of radio during & after the LRA war during an Advocacy Campaign Plannning meeting organized by TRAC FM and The Peace Centre in Gulu district. He hosted a talk show "Come Back Home" on Mega FM where former LRA commanders & fighters urged their colleagues in the bush to come home

3.2 Access to Justice

3.2.1 Formal Justice

Overview

During conflict, individuals and communities suffer serious human rights violations at a time when there is breakdown in the rule of law in the conflict-affected communities. Law enforcement institutions are weak and unable to punish those committing serious crimes or to address the harm, loss or other long-term effects on the victims and their families. The Juba peace process Agreement on Accountability and Reconciliation and the Agreement on Comprehensive Solutions called for criminal accountability for serious crimes, strengthening the rule of law, and alternative justice processes that promote reconciliation, provide healing and reparations to victims, while protecting the dignity, privacy and security of women, children and other vulnerable victims.

The Government of Uganda thereafter set up the Justice Law and Order Sector (JLOS) Transitional Justice Working Group to oversee the implementation of the Agreement on Accountability and Reconciliation. In 2008, it established the War Crimes Division, subsequently named the International Crimes Division, to investigate and prosecute serious crimes.[8] Victims' groups have instituted civil suits seeking compensation for loss of property, including Acholi and Lango war debt claimants.

The Government has now committed to addressing the legacies of past human rights violations and tackling obstacles to accessing justice through the established formal judicial institutions and processes. The NTJP aims to address gaps in the formal justice system and specific barriers to justice, including ensuring witness and victim protection. It also aims to support the participation of vulnerable victims in all transitional justice processes. It responds to limitations such as low trust in the court system, its effectiveness and its ability to satisfy victims and affected communities' demands for justice, healing or reconciliation. The policy also underscores the importance of mitigating misconceptions about the formal justice sector, enhancing access to justice, and promoting security of person and property.

A total of 9,816 respondents were asked to share their views on what should be done to improve access to formal justice by persons affected by conflicts as indicated in Figure 2. Aspects of access to justice covered were: free legal services, raising awareness on victim's rights, special procedures to handle victims' court cases and bringing legal aid services to affected communities.

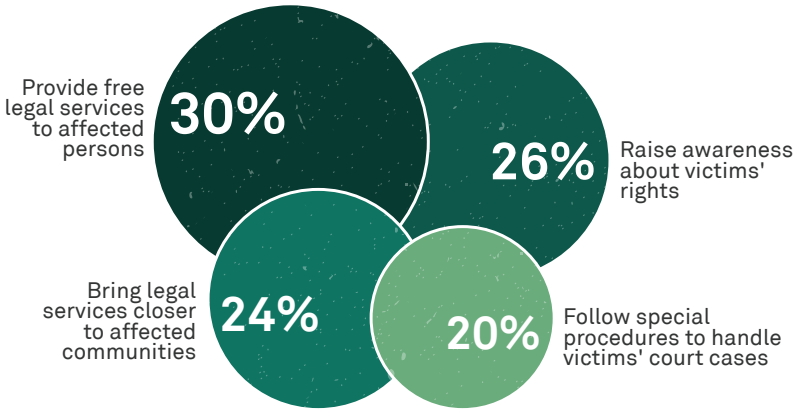


Obiya Village, Uganda. Burial ceremony in the Acholi region of northern Uganda. (Photo: Thomas Morley/ICTJ)

8 Justice Law and Order Sector Republic of Uganda: International Crimes Division. Retrieved from https://www.jlos.go.ug/index.php/about-jlos/priority-focus-areas/transitional-justice/item/536-international-crimes-division-frequently-asked-questions

Infographic 2:

What should be done to improve access to formal justice among people who have been affected by conflicts?



TOTAL RESPONSES **9,816**

This poll question aired from 06th to 18th March 2020 on 10 radio stations in Northern Uganda.

Thirty percent (30%) of respondents across the sub-regions feel that provision of free legal services is the most effective way to improve access to justice among people who have been affected by conflict.

In Teso and Karamoja sub-region, 31.6% and 28.5% of respondents respectively said that bringing legal services closer to the community and 29.3% and 29.2% said offering free legal services to victims would be the most ideal solution. The need to bring legal services closer to communities ranks highly with poor victims limited in their ability to access formal justice institutions because of distance and the cost of transport.

In Acholi and Lango sub-regions, most respondents feel that there is a need to increase public awareness of victims' rights (29.70% and 29.60% respectively) and to provide pro bono legal services (31.2% and 29% respectively). In West Nile, however, provision of free legal services was rated as most valuable (32.7%), followed by the need

> *One needs to hire a motorcycle as a means of transport because courts are far from survivors in rural areas. This is quite expensive and so some cases are not reported.*

Respondent,
Uganda Law Society, Moroto District

> *Looking at courts in West Nile, there is one in Arua and it serves people from Adjumani, Moyo and other places. The transport system is poor, roads are bad and it takes even longer to reach court. More mobile courts or sessions are needed.*

Respondent,
Arua district.

for special procedures for victims' court cases (25.1%).

These findings are consistent with the fact that victims and especially the more vulnerable categories such as widows, sexual violence survivors, the elderly, children born in captivity and persons with disabilities are often financially constrained and thus have limited access to legal advice and representation in court to pursue justice for violations.

> *It has been three years since the Barlonyo victims group went to court seeking compensation and they have not yet got a ruling or any help. Court process takes so long and there is one centralised court in Lira so you also have to factor in the expense of travel and legal assistance.*

Respondent,
Women Peace Initiatives,
Lira

Support with court procedures and administrative processes are critical. Listeners who called in were not aware of and had not benefited from available legal aid services provided by NGOs, Uganda Law Society or Justice Centres Uganda. In Karamoja, for instance, there were reports of a shortage of legal support service providers.

For conflict-affected people and communities to seek formal justice, an important first step is for victims to be aware of and understand their right to legal redress. This was most highly prioritised by respondents in Acholi and Lango. However, the need to increase access to information on legal rights and processes cuts across the sub-regions covered. All communities can benefit from efforts to bypass barriers such as illiteracy or lack of access to media. This can be done through providing radios to women, community sensitisation sessions and simplified information materials in local languages, including Braille and sign language interpretation for persons with disabilities.

For respondents in West Nile, it was most important to take special measures that consider and adapt to the specific cases of victims for whom the impact of the conflict and human rights violations makes formal justice even more inaccessible. This particularly includes persons with disabilities. Listeners across the regions highlighted various challenges that discourage victims from seeking justice, including the lack of protection for victims and witnesses during formal justice processes and the inadmissibility or lack of acceptable evidence in some cases.

