

RESEARCH REPORT

Advancing Gender Justice in Uganda

An Assessment of the National Transitional Justice Policy

July 2026



Cover Image: A women's group dances during the International Women's Day commemoration in Northern Uganda's Omoro District on March 8, 2024. (ICTJ)

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About ICTJ

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

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Introduction

The adoption of the National Transitional Justice Policy (NTJP) by Uganda’s cabinet in 2019 was a groundbreaking development in the country’s quest for accountability and justice. In adopting the NTJP, Uganda became the first sub-Saharan African country to create its own national policy on how best to pursue transitional justice and promote social healing, reintegration, and nation building. The NTJP was the culmination of more than a decade of discussions and consultations about how to best address conflict-related violence in the country. The policy’s proposed road map offers “holistic interventions to achieve lasting peace” and proposes various mechanisms to advance justice for the victims and survivors of conflict in Uganda.¹ In its bid to provide contextually specific measures of transitional justice, the policy focuses on five key areas: formal justice, traditional justice, nation building and reconciliation, amnesty, and reparations. Through these approaches, the policy delineates frameworks for advancing peace and justice in Uganda.

Throughout the various justice mechanisms outlined in the NTJP, there are several references to addressing the needs of women. The 2007 Agreement of Accountability and Reconciliation noted that the experiences, views, and concerns of women must be considered in the design and implementation of transitional justice processes. Building on this commitment, the NTJP promises that “concerted effort will be channeled to address gender-related challenges in the post-conflict communities and [will] seek to achieve equity.”² It calls for “avenues for the mainstreaming of gender” and identifies advocates for the “full involvement and participation of women and children in decision making in conflict prevention and resolution.”³ Calling for a victim-centered approach promotes principles such as gender equality, vulnerability, best interests of children, and inclusiveness. Uganda’s third national action plan on women, peace and security (covering 2021-2025) also identifies the central role of the NTJP in promoting accountability and justice for women.⁴

Although the cabinet approved the NTJP, its implementation requires the Ugandan Parliament to pass legislation that would put the policy into effect. The legislation, which should be based on the policy, would establish the necessary strategic and institutional framework to begin the long-awaited transitional justice process in the country. It is expected to contain several key provisions, including plans for witness and victim participation, nation building and reconciliation,

1 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, (June 2019), iii.

2 *Ibid.* at 21.

3 *Ibid.*

4 Ugandan Ministry of Gender, Labour and Social Development, *National Action Plan on Women, Peace And Security 2021-2025*, (March 2021).

traditional justice mechanisms, and a reparations framework. The protracted journey toward creating the different mechanisms outlined in the NTJP has raised concerns among civil society over potential further bureaucratic delays.⁵ Since transitional justice aims to address the injustices of the past and promote an equitable future, it is important that the policy be operationalized through the enactment of the enabling legislation.

While civil society in Uganda cautiously welcomed the policy's promotion of justice and accountability, several reservations have been raised over its commitment to deliver gender justice. Despite the NTJP's pledge to "promote the participation of intended beneficiaries," there was limited engagement with civil society and gender experts in the finalization of the policy, and information about its realization has been sporadic.⁶ Indeed, dissemination of the NTJP has been reliant on non-government actors. Nonetheless, the commitment to a multi-sectoral approach in the policy provides an opportunity for civil society actors connected to victims and affected communities to ensure that its implementation adequately addresses gender justice concerns.

Both locally and internationally, concerns have also been raised that the predominance of conflict in Northern Uganda has resulted in the government and civil society reducing transitional justice to a regional issue focused only on the north. This bias will impact how gender justice issues are approached more broadly. Those implementing the policy need to recognize that the country has faced various conflicts in other regions, such as the Rwenzori subregion, which also require justice for victims, including of sexual violence. Furthermore, the legacies of conflict and human rights violations in post-independence Uganda call for a broad and comprehensive national transitional justice process.

This report is intended to analyze the gender sensitivity of Uganda's NTJP and offer recommendations on gender-inclusive approaches to its implementation. The policy aims to support comprehensive transitional justice processes in the country by outlining a plan for accountability, reconciliation, and reparations. However, as highlighted in this report, it is evident that there are many gaps and omissions within the policy, especially regarding gender inclusion. Transitional justice processes must cater to the different vulnerabilities and needs of victims, which requires addressing the full range of gendered human rights violations and abuses committed during conflict. The aftermath for victims of gender-based harms is also a critical consideration for transitional justice mechanisms. This includes physical, social, and economic consequences. As such, the NTJP needs to engage with the ways fundamental gender biases hinder women from claiming and enjoying their socioeconomic and political rights.

Objectives of the Study

This report analyzes how gender issues have been incorporated into Uganda's NTJP. This was approached by:

- providing a context analysis of the goals and objectives of the NTJP and identifying how gender issues have been addressed in it;
- suggesting strategies to better understand the gender implications of the policy for men, women, boys, and girls, including the most valuable ways to address the effects of gender-based violence;

5 Avocats Sans Frontières, "Report for the National Stakeholder Dialogue on Transitional Justice 25th February 2020 at Metropole Hotel, Kampala," (May 8, 2020).

6 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 36.

- outlining best practices and lessons learned from other African transitional justice contexts that can inform the implementation of the gender components of the NTJP;
- providing specific recommendations for improving the gender responsiveness of the policy, including developing gender-sensitive measures and indicators.

Methodology

The report is based on both consultations with regional experts and background research centered on legal, policy, and academic discussions on gender-based crimes and transitional justice in Uganda. Reflections on the policy mainly stem from reports authored by individuals in the non-governmental sector. These reports are mostly made up of policy drafts penned by African scholars in the field. The analysis also drew on local and international policy documents, academic research, and civil society reports that have reflected on gender, conflict, and the role of transitional justice more broadly. This background research provided the foundation for interviews with leading practitioners in the area. Critical inputs and insight were provided by several transitional justice actors, including Yasmin Sooka, Margaret Ajok, Lino Owor Ogora, Solomy Awiidi, and Marianne Akumu.

Context

In 2019, more than a decade after the Juba peace talks ended, Uganda’s cabinet approved the NTJP. With this, Uganda became the first sub-Saharan African country to adopt its own national policy on transitional justice.⁷ The adoption of the policy was the realization of a long-standing commitment to accountability and justice agreed to by the Government of Uganda and the Lord’s Resistance Army (LRA) in 2007. Members of civil society have welcomed the NTJP’s overall commitment to deliver victim-centric transitional justice processes, but there are critical gaps that might hinder the policy’s ability to deliver gender justice.

The protracted and brutal conflict in Northern Uganda between the Government of Uganda and the LRA, led by Joseph Kony, has its immediate roots in the country’s troubled history following independence in 1962. The LRA conflict was marred by widespread impunity for gross human rights violations, committed particularly against women and girls, who were subjected to systematic rape, sexual slavery, forced marriage, forced pregnancy, and forced sterilization or abortion. An estimated 60,000 children were abducted and forced to serve as combatants, porters, and sexual slaves.⁸ According to a UN report on the abduction of children, about 85 percent of girls who arrived at a Gulu trauma center for former LRA abductees had contracted sexually transmitted diseases during their captivity.⁹ The 2021 conviction by the International Criminal Court (ICC) of former LRA commander Dominic Ongwen for 19 counts of sexual and gender-based crimes highlighted the prevalence of these violations during the conflict.¹⁰

Instances of gendered violence took many other forms as well, challenging stereotypes that typically cast men as perpetrators and women as victims. Patterns of violence in Uganda revealed the prevalence of acts of gender-based violence committed against men and boys, including rape, castration, and sexual torture.¹¹ Additionally, evidence shows that older women in the LRA committed sexual violence against child soldiers. Thus, gender-based violence was widely used and motivated by a desire to exercise power and domination through the humiliation of the victim.¹²

7 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy* (2019).

8 Pamela Machakanja and Chupicai Manuel, “Women and Transitional Justice Processes in Africa,” in *The Palgrave Handbook of African Women’s Studies*, eds. Olajumoke Jacob-Haliso and Toyin Falola (Palgrave Macmillan, Cham, 2021), 721-741.

9 Richard Lough and Euan Denholm, Amnesty International, “Violence Against Women in Northern Uganda,” (2005).

10 *Prosecutor vs. Dominic Ongwen*, ICC-02/04-01/15-1762-Red, International Criminal Court, Trial Judgement, February 2021.

11 Kennedy Amone-P’Olak et al., “Sexual Violence and General Functioning Among Formerly Abducted Girls in Northern Uganda: The Mediating Roles of Stigma and Community Relations - The WAYS Study,” *BMC Public Health* 16.64 (2016).

12 Marianne Akumu, Sarah Kihika Kasande, Grace Acan, and Evelyn Amony, ICTJ, Women’s Advocacy Network, and Global Survivors’ Fund, “We Cannot Survive on Hope and Promises Alone: Uganda Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence,” (2022).

The allegations of sexual abuse in Northern Uganda are not confined to the LRA. It is also alleged that soldiers from the Uganda People's Defence Forces were also responsible for serious human rights abuses, including sexual assault against both women and men.¹³ Furthermore, due to the fact that the conflict forced 80 percent of the region's population to flee their villages and seek refuge in camps for internally displaced persons (IDPs), the patterns of traditional life were eroded and social structures broke down, leading to a surge in domestic and sexual violence. Women in IDP camps often bore the burden of taking care of their families, risking their safety to collect firewood and water outside of the camps. There were widespread reports of women engaging in "survival sex" to protect their families or access resources.

In Uganda, as elsewhere, it has been shown that conflict-related sexual violence forms part of a continuum of interrelated and recurring forms of violence. The root of the violence lies in pre-existing forms of gender inequality, which were exacerbated by colonial systems and manifest in the widespread and systemic marginalization of women. These patterns of discrimination are grounded in sociocultural beliefs around gender norms that have, in turn, influenced the scope and nature of gendered violence. They have also influenced the way gendered crimes have been overlooked in the aftermath of conflict.

The consequences of conflict-related sexual violence for victims are both short- and long-term. Such violence not only violates the dignity of survivors but also intentionally shatters families and their communities. Women and girls were also subjected to, and continue to experience, violations of their socioeconomic rights, including their access to health care, land, education, food, housing, and property.

Gender and the Juba Peace Process

The negotiations between the Ugandan government and the LRA began in Juba, South Sudan in July 2006 and culminated in the signing of five significant protocols. This included the Agreement on Accountability and Reconciliation (the Agreement), which identified the need to address "serious crimes, human rights violations and adverse socio-economic and political impacts" arising from the conflict.¹⁴ The Agreement provides for a variety of transitional justice mechanisms intended to address the justice demands of victims and the reconciliation expectations of victim communities and to provide accountability for perpetrators of serious crimes. Mechanisms proposed include a truth-seeking process, the promotion of traditional systems of justice focused on reconciling communities, and reparations.

The Agreement further stipulates that the special needs of women and children must be recognized and addressed through these mechanisms.¹⁵ This resulted from both the influence of the government minister and chief negotiator, Betty Bigombe, and women's groups that contributed to the negotiations, such as the Uganda Women's Coalition for Peace. The Agreement also calls for an accountability process that protects the dignity, privacy, and security of victims of gender-based crimes.¹⁶ It offers a rather basic definition of gender as "two sexes, men and women, in the context of society." Unfortunately, it does not engage with the way gender crimes may impact men and gender non-conforming individuals. This is further compounded by the fact that male survivors are also affected by the Ugandan Penal Code Act, which does not crimi-

¹³ Ibid. at 19.

¹⁴ *Agreement on Accountability and Reconciliation Between the Republic of Uganda and the Lord's Resistance Army Movement, Juba, Sudan*, (June 2007).

¹⁵ Ibid. at Art. 10.

¹⁶ Ibid.

nalize sexual violence against men.¹⁷ In fact, it categorizes both consensual and non-consensual sexual acts between persons of the same sex as “offences against nature” or sodomy.¹⁸ The NTJP nonetheless provides a starting point for acknowledging that conflict-related sexual violence requires special attention.

It should be noted that the final peace agreement was never signed, as Joseph Kony conditioned his final signature on the cancellation of the standing ICC arrest warrants against him and four of his top commanders issued in 2005. Nonetheless, as noted above, certain sub-agreements were signed in 2006, 2007, and 2008, and the Ugandan government has committed itself to fulfilling the provisions of these agreements.

In the decade following the Agreement, Uganda made several domestic and international commitments that informed its eventual transitional justice policy. In 2008, the Ugandan government’s Justice Law and Order Sector (JLOS) established the Transitional Justice Working Group (TJWG). This working group was tasked with translating the commitments of the Agreement into a national policy on transitional justice. To achieve this, the TJWG held a series of nationwide consultations with survivor groups, civil society organizations, and development partners. It also conducted a series of studies into various aspects of transitional justice. In its draft transitional justice policy of 2013, it was noted that gender mainstreaming would be critical to developing transitional justice processes in Uganda. As such, it called for the full involvement of women in decision making. However, the working group evolved to consist only of government officials, limiting the role of civil society and gender experts in the creation of the final policy.