> *When handling victims' court cases we need to go an extra mile and follow special procedures knowing that they are dealing with trauma, are impoverished, may lack important information and are not usually supported. They should be able to participate in court hearings with courage and eventually reach a level of healing.*

Respondent,
Justice and Rights Associates,
Kitgum

Procedures should factor in issues such as safety, privacy, managing trauma and reducing inconveniences for victims and their representatives. Some respondents in Acholi stressed the importance of linkages with the respective traditional justice institutions and practices so as to ensure that victims and affected communities also experience the process of accessing formal justice that is restorative and rehabilitative.

3.2.2 Traditional Justice Mechanisms

Overview

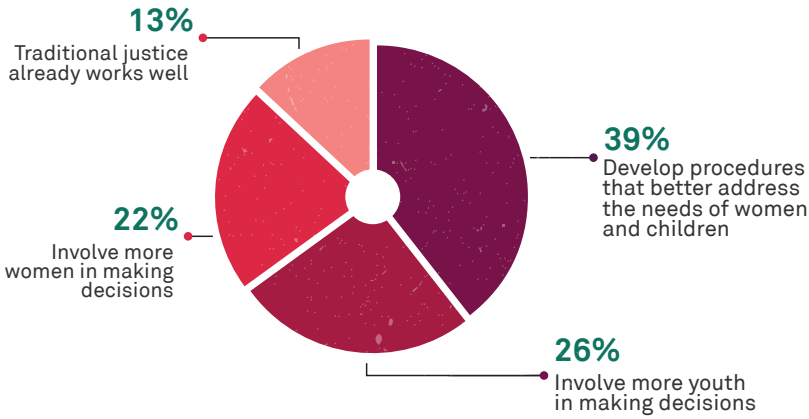
Traditional justice plays a significant role in resolving conflicts and disputes within and between communities. Cultural institutions and leaders have been able to resolve customary land disputes, family and communal conflicts; to conduct family tracing, confirm the identity and reunite children born in captivity to their families; to resettle and reintegrate the formerly abducted; and to facilitate forgiveness, healing and reconciliation within communities using specific ceremonies and rituals. They are also closer to those affected and are able to quickly resolve conflicts and address concerns without the cost implications of the formal justice process.[9]

The Agreement on Accountability and Reconciliation called for traditional justice as practiced in the communities affected by the conflict to be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation. The NTJP therefore acknowledges the important work of traditional justice mechanisms and seeks to formalise its use and role as an official justice administering body through the Transitional Justice Act. The Government in the NTJP also recognizes that traditional justice is more valued and accessible at community level and has done more to promote peace, social harmony and address the reintegration needs of victims/survivors, including women and children born due to captivity.

Listeners were asked what should be done to make traditional justice mechanisms more effective. In total 10,097 responses were received.

Infographic 3a:

How can traditional Justice become more effective in serving women and children?



TOTAL RESPONSES **10,097** GENDER PARTICIPATION **21%** Female **79%** Male

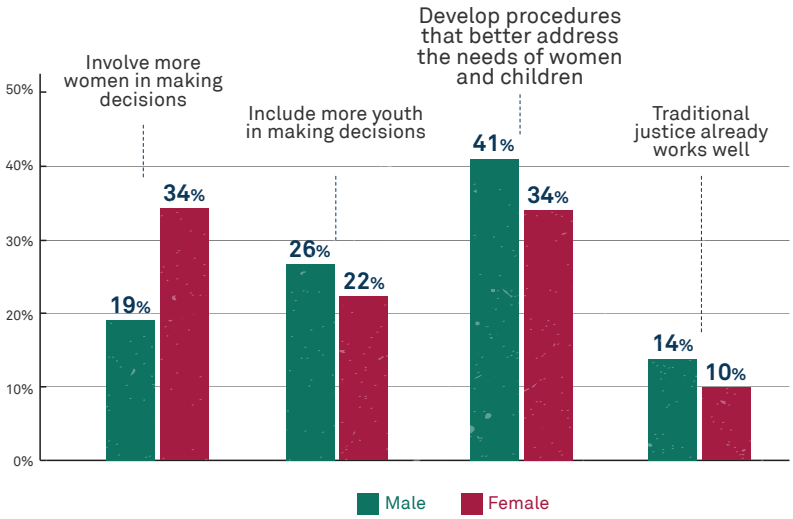
This poll question aired from 19th to 31st March 2020 on 10 radio stations in Northern Uganda.

9 Justice and Reconciliation Project and Institute for Justice and Reconciliation, August 2011, Policy Brief No.1, Traditional Justice and War Crimes in Northern Uganda. https://www.justiceandreconciliation.org/tag/traditional-justice

Results Analysis

Thirty-nine percent of the respondents (39%) said that improving the capacity of traditional justice structures to address a wide range of complex issues will make traditional justice more effective in their communities.

Infographic 3b: Results have been weighted to correct for the actual male/female ratio.



"There are 246 clans in Lugbara. We are not able to gather all the clan leaders and spokesmen, to make them understand their roles and how to solve specific unsettled issues. For example we have children who were born in the war, some of whom were rejected by their families. The clan leaders in their communities need to understand their responsibilities and how to use culture to solve all the related concerns.

Traditional Leader,
Lugbara Kari, West Nile

More women (34%) than men (19%) believe that involving more women in decision-making will improve administration of traditional justice. Support for inclusion of more women in decision-making is highest among female respondents in Lango (47%) followed by Teso (34%) and West Nile (33%). In contrast, only 26% of male respondents in Lango, 15% in Teso and 18% in West Nile support this argument. In Acholi sub-region, women's inclusion in decision-making was ranked second.

Fewer women (10%) than men (14%) feel that traditional justice mechanisms already work well. Only 5% of female respondents in Teso support this argument.

The results above indicate that 48% of the respondents were of the view that including more women and youth in decision-making and in the administration of justice will make

traditional justice mechanisms more effective. Excluding the voices and meaningful participation of women and youth in decision-making within traditional justice processes perpetuates their marginalisation and offers justice that does not sufficiently consider their realities and specific needs. This also sustains the gender inequalities and structural discrimination that expose women to the harms that negatively impact their lives and for which traditional justice is sought.

The poll findings confirm the need for more representation of women and youth in these structures and that their capacity to be non-discriminatory and to address a wide range of post-conflict issues be strengthened.