In another attempt to fulfill the Juba Agreements, the Ugandan government established the International Crimes Division (ICD) as a division of Uganda’s High Court in July 2008. The ICD was mandated to prosecute international crimes, including genocide, crimes against humanity, and war crimes.¹⁹ In 2016, the ICD adopted its rules of procedure and evidence, which contain various provisions designed to ensure the effective prosecution of sexual and gender-based crimes and the protection of victims and witnesses of these crimes.²⁰ In 2024, the ICD completed its first war crimes trial against former LRA combatant Thomas Kwoyelo, whom it convicted for 44 counts of war crimes and crimes against humanity, including 10 counts of sexual and gender-based crimes. The latter included acts such as rape and outrages upon personal dignity.²¹

As envisioned in its 1995 constitution, Uganda has several progressive policies aimed at advancing gender equality. In 2007, Uganda passed its Gender Policy, which, among other obligations, provides a multi-sectoral commitment to increase knowledge and understanding of human rights among women and men and strengthen women’s presence and capacities in decision making.²²

At the international level, the Government of Uganda is a signatory of the African Union’s 2005 Maputo Protocol on the Rights of Women in Africa, which defines an explicit framework outlining the rights of women on the continent. The Protocol specifically calls for women’s protection against all forms of violence, including “deprivation of fundamental freedoms in private or public life in peacetime.”²³ It also specifies that perpetrators of violence against women in conflict

17 Government of Uganda, Penal Code Act Laws of Uganda Cap 128, Section 110.

18 Ibid. at Section 134.

19 “The High Court (International Crimes Division) Practice Directions 2011,” *The Uganda Gazette* No. 38 Volume CIV dated 31st May, 2011.

20 “The Judicature (High Court) (International Crimes Division) Rules 2016,” (August 2024), Rules 35 and 36.

21 *Uganda vs. Kwoyelo* (HCT-00-ICD-CR-SC 2 of 2010) [2024] UGHICD 10 Judgement, (13 August 2024).

22 Government of Uganda, “Uganda Gender Policy 2007.”

23 African Union, “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa,” (July 2003).

should be brought to justice before a competent criminal court. As such, “the nature of the violations to which women and girls are usually subjected, and the impact of such violations on them, means that the issue of women and transitional justice should be treated on its own.”²⁴

In 2008, the Ugandan government adopted its first National Action Plan on Women, Peace, and Security (NAP), which outlined priorities in peacebuilding, conflict resolution, and gender equality. This was followed by two more NAPs, the third of which covers 2020–2025. Each NAP has included commitments to the pursuit of gender-sensitive transitional justice. The third plan makes explicit calls for women’s access to formal and informal peace and transitional justice processes, as well as the strengthening of legal reform and accountability for conflict-related sexual violence.²⁵

Local Efforts to Address the Justice Gap

In the absence of official justice mechanisms that have specifically focused on delivering redress to victims of mass atrocities, including victims of gender-based human rights violations, several initiatives were developed by local and international actors to provide survivor-based care in Northern Uganda. At the local level, for example, women community leaders have offered substantive interventions to assist the reintegration of former child soldiers and formerly abducted women and girls. On a transnational level, initiatives to support victims of sexual violence have been endorsed by organizations such as the Butterfly Fund. The Fund, which was founded to address sexual slavery perpetrated by the Japanese military in Southeast Asia during World War II, has worked with local organizations such as Wend Africa, Golden Women Vision, and Can Rewede Pee on community sensitivity training on gender-based violence.²⁶ However, these interventions have often been “isolated, non-systematic, limited by implementation challenges and resource gaps.”²⁷

24 African Union, “Transitional Justice Policy: An Integrated, Prosperous and Peaceful Africa,” (February 2019), 12.

25 Ugandan Ministry of Gender, Labour and Social Development, National Action Plan on Women, *Peace And Security 2021-2025*.

26 “Butterfly Fund: Prevention of Sexual Violence in Conflict,” Korean Council for Justice and Remembrance Website, <http://womenandwar.net/activity-eng>

27 TRAC.FM, Women’s International Peace Centre, and ICTJ, “Transitional Justice in Northern Uganda: Citizens’ Perspectives,” (2020), 6.

The National Transitional Justice Policy

Following numerous drafts, the Government of Uganda adopted the National Transitional Justice Policy (NTJP) in 2019. The policy emphasizes the need for comprehensive and context-specific policies, strategies, and programs, which involve a range of formal and informal transitional justice measures. The NTJP's stated objective is to enhance legal and political accountability, promote reconciliation, foster social reintegration, and contribute to peace and security.²⁸ It intends to achieve this by undertaking interventions related to five priority areas:²⁹

1. Formal justice
2. Traditional justice
3. Nation building and reconciliation
4. Amnesty
5. Reparations

Under formal justice, the government will ensure the protection of victims and witnesses and remove barriers to access to justice for vulnerable victims. The policy proposes to formalize traditional justice as a tool for conflict resolution. It provides for nation building and reconciliation, which is to be achieved through truth-seeking processes. Under the NTJP, the government will abolish blanket amnesties and encourage amnestied individuals to participate in traditional justice and truth-seeking processes. Lastly, it calls on the government to establish a reparations program for victims affected by conflict.

The implementation of the NTJP will be guided by principles of “victim-centeredness, vulnerability, best interests of the child, transparency, accountability, public participation, confidentiality, gender equality, inclusiveness, complementarity, neutrality, and integrity.”³⁰ The NTJP stipulates that gender considerations will be mainstreamed in all aspects of the transitional justice process, and the government will support the full involvement and participation of women in transitional justice.³¹

28 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, iv.

29 *Ibid.* at 16.

30 *Ibid.* at 17.

31 *Ibid.*

Integral to achieving the aims of the policy is addressing impunity for gender-based harms, including different forms of sexual and gender-based violence. As observed by the International Center for Transitional Justice (ICTJ), “women’s experience of political violence is often neglected in transitional justice approaches [which have been] implemented with little regard for the distinct and complex gendered experiences of the conflict and injuries women have suffered.”³²

Cognizant of these challenges, the NTJP identifies a range of cross-cutting issues, including the needs of “women, children and the elderly, persons with disability and persons living with HIV/AIDS.” It also identifies medical, physical, social, and psychological consequences as a priority area. Land conflicts and issues related to the resettlement of former IDPs and refugees are also logged as areas that should cut across all transitional justice interventions.

However, exactly how the policy intends to actively counter impunity for gender-based crimes is ambiguous. It promises that “concerted effort will be channeled to address gender-related challenges in the post-conflict communities and [that the policy will] seek to achieve equity.” It also calls for “avenues for the mainstreaming of gender” and “the full involvement and participation of women and children in decision making in conflict prevention and resolution,” but does not specify how this will be achieved. While the need for the participation of “intended beneficiaries” to achieve the NTJP’s successful implementation is recognized, the role of gender experts is not explicitly called for.

Despite the active participation of civil society groups documenting gender-based crimes against men and women and tirelessly advocating for the implementation of gender-sensitive transitional justice, there was limited involvement of gender experts in the finalization of the NTJP. This might explain why the policy’s references to gender are vague and why there is only one reference to sexual violence. This potentially limits its capacity to deliver comprehensive redress to victims of gender-based human rights violations. Philip Shultz and others have criticized the policy’s gender-blindness toward male wartime sexual violence, revealing this as a “structural limitation.”³³ ICTJ and the Global Survivors Fund (GSF) have similarly noted that men and boys have been subject to a range of acts of sexual violence, including sexual mutilation, genital torture, forced masturbation, and other serious sexual harms.³⁴ Evidence has also shown that sexual violence was perpetrated by older female LRA combatants against child soldiers. Thus, sexual violence was evident in a myriad of forms that often disrupted gendered stereotypes about male perpetrators and female victims. The transitional justice policy perpetuates these gendered stereotypes by not explicitly addressing sexual and gender-based violence against men.

This gap in the clear identification of the range of gendered violence has been attributed in part to the lack of consultation with a broad spectrum of survivors. It is also explained by a lack of political will to address the atrocities committed by state and non-state actors during the conflict. Nevertheless, the NTJP’s often ambiguous language allows for broad interpretation. As a result, its commitment to victim-centeredness and “the need for victim participation in the design, implementation, and oversight of transitional justice” could allow for “gender-specific victim forums” to ensure the voices of all survivors are included. This will be particularly important during the development of legislation that will operationalize the NTJP and the implementation of the proposed transitional justice mechanisms.

32 Vasuki Nesiha, ICTJ, “Truth Commissions and Gender: Principles, Policies, Procedures,” (July 2006), 3.

33 Philipp Schulz, “To Me, Justice Means to be in a Group’: Survivors’ Groups as a Pathway to Justice in Northern Uganda,” *Journal of Human Rights Practice* 11(2019), 175.

34 Akumu, Kihika Kasande, Acan, and Amony, “We Cannot Survive on Hope and Promises Alone.”

International and local NGOs, as well as women survivor groups, have already facilitated consultations focused on increasing awareness of the full range of violations that women and girls have suffered and their needs and demands for justice. An ICTJ-GSF study found that survivors preferred measures for redress include income-generating activities that provide them with economic stability, trauma management interventions, tracing of missing loved ones who were abducted, scholarships and education grants for children affected by conflict, and access to specialized health care, including sexual and reproductive health services.

In August 2019, following Uganda's adoption of the NTJP, civil society groups established a platform to create momentum and garner support for its implementation. Organizations in what became known as the Transitional Justice Consortium include ICTJ, the Women's International Peace Centre, and the Refugee Law Project, which have been working with victims and affected communities throughout the country. Interventions included an "interactive radio campaign" with the Ugandan radio station, TRAC FM. The campaign elicited input from survivors, especially women, about their concerns, recommendations, and experiences.³⁵

The NTJP notes explicitly that while the government is responsible for creating an "enabling environment," implementation will rely on a "multi-sectoral and multi-dimensional" approach. To achieve this, funding will not only need to come from the Ugandan government, but also from development partners and civil society. This approach allows for local organizations to ensure that gender considerations are more clearly defined and articulated in implementation processes. Through an examination of the NTJP's five priority areas, this report will look at the ways each aspect could better address the unique challenges to advancing gender justice in Uganda.

Formal Justice

The NTJP has identified its "core objective" as one of "ending impunity and promoting justice." It identifies formal justice as "criminal prosecutions of the architects and perpetrators of grave human rights violations and abuses."³⁶ This follows commitments made in the Agreement on Accountability and Reconciliation that criminal accountability would be pursued for serious crimes. The NTJP suggests these prosecutions may be pursued internationally or nationally. But, while it acknowledges existing justice institutions and processes in Uganda, it notes the gaps in terms of transitional justice. In particular, the policy emphasizes the necessity of ensuring "access to justice by the vulnerable, especially children and women in post-conflict situations."³⁷ As a priority, it notes the need to "ensure witnesses are protected and witnesses participate in proceedings and to the extent possible, remove barriers for access to justice by victims especially the vulnerable."³⁸

To achieve the protection and participation of witnesses requires a nuanced approach. This involves recognizing how the specific vulnerabilities of women and men may impede their access to justice. To support the NTJP, investigators and the judiciary should be trained on gendered violence and mechanisms to ensure the anonymity of victims as a priority. Protecting the identity of witnesses is critical since high levels of social stigma are pervasive for survivors of gender-based violence, and particularly for former wives of the LRA. This commitment could be further supported by closed hearings and other secure testimony channels to protect the identity of victims. For example, the ICD implemented discretionary protective measures

35 TRAC.FM, Women's International Peace Centre, and ICTJ, "Transitional Justice in Northern Uganda."

36 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 18.

37 Ibid.

38 Ibid.

during Thomas Kwoyelo's trial, which encouraged victims of sexual violence to testify. These measures included voice distortions, the use of pseudonyms, and providing a degree of anonymity to witnesses, which gave them the confidence to testify without fear of retaliation or stigmatization. As a result, Kwoyelo was found guilty on ten counts of sexual and gender-based crimes, including rape, enslavement, and outrages upon personal dignity.³⁹ Liberia and other countries have also revealed the need to create alternative safe spaces for women and other vulnerable groups to share their experiences. This should be combined with public awareness campaigns on the rights of vulnerable victims and the importance of gender-sensitive justice.