> *"We need to invite the youth and be deliberate in our engagement both at clan level and at the National Youth Council. Women should be brought on board and we can identify representatives through their social structures. For example the burial groups where women come together to ensure they can bury their children, widows groups or clan groups, which have a women's representative.*

Respondent,
Iteso Cultural Union



Obiya Village, Uganda. Burial ceremony in the Acholi region of northern Uganda. (Photo: Thomas Morley/ICTJ)

3.3 Nation Building and Reconciliation

Overview

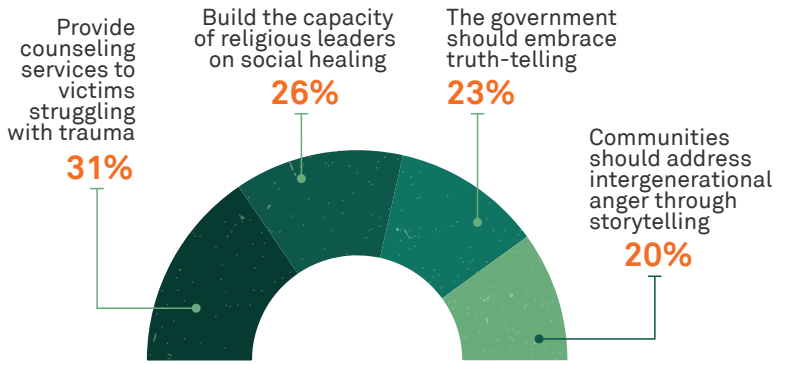
Nation building and reconciliation as pursued through truth seeking is a means to establish the truth about the past, account for wrongdoing, end impunity, resolve disputes, facilitate reforms, build trust and confidence in institutions and contribute to healing. In the NTJP, the Government commits to use truth-seeking processes in all interventions to ensure genuine reform, reconciliation and nation building.

Through truth-seeking processes, victims share their experiences of human rights violations and abuses and their accounts of the past in order to overcome past suffering, ensure non-recurrence of serious crimes and inform future actions for redress. The NTJP states that truth seeking will be used to verify that claimants of reparations are legitimate; to mitigate formal court proceedings; to initiate traditional justice mechanisms; to award an amnesty certificate; to establish the true record of injustices to contribute to national history, deter future conflicts and enhance national unity; to ascertain and document human rights violations that took place in communities, their impact and magnitude; and to facilitate conflict prevention and dispute resolution.

Listeners were asked what is the best way to promote reconciliation in their community. A total of 15,112 responses were received.

Infographic 4a:

What is the best way to promote reconciliation in your community?



TOTAL RESPONSES **15,112**

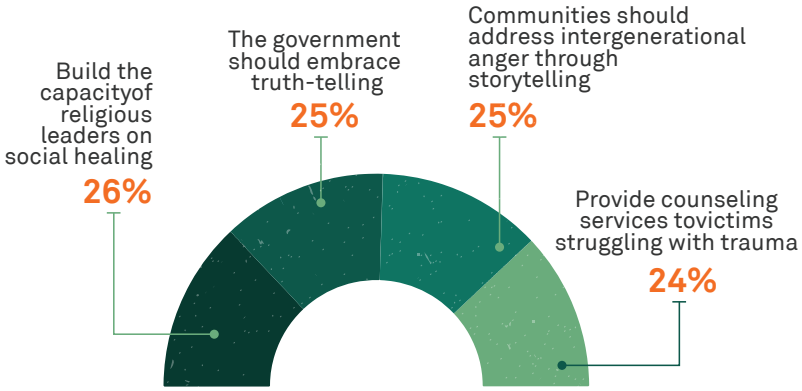
GENDER PARTICIPATION **22%** Female **78%** Male

This poll question aired from 02nd to 13th April 2020 on 10 radio stations in Northern Uganda.

The results generally indicate a high need for social healing among conflict-affected communities. Of the 15,112 people who responded, 4,639 (31%) feel that the best way to promote reconciliation is through offering counselling services to victims struggling with trauma.

Responses from the Acholi sub-region, which experienced prolonged and devastating conflict, are indicated in Infographic 4b below.

Infographic 4b: **What is the best way to promote reconciliation in the Acholi sub-region?**



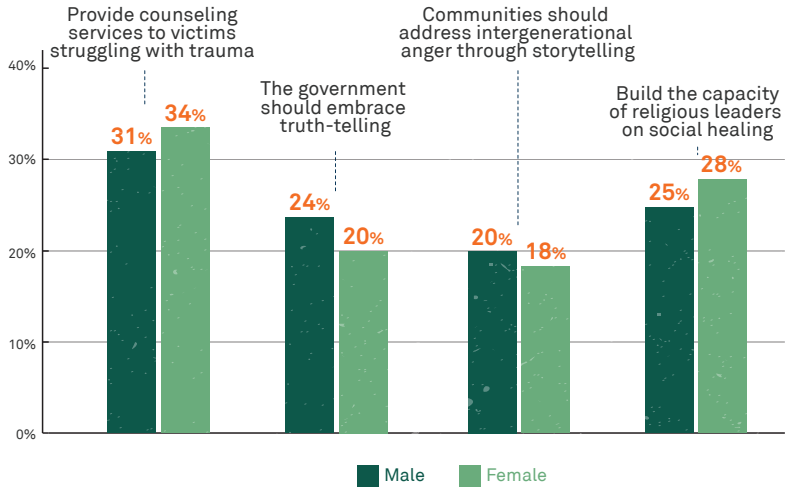
Twenty-six percent (26%) of the respondents said that building religious leaders' capacity to facilitate social healing was the best way to promote reconciliation, followed closely by story-telling (25%), truth-telling (25%), and trauma counselling (24%). This result affirms the role of religious leaders in peacebuilding and reconciliation. Religious leaders are significant and credible community leaders in the Acholi history of conflict resolution, given their role in peace negotiations and talks under the umbrella Acholi Religious Leaders Peace Initiative. The religious leaders partnered with traditional leaders to conduct reconciliation ceremonies between returnees and communities during the conflict and continue to conduct customary cultural dispute resolution at local level.

> *Even when the war was at its peak, the Acholi community, religious associations and cultural institutions stuck together to ensure that the war ended peacefully. They changed people's thinking on how best reconciliation can be realised and by whom. This sent a signal to the community that they are best suited for kickstarting reconciliation.*
>
> **Respondent,**
> Action Aid Uganda

Infographic 4c:

What is the best way to promote reconciliation in your community?

Results have been weighted to correct for the actual male/female ratio.



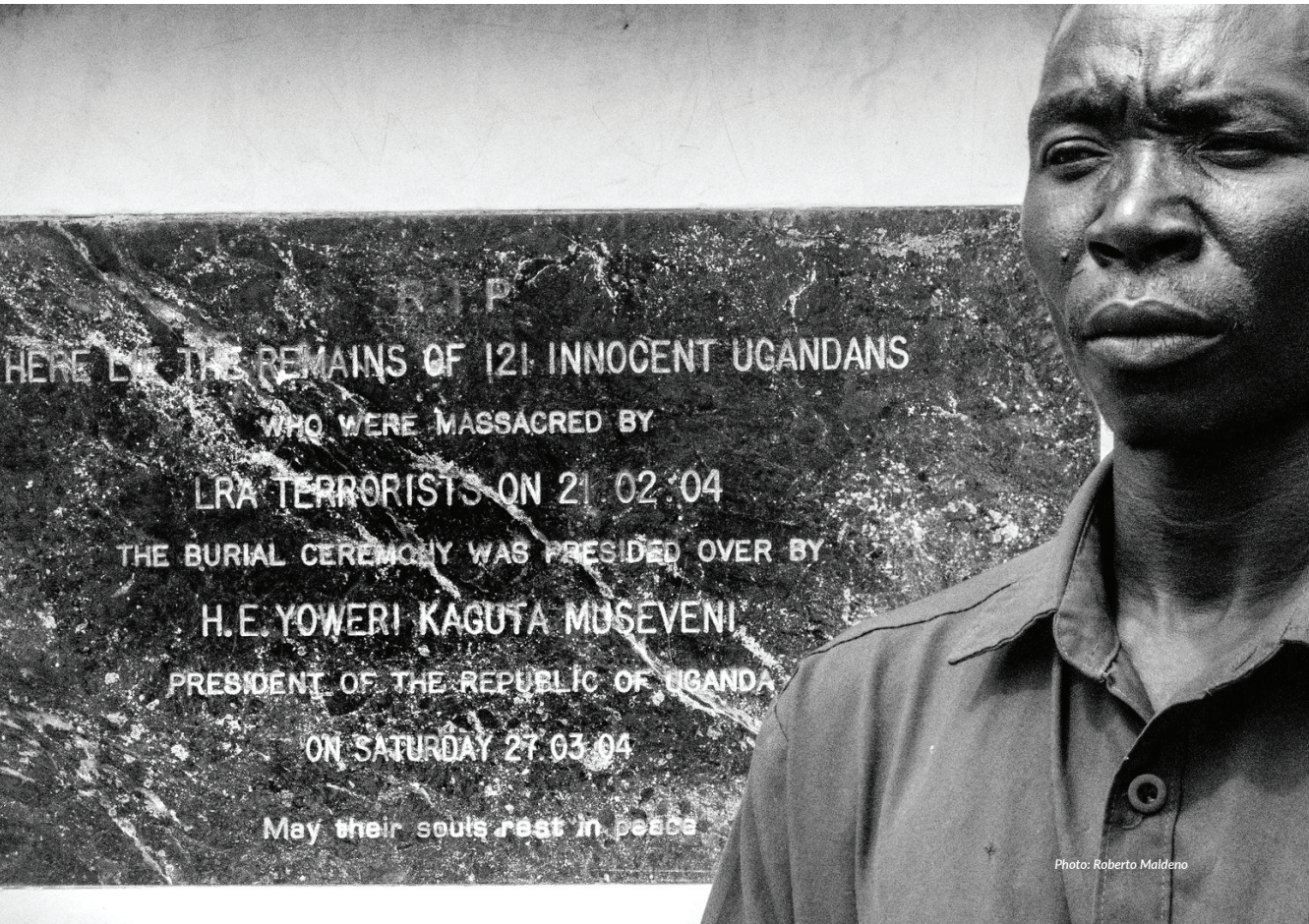


Photo: Roberto Maldeno

3.4 Reparations

Overview

Victims of human rights violations have a right to redress through reparations for the harms and the damage caused. This includes acknowledging responsibility for the wrongdoing and accountability. It must also address the harms stemming from the lingering impact of the violations on victims, their families and communities.

The Government in the NTJP acknowledges the need to repair the harms suffered by victims of human rights violations and meet the justice needs of conflict-affected communities through a comprehensive reparations programme for victims, which also considers short-term reparations. The policy acknowledges reparations as integral to victim's reintegration and to addressing unresolved post-conflict concerns, such as victims' physical and psychological health, land disputes, the situation of children born in captivity, the socio-economic status of affected communities, marginalisation, stigma and re-victimisation of the conflict-affected individuals.

It also acknowledges that previous ad hoc measures such as monetary compensation for some victims and post-conflict development interventions, for instance the PRDP or the KIDDP, are not equivalent to reparations and were plagued by gaps. These include not sufficiently addressing justice for victims, as well as the cross cutting issues of the rights of women, children, the elderly, people with disabilities and other vulnerable victims, among others.

In anticipation of a comprehensive reparations programme, listeners were asked how the pressing and outstanding needs of victims can be addressed in the interim. The results are indicated in Infographic 5a and 5b below.

Infographic 5a:

What should be done to address the immediate needs of victims of armed conflicts?



34% Make exceptions for victims who do not meet requirements to also benefit from gov't post-conflict programs

35% Target the elderly, children born of captivity, women, and people with disabilities to benefit from post-conflict programs

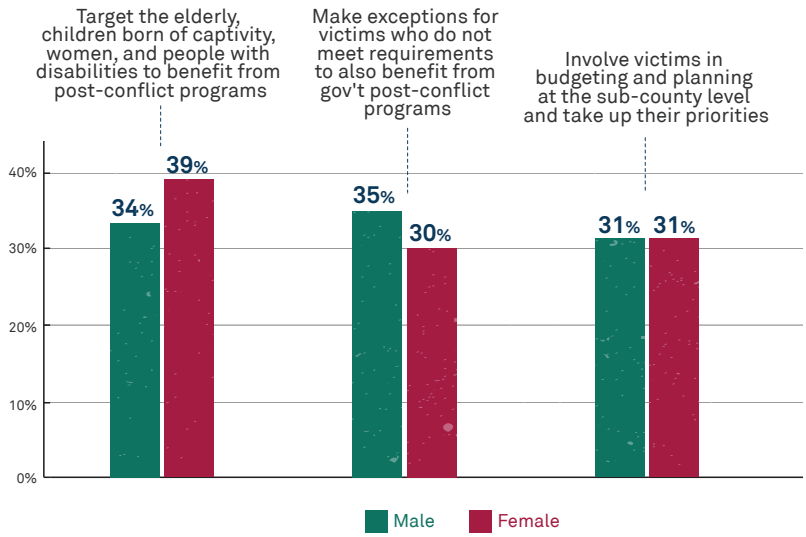
31% Involve victims in budgeting and planning at the sub-county level and take up their priorities

TOTAL RESPONSES **10,477** GENDER PARTICIPATION **24%** Female **76%** Male

This poll question aired from 19th to 27st April2020 on 10 radio stations in Northern Uganda.

Overall, 35% of the respondents said that government programmes should target and prioritise victims who are usually excluded, such as women, children born in captivity, the elderly and persons with disabilities. Thirty-four percent (34%) said that exceptions need to be made for victims who do not meet the requirements to also benefit from government post-conflict programmes, while 31% want victims to be involved in determining priorities for planning and budgeting at local level.