Given the layers of vulnerability that exist following the conflicts in Uganda, it is also vital that removing barriers to justice includes providing access to psychosocial support that is tailored to the specific needs of victims. Trauma-informed care needs to be sensitive to the experiences of different genders, particularly victims of sexual and gender-based violence. Interviews with survivors in Northern Uganda by ICTJ and GSF revealed widespread post-traumatic stress disorder, low self-esteem, and suicidal thoughts.⁴⁰ They also showed that stigma and issues of inter-generational trauma were widespread. Thus, psychosocial care needs to be inclusive, provide support in formats accessible to all victims, and entail sensitization to the myriad forms of social stigma that abound.

Sexual and gender-based violence was a defining feature of the two-decade armed conflict between the LRA and the Government of Uganda. The NTJP cannot be adequate and complete without appropriate accountability for the different forms of this violence that victims endured. The LRA systematically abducted young women and girls aged 10 to 18, awarding them to LRA fighters as "forced bush wives" and domestic servants, otherwise known as *ting ting*. Abducted women and girls were subject to various forms of sexual violence, including rape, torture, sexual slavery, forced marriage, and forced pregnancy. However, as researcher Erin Baines has noted, the LRA intentionally organized itself into structures that resembled family life, and rape outside the confines of forced marriage was largely prohibited.⁴¹

This has complicated the demonstration of sexual slavery or forced marriage through formal justice mechanisms. Thus, while some progress on accountability has been made in theory, in practice, convictions for conflict-related sexual violence have not been forthcoming. Recognizing this gap, civil society has voiced concerns that the NTJP is "shallow" on criminal accountability.⁴²

As noted above, in the aftermath of the 2008 Agreement on Accountability and Reconciliation, the War Crimes Division was created as part of Uganda's complementary role to the ICC. Renamed to the ICD in 2011, its role is to prosecute war crimes that occurred during the conflict with the LRA. It was the first local war crimes court in Africa. However, the ICD's first case against Thomas Kwoyelo was contentious from the outset. Kwoyelo, a senior leader of the LRA and also known as *Latoni*, was himself abducted as a child, and his defense claimed he was therefore a victim of the conflict. Nonetheless, in August 2024, Kwoyelo was found guilty of 44 counts of crimes against humanity, war crimes, and other serious crimes, including rape.⁴³ The trial took more than 15 years and faced numerous legal, procedural, and operational challenges.

39 *Uganda vs. Thomas Kwoyelo, Alias Latoni*, HCT-00-ICD-SC-02 OF 2010 International Crimes Division, High Court of Uganda, Judgment, 13th August 2024.

40 Akumu, Kihika Kasande, Acan, and Amony, "We Cannot Survive on Hope and Promises Alone."

41 Erin Baines Baines, "Forced Marriage as a Political Project: Sexual Rules and Relations in the Lord's Resistance Army," *Journal of Peace Research*, 51.3(2014), 405-417.

42 Avocats Sans Frontiers, "Report for the National Stakeholder Dialogue on Transitional Justice 25th February 2020 at Metropole Hotel, Kampala."

43 Sarah Kasande, ICTJ, "Uganda's Long Road to Accountability: The Kwoyelo Verdict and Lessons for Future International Crimes Prosecutions," (August 21, 2014).

At the international level, in 2021, former LRA commander Dominic Ongwen was convicted by the ICC for war crimes and crimes against humanity. This included 19 counts of crimes of sexual and gender-based violence, which surpasses any prior convictions for gender-based crimes at the ICC. The case revealed how Ongwen was responsible for “distributing” women and girls to be kept as sexual slaves by soldiers in the LRA, many of whom were forced to bear children. As a result, Ongwen’s case was pivotal as the first prosecution of the crimes of forced pregnancy and forced marriage by the ICC. Ongwen’s trial was also important for recognizing that men within the LRA were sometimes forced to have relationships with women against their will. His conviction has been celebrated for highlighting gender-based crimes in Uganda.

The critical role of judicial mechanisms in addressing gender-based crimes since the 1990s in contexts such as Rwanda has been well documented. Jurisprudence developed at the International Criminal Tribunal for Rwanda (ICTR), the ICC, and the Special Court for Sierra Leone has expanded the definition of crimes against humanity and war crimes to address a wide range of gender-based violations, including trafficking of women, enforced prostitution, forced pregnancy, and forced marriage. Scholars have stressed the importance of international law in deterrence, confronting impunity for gender-based crimes, and promoting women’s rights. And internationally, UN Security Council Resolution (UNSCR) 2106 stresses the need to deal with sexual violence in conflict through demands to exclude sexual violence from amnesty provisions. As such, it is critical that the formal justice mechanisms in Uganda deliver on the promise to provide access to justice to women.

To best achieve this, it is essential to be mindful of the various challenges that have faced the successful pursuit of accountability for gender-based violations, including the historic invisibility of crimes due to denial, lack of societal acceptance, and the silence created by stigma. Justice for conflict-related sexual violence has been hampered by inadequate and incoherent investigation and prosecution policies, charges of sexual violence frequently being dropped during proceedings, charges not encompassing the extent of the sexual violence committed, and the inability to link the accused to charges of sexual violence.⁴⁴ Accountability has also been hindered by inconsistent commitment of justice actors to treat gender-based crimes with the same rigor and determination as other crimes.

Those responsible for implementing the NTJP should utilize the numerous standards that have been developed to help guide the investigation and prosecution of sexual violence crimes. For example, the Inter-Agency Standing Committee’s 2005 Guidelines for Gender-Based Violence Interventions in Humanitarian Settings (updated in 2015) were created in response to the Darfur crisis. More recently, the Murad Code has established benchmarks and frameworks for the safe and ethical collection and use of information obtained from survivors of systematic and conflict-related sexual violence.⁴⁵ In addition, in 2014, the ICTR produced a Best Practices Manual on the investigation and prosecution of sexual violence. The manual explores a range of issues from how to improve the investigation and prosecution of sexual violence, how to use the best witness testimony, and how to optimize the role of management. Coupled with the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, as well as examples of the successful national prosecution of conflict-related sexual violence, many best practices can be built upon.

44 Anne-Marie de Brouwer, “The Importance of Understanding Sexual Violence in Conflict for Investigation and Prosecution Purposes,” *Cornell International Law Journal*, 48 (2015).

45 See Murad Code Project Website, www.muradcode.com (accessed February 2025).

What has been described as a “hostile social and legal terrain” has, to date, impeded men from sharing their experiences of sexual violence in Uganda.⁴⁶ As a result, ICTJ and GSF have stressed the need for gender-inclusive language to make visible abuses against male victims. Additionally, political will to pursue prosecutions is needed to ensure due attention to the investigation and prosecution of gender-based crimes. Among issues raised by civil society is the need for increased protection for victims and the expansion of definitions so that the range of “perpetrators” could expressly include and recognize government forces.