Infographic 5b: Results have been weighted to correct for the actual male/female ratio.



In Acholi (43%), Karamoja (38%) and Teso (36%), the prevailing choice among respondents was for vulnerable victims to be supported to meet eligibility criteria or for requirements to be adapted to enable them to benefit from government programmes.

> *With the condition that one must be Ugandan and have a national ID, children born in captivity who don't know their fathers or both parents and are not able to get national IDs are automatically excluded. When guidelines are in English, many community-based and war victims will need someone to interpret or [they will] be left out due to an information or knowledge gap. The needy victims are known, and should always be on the list when beneficiaries are being registered.*

Respondent,
Global Women for Empowerment and Development, Gulu

3.5 Amnesty

Overview

Amnesty was used as a tool to promote peace by encouraging combatants to stop fighting and return home without fear of punishment. The Amnesty Act (2000) pardoned all engaged or engaging in acts of rebellion against the Government of Uganda since 1986 on the condition that they surrender their weapons, report to a local authority and renounce and abandon rebel activities.[10] The Amnesty Commission granted amnesty to more than 27,000 men, women and children, including combatants and abductees. A number of these people were supported with resettlement packages to reintegrate into their communities.[11] For some, amnesty laid the groundwork for reintegration, healing and reconciliation within families and communities torn apart by armed conflicts. However, the process of granting amnesty has also been criticised for hindering accountability for serious crimes, prioritising the needs of perpetrators over victims and not considering the specific case and needs of returning women and children born of captivity.

The NTJP acknowledges and seeks to address inherent gaps in the amnesty process and make it consistent with international norms and standards on amnesties. As a result, it states that there shall be no blanket amnesty and the government shall encourage those amnestied to participate in truth seeking and traditional justice processes. The Transitional Justice Act will consider granting amnesty on a conditional basis. For instance, amnesties should be considered after a truth-seeking process: persons will only be eligible for amnesty based on making full disclosure of all the facts relevant to the violation or abuse of human rights; amnesties should not be considered for international crimes or granted to a person who has committed war crimes, crimes against humanity or genocide; children should not be subjected to an amnesty process, but will be taken through demobilisation, resettlement and reintegration within the community or as established.

Listeners were asked what the government should prioritise in determining the future of amnesty as Infographic 6 below shows. In total 11,564 responses were received.



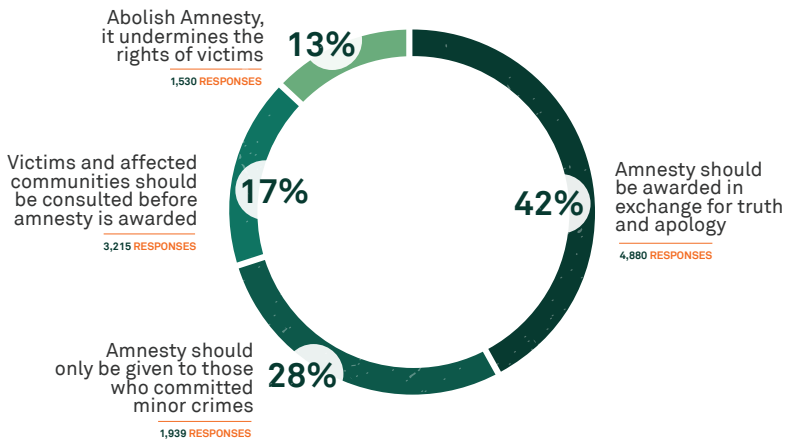
A radio operator broadcasting "Come Home" messages directly to LRA who remain in the bush. (Photo: Invisible Children)

10 The Amnesty Act (2000). Retrieved from https://ulii.org/node/23788

11 New Vision: Over 27,000 former rebels granted amnesty (22nd March 2019). Retrieved from https://www.newvision.co.ug/news/1483077/27-rebels-granted-amnesty

Infographic 6a:

What should the government prioritize in determining the future of amnesty?



TOTAL RESPONSES **11,564** GENDER PARTICIPATION **23%** Female **77%** Male

This poll question aired from 19th to 27th April 2020 on 10 radio stations in Northern Uganda.

The results of this poll show that the majority of respondents (87%) feel that amnesty is still a very valuable tool in transitional justice. Of these, 42% said that amnesty should be awarded in exchange for truth and an apology, 28% said that amnesty should only be awarded to those who committed minor crimes, while 17% prefer that victims and affected communities be consulted before amnesty is awarded. These results generally suggest that while amnesty is valuable in transitional justice, the need for truth and victim consultation before it is awarded is equally important.

> *"It is important that before the government goes ahead to award amnesty in exchange for truth, that communities are consulted on the decision. This would exclude those who committed serious crimes. In Acholi, few people support abolishing amnesty because the majority who were granted amnesty were forcefully abducted. The peace and reconciliation processes brought together broken relationships, people forgave each other and there is no tension. What is important now is to ensure justice for victims of the worst crimes.*
>
> **Respondent,**
> FIDA-Uganda, Gulu

Only 13% of respondents said that amnesty should be abolished, with more respondents from West Nile than any other sub-region in support of this argument.

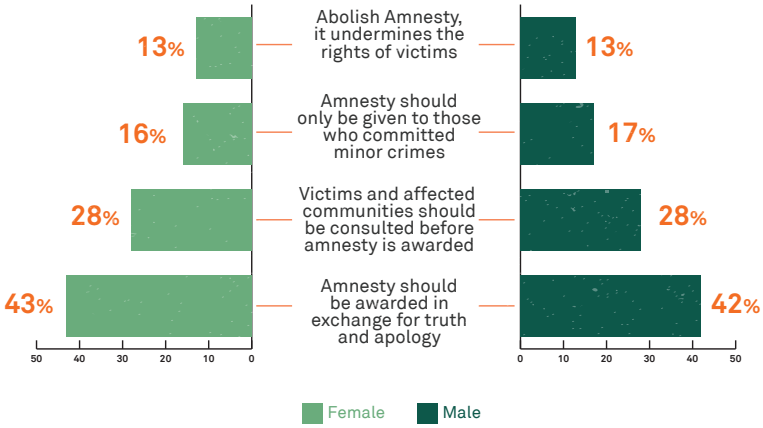
> *During the radio talk show most of the callers were saying amnesty only benefits the war crime personalities. They were asking what is the use of amnesty considering the amount of suffering that continues for them in Teso. They preferred to talk about vocational schools for the children to get employment and medical treatment for those who still have a bullet in their body or illnesses from the war.*

Respondent,
Teso Women Peace Activists, Soroti

Infographic 6b:

What should the government prioritize in determining the future of amnesty?