Traditional Justice

The NTJP defines traditional justice as “localized cultural practices by communities to attain justice and reconciliation; it encompasses all community-driven cultural practices developed and utilized in resolving localized disputes to attain safety and access to justice by all.”⁴⁷ Relatedly, the African Union Transitional Justice Policy (AUTJP) defines traditional justice mechanisms as “the local processes, including rituals, which communities use for adjudicating disputes and for restoring the loss caused through violence in accordance with established community-based norms and practices. They include traditional adjudicative processes such as clan or customary courts and community-based dialogue.”⁴⁸ While acknowledging the critical role of traditional justice mechanisms in addressing local disputes and communal violence, the AUTJP urges states to adapt and use traditional justice mechanisms “alongside the formal mechanisms to address justice, peace, accountability, social cohesion, reconciliation, and healing.”⁴⁹ It is argued that utilizing local justice mechanisms can offer an important tool to “enhance international commitment to end impunity and promote peace.”⁵⁰ The NTJP, in concurrence with the AUTJP, states that traditional justice mechanisms should supplement the formal justice system because they provide a more appealing way to achieve justice through their accessibility and cost-effectiveness.⁵¹

Many post-conflict contexts in Africa and beyond, including Mozambique, Rwanda, Sierra Leone, Timor-Leste, and Uganda, have relied on their traditional justice processes to rebuild social relations, foster reconciliation, and facilitate the reintegration of ex-combatants.⁵² Traditional justice processes are based on the customs and traditions of the people and have legitimacy because they are participatory, restorative, non-adversarial, and society-focused. They were not imposed but have evolved through long periods of use.

The UN Secretary General’s report on the rule of law noted that “due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often-vital role and to do so in conformity with both international and local traditions.”⁵³

The Agreement on Accountability and Reconciliation identified the role of traditional justice as central to addressing the conflict but acknowledged the need for “necessary modifications.” The TJWG therefore created a “Traditional Justice Mechanisms” sub-committee tasked with examin-

46 Akumu, Kihika Kasande, Acan, and Amony, “We Cannot Survive on Hope and Promises Alone,” 21.

47 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 8.

48 African Union, “Transitional Justice Policy,” 4.

49 Ibid. at 12.

50 Ibid.

51 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 8.

52 Luc Huyse and Mark Salter, eds., *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (Stockholm: International IDEA, 2008).

53 Report of the UN Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (New York: S/2004/616, 2004).

ing ways that traditional justice mechanisms could be better used to foster reconciliation, reintegration, and accountability. The NTJP recognizes that local justice mechanisms are both valued and accessible but also notes the need for more standardization in the use of traditional justice. In particular, it calls on the government to develop “safeguards that will recognize and protect the rights of parties that seek redress.”⁵⁴

As a result, JLOS has conducted capacity building among traditional justice systems in the Acholi region, but this needs to be expanded to all systems. Cultural institutions such as the Ker Kal Kwaro have played a role in reintegrating children born in captivity and formerly abducted persons into their communities and facilitating community reconciliation processes. They have also been instrumental in resolving land disputes in Acholi and affirming the land rights of formerly abducted women and girls and their children.

Through the Uganda Law Reform Commission, JLOS has also begun developing guidelines to implement informal justice systems in the administration of justice in Uganda. These guidelines aim to establish a clear framework for informal justice, elucidate the connections between informal and formal justice systems, define coordination structures, and outline processes for referrals and appeals. The objective is to enhance access to justice, especially for marginalized and underprivileged populations, by incorporating and strengthening the use of informal justice systems in dispute resolution.⁵⁵

Those implementing the NTJP should draw on the commitment made in the Maputo Protocol on the Rights of Women in Africa to ensure women do not become victims of “discrimination and harmful practices” through local justice mechanisms.⁵⁶ It is important that traditional justice processes are implemented in a way that both upholds the values of the Maputo Protocol and pays attention to the possible gendered impact of proceedings. It is therefore important to create mechanisms that promote women to active roles within local justice mechanisms, as well as to include the provision of alternate spaces to deal with issues of sexual violence. It is only in this way that accountability can be properly facilitated.

It is also essential to learn from both the positive and negative experiences of traditional justice as a form of transitional justice. For example, in Rwanda, the gacacas implemented a quota system requiring that over 30 percent of judges were women. At the outset, the most serious crimes, including rape, were not tried before gacacas, but were instead dealt with by national courts or the ICTR. However, studies have shown that women revealed more negative experiences of the gacacas than men and that many women believe the gacaca process actually intensified their suffering.⁵⁷ Several studies indicate that local justice mechanisms often overlook gender imbalances or inequalities and may even serve to reinforce them. For example, a UN study on the implementation of UNSCR 1325 found that many indigenous mechanisms focus on a community truth told from a male perspective, while women’s truth is not a priority. Another concern linked to traditional justice is that sexual and gender-based crimes universally carry significant social stigma, which may create obstacles to victims revealing their experiences. This has resulted in challenges to testifying against someone within a victim’s community, even in contexts such as Rwanda, where closed hearings were allowed.

54 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 18.

55 Uganda Law Reform Commission, “Guidelines for Use of Informal Justice Systems in Administration of Justice.”

56 Sylvia Tamale, “The Right to Culture and the Culture of Rights: A Critical Perspective on Women’s Sexual Rights in Africa,” *Feminist Legal Studies* 16.1 (2008), 55.

57 Karen Brounéus, “The Women and Peace Hypothesis in Peace-Building Settings: Attitudes of Women in the Wake of the Rwandan Genocide,” *Signs: Journal of Women in Culture and Society* 40.1 (2014), 125-151.