Results have been weighted to correct for the actual male/female ratio.



The results show that there was almost a balance in the proportion of women and men's responses.

3.6 Memorialization

Overview

In post-conflict communities, preserving and honouring the memory of people who went missing or died, recognising the suffering of survivors and remembering specific events are important for individual and collective healing. Memorial or remembrance sites and events are often used to honour and remember the victims of human rights abuses resulting from armed conflicts. These include architectural memorials, museums and other commemorative events, like annual prayer ceremonies.

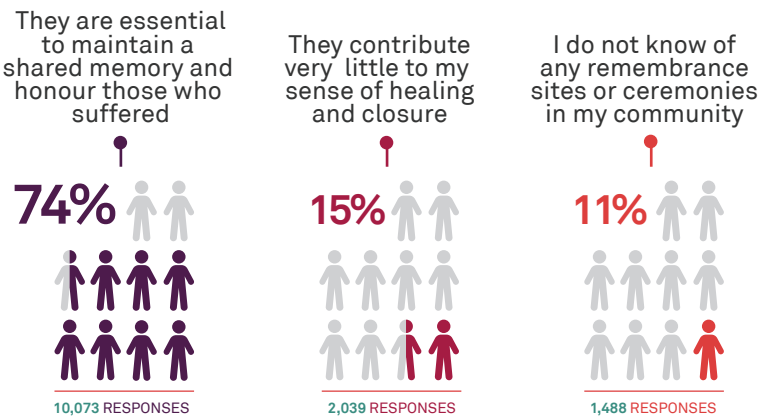
Memorial activities and sites create space for dialogue and reconciliation, for public education and to build a shared memory of the conflict and its impact. However, memorialisation also has the potential to re-traumatise survivors and fuel conflict. There is the possibility for discord, for instance, between religious groups if one is prioritised for prayer ceremonies.

Women's experiences and sexual and gender-based violence that is considered culturally taboo, such as rape of women, children and men, are often not prioritised in collective memorials. As new massacre sites are identified, requests for construction of monuments or mass prayer ceremonies are affected by limited funds. Many community members are also unable to regularly visit and use memorial sites or to attend prayer ceremonies in central locations.

Listeners were asked to give their views on remembrance sites and ceremonies. Their views are presented in Infographic 7 below. In total 13,600 responses were received.

Infographic 7:

What do you think of having remembrance sites and ceremonies in your community?



This poll question aired from 15th to 25th May 2020 on 10 radio stations in Northern Uganda.

A large majority (74%) of respondents consider community memorial sites and activities essential to honour those who suffered or maintain a shared memory of the past, while 15% feel that community memorials contribute very little to their sense of healing and closure and 11% are not aware of any community sites or ceremonies in their area.

> *In Lango we have been holding different memorial activities and we cherish them as some of the ways we give those who have departed in whichever form a rest for their souls. We feel that it is very important to give those who passed on in the time of atrocities a memorial and we feel that sites give us a physical attachment to the deceased, so having that in the community brings it even closer.*
>
> **Respondent,**
> Northern Uganda Transitional Justice Working Group

Overall, the results did not differ significantly across the sub-regions, except for West Nile and Karamoja, where a higher percentage of respondents - 19% and 14%, respectively - did not know of any community memorial activities. Additionally, more respondents (22%) in the Karamoja sub-region said that remembrance sites contribute little to their healing and closure compared to other sub-regions.

> *We have no community memorial sites aside from the roads in Kaabong, Moroto and Kotido towns named after people who died in the raids. Along the road from Kotido to Moroto we also have cement crosses marking where people were killed on the road. Once a year on the anniversary of the Lokiriyama peace accord, we go to the border between Uganda and Kenya to remember the raids between the Turkana and Karimojong, perform cultural activities and promote peace.*
>
> **Respondent,**
> Karamoja Elders Cultural Association

The responses from Lango, Acholi and Teso sub-regions reflect their longer experience with memorialisation activities, including community memory centres or museums and survivor support group activities, versus the experiences of people in the West Nile and Karamoja sub-regions.



Burcoro Memorial site (Photo: The Peace Centre)



Girls born in captivity often get pregnant while they are still teenagers. Stigma and hardship pass from mother to child, and sometimes even to grandchildren, in an intergenerational cycle of vulnerability, abuse, and marginalization. (Photo: Marta Martinez/ICTJ)

3.7 Women and Children

Overview

Discrimination and gender inequalities make women and children more vulnerable to violence during and after conflict. This has affected the ability of women and their children who were born of war to recover, due to their exclusion from the Government's reintegration support upon return in favour of male ex-combatants.[12] The abuses and violence they suffer affect their identities and survival and sustain the intergenerational impact of the human rights violations. Women survivors of sexual violence continue to experience stigma, rejection by families and communities and trauma that affects their mental and emotional well-being and undermines their dignity.

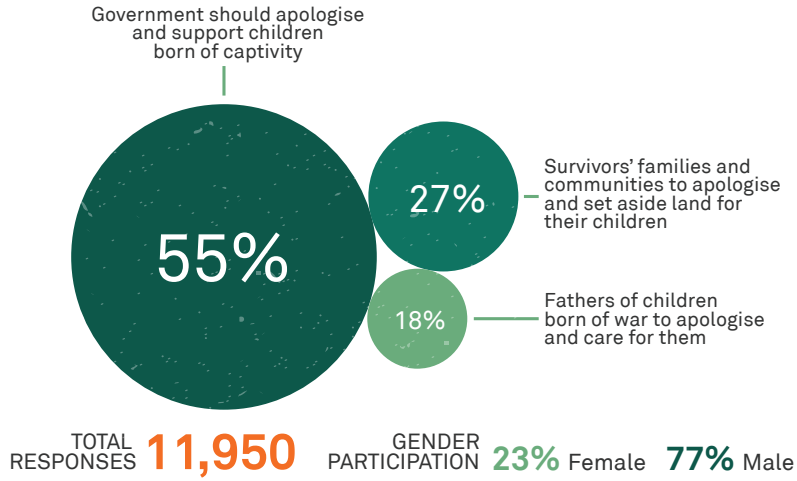
This is compounded by the shortage of efforts to address their socioeconomic status and reintegration. For example, children born of war are limited in their access to a wide range of services as they await the special birth registration programme to acquire national IDs.

In the NTJP, the Government acknowledges these gaps and commits to support the specific needs of women and children, including physical and mental health rehabilitation, gender justice efforts and inclusion in social protection and peace interventions. The Government also commits to include women in making decisions about and implementation of the policy and to ensuring that reparations address the situation of children born of captivity, as well as stigma, marginalisation and revictimisation of those affected by conflict.