Nation Building and Reconciliation

For the purpose of achieving nation building and reconciliation, the NTJP abandons the establishment of a truth-seeking body as envisaged under the Juba Agreement on Accountability.⁵⁸ Instead, it proposes the establishment of “a nation building and reconciliation process to be achieved through truth seeking.”⁵⁹ It stipulates that the “government shall establish and resource a nation building and reconciliation process through the Transitional Justice Act that will provide for the structure, jurisdiction, powers functions and mandate of the establishment.”⁶⁰

As such, the NTJP recognizes the need for truth recovery. It acknowledges that “establishing facts ... and recording comprehensive accounts on conflict are necessary for dispute resolution” and providing a “reconciliatory tool between victims and perpetrators.” The goal of reconciliation is defined in the policy as “the process that yields restoration of broken relationships through acknowledgement, repentance and forgiveness by parties to a conflict.”⁶¹

The policy does not specify the type of establishment that is envisaged. Instead, it proposes a variety of processes intended to assist with truth recovery. These include verifying the legitimacy of claimants of reparations, gathering testimony through traditional justice mechanisms, awarding amnesty certificates, documenting human rights violations, and facilitating conflict prevention and dispute resolution processes.⁶² Stopping short of explicitly calling for a truth commission, the policy notes that truth recovery should include the creation of a “true record of injustices that will be a national history that will deter future conflict and enhance national unity.” By outlining such an ambiguous process, the Government of Uganda brings into question its commitment to confront past abuses, fulfill victims’ right to truth, and prevent future violations.

Truth-seeking processes are generally tasked with investigating the patterns of human rights violations that have occurred over a period of time and the conditions that enabled them. This is done to establish an accurate and impartial historical record of human rights abuses that were committed during the period under investigation, provide truth and acknowledgment to victims, outline institutional responsibility, and recommend reforms to prevent the reoccurrence of violations and promote reconciliation.⁶³ Truth-seeking processes have unearthed structural causes of gender-based human rights violations against women and girls and made recommendations that aim to transform structures, ideologies, and cultural practices that promote discrimination against women and girls and normalize gender-based violence. The Sierra Leonean truth commission, for example, not only investigated the patterns of violations that women and girls experienced during the conflict, but also documented the causes of the violations, such as patriarchal norms, gender discrimination, stigma, and the failure of state institutions to protect women and girls.⁶⁴ The truth commission’s final report contained recommendations for reforms to address the underlying causes of the gender-based human rights violations experienced by women and girls during the conflict.

58 *Agreement on Accountability and Reconciliation Between the Republic of Uganda and the Lord’s Resistance Army Movement, Juba, Sudan*, (June 2007).

59 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 11.

60 *Ibid.* at 19.

61 *Ibid.* at 11.

62 *Ibid.*

63 Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York: Routledge, 2011), 20.

64 Sierra Leone Truth and Reconciliation Commission, “Women and the Armed Conflict in Sierra Leone,” in *Witness to Truth: Final Report of the Sierra Leone Truth and Reconciliation Commission*, Vol. 3B (2004).

While Uganda has already had two truth commissions (in 1974 and 1986), their impact has been debatable, and the NTJP explores some of the challenges posed by their limitations. Most important is the absence of a shared understanding of the country's conflicts. In addition, the lack of dissemination of findings of previous inquiries, the consequential distrust created by competing narratives of the past, and the failure to provide a clear record of conflicts post-1986 have compromised the nation's ability to address its past.

Those implementing the NTJP should be cautious and aware of how interpretations of truth recovery and reconciliation might be gendered. The commitment to truth-recovery processes to promote justice and accountability is an essential step in providing accountability for gendered crimes. As ICTJ has noted, "truth commissions can provide an extraordinary window of opportunity to highlight neglected abuses, research the enabling conditions of gendered violations, provide a forum for victims and survivors, recommend reparations that redress injustices, and leave a long-term legacy that is responsive to women's history and quest for reform."⁶⁵

There is a rich body of literature on the role of truth recovery in addressing gender-based harms, and if Uganda is to pursue a commission, it is important the mandate considers how different forms of discrimination and violence intersect. Equally, as the UN has noted, it is important for reconciliation processes to give specific consideration to those who may lack a strong or organized voice, such as IDPs and women. As gender practitioner Nancy Apiyo has noted:

There was a time in northern Uganda when there were so many discussions around transitional justice and rehabilitation. However, that discussion has lost steam and many people think the issues in northern Uganda are resolved. The government is focusing on infrastructure development and forgetting about social [programs] like recovery for SGBV [sexual and gender-based violence] victims. I feel like northern Uganda has been forgotten in terms of programs for healing and recovery. So, it is still relevant to talk about SGBV crimes.⁶⁶

According to the African Union, reconciliation is "both a goal and a process" for addressing "legacies of past violence and oppression, reconstructing broken relationships and finding ways for individuals and communities to live together." However, obstacles to reconciliation include stigmatization of certain gender-based crimes, discrimination against women in accessing land and services, and a lack of acknowledgment of some atrocities committed. Evidence has shown that survivors are often tainted by their links to the LRA and perceived as perpetrators rather than victims of the conflict. Stigma is particularly evident for women who had children while with the LRA. ICTJ and GSF recorded that only 30 percent of women who returned with children remarried, which has had negative implications for their economic and social stability.⁶⁷ They also revealed that given the patrilineal context of Northern Uganda, children born of the conflict are often considered social outcasts since "social identity and inheritance are passed down through fathers' lineage or paternal clan."⁶⁸

Thus, despite the passage of time, stigma and discrimination continue to impact reintegration. More broadly, social bonds have been slow to heal in the aftermath of the conflict. These challenges could be countered through measures such as education programs and platforms that reveal gender-based violations, as well as by ensuring that survivors participate in reconciliation processes on an equal basis. Community-led dialogues have the potential to address issues of

65 Nesiah, "Truth Commissions and Gender."

66 Lino Owor Ogora, "Ongwen's Trial has Highlighted SGBV Crimes, Says Gender Activist in Uganda," *International Justice Monitor*, January 9, 2020.

67 Akumu, Kihika Kasande, Acan, and Amony, "We Cannot Survive on Hope and Promises Alone."

68 Ibid.

stigmatization and create space for survivors to share their experiences. Reconciliation might also involve the creation of income-generating opportunities and skills development to assist with the integration of survivors and their children.

Amnesty

According to the NTJP, amnesty is “a pardon or forgiveness for the commissions or omissions of acts or crimes.” To help facilitate the ending of hostilities, the Amnesty Act was passed in 2000 to encourage members of the LRA and other groups to return home. It offered repatriation of those in neighboring countries, such as the Democratic Republic of the Congo. This amnesty was grounded in the belief that a different approach to justice was needed in Uganda given the complexity of the conflict. Over 27,000 men, women, and children benefited from the process, half of whom were from the LRA. According to the NTJP, some 7,000 individuals were reintegrated into the community.