Listeners were asked what is missing in the efforts to ensure to justice for survivors and children born of war. The options of 11,950 respondents are visualised in infographic 8 below.

Infographic 8:

What missing course of action is key to ensure justice for survivors of sexual violence and their children born of war?



This poll question aired from 2nd to 16th June 2020 on 10 radio stations in Northern Uganda.

12 Neenan, J. (2017). Closing the protection gap for children born of war - Addressing stigmatisation and the intergenerational impact of sexual violence in conflict. LSE & FCO. http://www.lse.ac.uk/women-peace-security/assets/documents/2018/LSE-WPS-Children-Born-of- War.pdf

Just over half of the respondents (55%) were of the view that the government had more to do in acknowledging the plight of women survivors and their children: apologising for the harms and suffering they face as well as providing specific support to the women and their children.

> *It is the obligation of the government to protect its citizens. The most distressing part is after coming back there was no recognition that the woman and her children suffered in a unique way. This apology is about recognising their problems and targeting the survivors specifically. Women feel that they have now been forgotten and no one cares what they went through. They want government to provide meaningful support that changes their situation, for their physical and psychological healing, so they can cope financially, for formal and informal justice to ensure an end to sexual violence.*
>
> **Respondent,**
> People's Voice for Peace, Gulu

Approximately 27% of respondents considered it most important that community leaders and families apologise for ostracising survivors and support their access to customary land. Listeners stressed the role of government authorities in protecting or supporting the women survivors and their children reintegration and well-being.

> *When the clan, which the woman comes from, integrates the child into the clan system and allocates land, leaders and others at community level should be supportive. However it is the government's responsibility to take care of the vulnerable women and children so law enforcement should be improved to allow them use the land in addition to sensitising people on the rights of others. This should be supplemented with programmes like livelihood support for women and education sponsorship for the children.*
>
> **Respondent,**
> District Local Government Kumi

Public support for the known fathers of returnee children to acknowledge and apologise for their role in the women survivors' experience of violence and provide livelihood support was low, with only 18% of respondents considering it most important. This was largely attributed to the small number of women survivors who know the fathers of their children where the fathers would be in a position to apologise for the harm and take supportive action.

> *After returning, some men were taken into the army and have been earning money, yet women and children are still suffering. Even the amnesty package was given equally to both boys and girls, the man who is alone gets some money and one mattress and even a woman with her five children gets one mattress. Some abducted girls did not receive a package and were rejected in their villages. Yet men who returned with children don't help the women to take care of them and no one considers that.*
>
> **Respondent,**
> War Victims and Children Networking, Gulu

4.0 COMMUNITY DIALOGUES

In June 2020, the Peace Centre conducted five community dialogues at the sub-county level in partnership with the District Local Governments of Lira, Soroti, Gulu, Arua and Kotido, and with civil society partners - TEWPA in Tubur - Soroti, Nakere Rural Women Activists in Panyangar - Kotido, RLP in Awach-Paibona - Gulu, AYINET in Ogur - Lira and Uganda Victims Foundation in Dadamu - Arua. The aim of these community dialogues was to gather local leaders and community members, especially women and victims' representatives, to raise awareness of the NTJP, reflect on the poll questions, discuss key post-conflict concerns and make specific recommendations to leaders.

In Panyangar sub-county in Kotido District, discussions focused primarily on reparations and justice for those who were physically harmed, lost loved ones, suffered miscarriages and other losses during the disarmament process. Elders and community members followed up on delayed justice for specific violations that occurred in Losilang and Losogot, including promised compensation for voluntary surrender of arms, killings and destroyed homes. They also called for a memorial in Charakok in honor of those who lost their lives during the armed raids. The Kotido Resident District Commissioner, Chief Accounting Officer and Regional Police Inspector provided an update on compensation cases, acknowledged challenges in the justice system and committed to follow up on documented violations to ensure action or provide updates.

In Ogur sub-county in Lira District, the dialogue focused on nation building and reconciliation and community members reflected on their experiences contributing to defining the NTJP. The discussion focused on the need for forgiveness, community healing, counselling and ending stigma against former abductees. It also focused on providing support to Ogur sub-county parishes to form groups for psychosocial support, to exchange experiences and to partner on income-generating activities. Community members reflected on the impact of COVID-19 preventive measures, including a spike in domestic violence cases and persons with disabilities being unable to access services. The cases of returnee women and their children who were denied use of clan land was raised and the Community Development Officer and Local Council III Chairperson committed to engage with cultural leaders and parish chiefs to follow up and ensure their return to the land.

In Tubur in Soroti District, community members from Tubur, Aparisa and Acunna parishes discussed reparations and access to justice through formal and traditional institutions. Participants reflected on their experiences during the war and called for an accurate record of the atrocities perpetrated in Tubur, reparations for survivors, especially mental health and livelihood support, and strengthening of the justice system in order to end impunity. They also highlighted gaps in traditional justice processes and called on the Iteso Cultural Union to build the capacity of clan leaders to avoid discrimination against women, to protect the privacy of victims, to consider victims' needs, to minimise the obstacles to access and to refer sensitive cases, such as sexual violence, to the formal courts. The Resident District Commissioner and representative of Iteso Cultural Union committed to train clan leaders and strengthen cultural structures at grassroots level to improve the administration of justice.

In Awach-Paibona in Gulu District the dialogue focused on reparations and women survivors shared their desire for land, capital, and healing; vocational skills training for their children; and to be recognised as respectable members of society. For older women, they envisioned support that considers the burden of caring for returnee children and grandchildren. They recommended that district leadership should register all victims and work to meet their basic needs even as they wait for future compensation and other forms of reparations from the central Government.



Barlonyo martyred village - Residents re-enacting the horror of a massacre in North-Uganda, 2016 (Photo: Roberto Maldeno)

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Access to Justice

Physical and financial inaccessibility of legal services coupled with limited understanding of victims' legal rights emerged as key barriers in accessing formal justice for cases like land disputes or seeking material compensation. This was particularly true for widows, children born in captivity, the elderly and persons with disabilities.

- Provision of free legal services for victims, including support to navigate ordinary court procedures and administrative processes, is critical to ensure their access to formal justice. Legal services should be brought closer to the communities.
- Victims must be made aware of and understand their rights to legal redress. This should be done through processes that include women, persons with disabilities and the elderly, such as community sensitisation sessions and by offering simplified information materials in local languages, including Braille and sign language interpretation for persons with disabilities.
- Court procedures in conflict-affected communities should be adapted to consider safety, privacy, managing trauma and minimising inconveniences for victims or their representatives

5.2 Traditional Justice Mechanisms

Traditional institutions continue to have a crucial role in administering restorative justice focused on addressing the harm suffered, the needs of the victim, and facilitating healing, reconciliation and reintegration. Examples include resolving land conflicts or facilitating compensation for lost animals and property.

- The capacity of traditional leaders should be strengthened to handle a wider range of post-conflict issues, to transform gender discriminating practices and to ensure the uniform application of human rights standards, including victim sensitivity.
- Traditional justice institutions should meaningfully include women and youth in the administration of justice and in decision-making structures or spaces such as clan meetings. There is a need to ensure that decisions reflect the different needs and realities of women and youth.
- There is a need to strengthen collaboration and complementarity between formal and traditional justice institutions and actors.

5.3 Nation Building and Reconciliation

The NTJP falls below established standards of a credible truth-seeking process because it does not establish a truth-seeking body. But reconciliation at personal and communal levels that centres truth, addresses individual and collective trauma, seeks healing, peaceful coexistence, justice, and sustainable peace offers promise. Results show that conflict-affected people across the sub-regions need trauma relief as a prerequisite for their recovery and to participate in processes that facilitate reconciliation.

- All actors must prioritise trauma healing as a critical first step for any peace and reconciliation processes.
- Post-conflict reconstruction efforts by Government should prioritise investments in individual mental and emotional wellbeing and recovery through psychosocial support
- Religious leaders should continue to facilitate social healing and reconciliation within communities

5.4 Reparations

Victims have urgent and outstanding reparation needs that can be addressed in the short term under the anticipated comprehensive reparations programme that is intended to repair the harms suffered, meet the justice needs and unaddressed post-conflict concerns of conflict-affected communities.

- Government and local leaders should specifically target typically excluded victims, such as women, children born in captivity, the elderly, and persons with disabilities, as beneficiaries of Government programmes. Victims should also be supported to meet eligibility criteria.
- Local leaders should link victims to programmes by other development partners and support their participation, particularly in economic support initiatives as well as through other critical services.
- Planning and budgeting priorities at local level should reflect victims' concerns including their access to physical and psychological health services, improving the socioeconomic situation of children born in captivity and of women survivors, among others.

5.5 Amnesty

The majority of citizens across the sub-regions consider conditional amnesty as beneficial if previous flaws are addressed, including accountability for serious crimes, the treatment of women and children and the participation of affected communities.

- Future amnesty processes should centre truth seeking, acknowledgement of wrongdoing, apology and consultation of affected communities before decisions are made.
- Perpetrators of serious crimes, including those of a sexual and gender-based nature, must be ineligible for amnesty.

5.6 Memorialisation

Community memorial sites and activities are considered essential in honouring those who suffered, died or maintain a shared memory of the past, even in sub-regions that do not have commemorative sites or ceremonies. Responses highlighted the increasing calls for memorials, especially for new massacre sites in Karamoja sub-region, which does not have such sites or events.

- Government should increase support to sustainable community-level initiatives, led by victims' or survivor support groups, which are relevant and appropriate for individual and collective healing. These also serve as places for people to regularly discuss the past and help each other heal as opposed to psychosocial services provided by other actors.
- District and community leaders should decentralise commemorative activities such as memorial prayers at massacre sites and encourage activities closer to communities.

5.7 Women and Children

Citizens across the sub-regions feel that the Government has not sufficiently recognised the suffering and persisting impact of the conflict on women survivors and children born of captivity by taking practical steps to specifically support their reintegration and recovery.

- Government should reaffirm the expressed commitment to address the specific needs of women and children born of war as well as their minimal benefit from Government programmes by providing support to address their immediate needs, such as economic support or medical and psychosocial rehabilitation.
- Government should also ensure that the planned reparation programme prioritises tackling the disproportionate impact on women survivors, addresses the inequalities perpetuating their victimisation, and includes them in the design, implementation and monitoring of those programmes, and repairing the harms suffered.
- Local and cultural leaders must protect the social, cultural and economic rights of women survivors and children born of war, including their access to and ownership of land or property. They should take the lead in educating and acting against harassment or expulsion of women and children by community members.

REFERENCES

1. Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement, 2007.
2. Adams, K., Global Network of Victims/Survivors, & UK Advisory Group. (2017). Principles for global action - preventing and addressing stigma associated with conflict-related sexual violence.
3. Isis-WICCE, Feinstein International Center, & Tufts University. (2013), Making Gender-Just Remedy and Reparation Possible: Upholding the Rights of Women and Girls in the Greater North of Uganda, Kampala. https://fic.tufts.edu/wp-content/uploads/Gender-Just-Remedy-and-Reparation-3-27-13-final.pdf
4. Justice and Reconciliation Project and Institute for Justice and Reconciliation, August 2011, Policy Brief No.1, Traditional Justice and War Crimes in Northern Uganda. https://www.justiceandreconciliation.org/tag/traditional-justice
5. The National Transitional Justice Policy, June 2019. https://www.jlos.go.ug/index.php/about-jlos/priority-focus-areas/transitional-justice

ABOUT TRAC FM

TRAC FM is an NGO that enables citizens to take part in a meaningful public debate on public policy and governance. TRAC FM reaches out to even the most remote and excluded citizens through the use of basic mobile phones, free SMS and interactive FM radio talk-shows broadcast in local languages. Through these efforts, TRAC FM collects valuable real-time data from citizens throughout Uganda, which helps to identify socio-economic and political trends. The collected data assists policymakers and practitioners on the ground to respond in more flexible ways to emerging opportunities and risks.

ABOUT WOMEN'S INTERNATIONAL PEACE CENTRE

Women's International Peace Centre (formerly Isis-WICCE) is a feminist organisation with a mission to ignite women's leadership, amplify their voices and deepen their activism in (re)creating peace. Our vision is a world where women live in peace and (re)create peace. Our strategic goal is to enhance gender equity, justice and inclusive political, social and economic development, by contributing to sustainable peace. Founded in 1974, WIPC works with partners in conflict and post-conflict contexts across Africa and Asia, using our home grown WEAVE model to catalyse women's power for peace by integrating research, documentation, holistic healing, skills and movement building as well as advocacy.

ABOUT INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE

The International Center for Transitional Justice (ICTJ) is an international NGO that works across society and borders to challenge the causes and address the consequences of massive human rights violations. ICTJ affirms victims' dignity, fight impunity, and promotes responsive institutions. For almost 20 years, ICTJ has worked with civil society organisations, government representatives and the international community to help societies find their way as they seek to address the legacy of a troubled and violent past, restore lasting peace and build just and inclusive societies.





Radio Hosts in a workshop at the beginning of the campaign. The workshop skilled the radio hosts on how to hold a conversation about Transitional Justice on air.







CSO partners, and victims representatives brainstorm on poll question topics to be tackled in the campaign.



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Peace Monument in Gulu established in honor of the end of the 20 years war of the Lord's Resistance Army