While the amnesty process was praised for its attempt to foster reintegration and reconciliation in Northern Uganda, it was also criticized for obstructing accountability for gross human rights violations. In many cases, it was perceived that the needs of perpetrators were prioritized over the needs of victims. In particular, the needs of returning women and children born of captivity were overlooked during the process, and in many cases, gender stereotypes precluded women from accessing the amnesty program. In particular, women involved in the Uganda People’s Army rebellion in Teso in 2003 have noted that amnesty was only awarded to men and higher commanders. As a result, ICTJ and GSF pointed out that most women failed to benefit from the reintegration packages offered under the Amnesty Commission, a process that was already deemed “woefully inadequate.”⁶⁹

Additionally, victims have expressed dissatisfaction with the amnesty process because amnesty was granted to women, girls, and even very young children born of war without a clear explanation of the implications. In the absence of a reintegration program, victims returning from captivity could only access reintegration packages by applying for amnesty certificates, which they maintain should have been restricted to perpetrators, not victims. The failure to distinguish victims from perpetrators in the award of amnesties has caused anger and resentment among individuals who identify as victims. Moreover, it has added to the stigma they face by classifying them as combatants.⁷⁰

The NTJP does attempt to bridge some of the gaps evident in the amnesty process to ensure it is more in line with international norms and standards. For example, it challenges the use of blanket amnesties and instead argues that amnesties should be considered “after a truth-seeking process.” It also specifies that amnesties should not be considered for international crimes and that children should not be subjected to an amnesty process, but rather reintegrated. In the Kwoyelo case, Uganda’s Supreme Court narrowed the granting of amnesties to crimes committed in furtherance of war or the cause of war. It categorically excluded amnesties for crimes committed against innocent civilians or communities. The judgment specifically mentions that whoever commits crimes under Article 8 (2)(e) of the Rome Statute, which includes rape and different forms of sexual violence, or grave breaches under Article 147 of the Fourth Geneva Convention, is subject to prosecution.⁷¹

69 Ibid.

70 Ibid.

71 *Uganda vs. Thomas Kwoyelo Constitutional Appeal No 1 of 2012.*

While denying amnesties for international crimes is a significant development, sexual and gender-based violence are often overlooked in this area. According to UNSCR 1325, it is the responsibility of all states “to prosecute those responsible for genocide, crimes against humanity, and war crimes, including those relating to sexual violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible, from amnesty provisions.”⁷² This is reiterated in UNSCR 1820 of 2008 and 1888 of 2009. Further, UNSCR 2106 of 2013 emphasizes the need for the consistent and rigorous prosecution of sexual violence crimes and the exclusion of these crimes from amnesty provisions in the context of conflict resolution processes.⁷³ It is therefore critical that future clarifications on the amnesty process are clear on confronting these crimes.

Reparations

A central constituent of the NTJP is the commitment to reparative justice. According to the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, survivors of human rights and humanitarian law violations have the right to “adequate, effective, and prompt reparation for harms suffered” and “access to relevant information concerning violations and reparation mechanisms.” This includes both material reparations (restitution, monetary compensation, rehabilitation, and collective reparations) and non-material (“moral” or symbolic) reparations, such as public acknowledgments, apologies, and exhumations. The NTJP defines reparations as “restitution, compensation, rehabilitation (medical, legal, and psychosocial), satisfaction, acknowledgement of guilt, apology, burials, construction of memorials, and guarantees of non-repetition (reformation of laws).”⁷⁴

The transformative potential of reparative justice has been identified by the former UN Special Rapporteur on Violence against Women Rashida Manjoo, among others. She noted that “reparations should aspire, to the extent possible, to subvert, instead to reinforce, pre-existing structural inequality that may be at the root causes of the violence the women experience before, during and after conflict.”⁷⁵ Reparations programs that have aspired to achieve this include the 2011 Victims and Land Restitution Law in Colombia, which states that “victims have a right to be redressed in an adequate, differential, transformative and effective manner for the harm they have suffered.” It includes empowerment measures, such as preferential access to land restitution and productive projects for survivors of sexual violence.⁷⁶ Sunneva Gilmore, Julie Guillerot, and Clara Sandoval have identified recommendations by truth commissions in Peru, Sierra Leone and East Timor as positive examples for gender-sensitive reparations. Provisions such as the restitution of the right to identity, allowing survivors to inherit, educational measures, and access to microcredits were all cited as measure that have “the potential to contribute to a transformative impact on women’s lives.”⁷⁷ Nonetheless, all prior reparations programs have been subject to major gaps between promise and delivery.

72 UN Security Council, *Resolution 1325 (2000) Adopted by the Security Council at its 4213th meeting, on 31 October 2000*, (New York: Official Record S/RES/1325, 2000).

73 UN Security Council, *Resolution 2106 (2013) Adopted by the Security Council at its 6984th meeting, on 24 June 2013*, (New York: Official Record S/RES/2106, 2013).

74 UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (New York: Official Record A/RES/60/147, December 16, 2005).

75 Sunneva Gilmore, Julie Guillerot, and Clara Sandoval, “Beyond Silence and Stigma: Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparation Programmes,” (2020), 14.

76 *Ibid.* at 15.

77 *Ibid.* at 16.

While the NTJP provides an essential acknowledgment of the need for reparative justice, employing a gender perspective in reparations programs involves recognizing the specific needs of survivors and victims of different genders. As the 2022 report by ICTJ and GSF notes, reparations are integral to the “healing, reintegration of victims and the restoration of victims’ dignity.”⁷⁸ Yet, the same report revealed that to date, there had been limited attempts to address the needs of survivors of sexual violence in Uganda. It notes the failure to deliver interim relief or reparations for either the harms suffered or the ongoing consequences of the violations.⁷⁹

Previous reparations programs and studies by GSF have shown that those devising reparations programs need to recognize the forms of structural discrimination that may impede victims’ access to reparations, such as lack of access to education or financial resources. If reparations are intended to acknowledge the experiences of all victims of gender-based crimes, ensuring the involvement and participation of victims from the outset is critical to ensure cultural sensitivity and minimize re-victimization.

Also, given evidence of widespread sexual violence against men, programs need to recognize how homophobia and attempts to emasculate or feminize victims may result in stigma and discrimination that impedes survivors from seeking justice. Special attention to the needs of survivors of conflict-related sexual violence and children born of the conflict is important. In this regard, ICTJ and GSF recommended that measures be put in place to enable survivors and children born of war to obtain formal identification documents. Most children born in LRA captivity did not have their birth registered and thus lack birth certificates. To facilitate their legal registration, it is suggested the Registration of Persons Act be amended to include children born of war. It is also important that officials receive training on sensitive registration procedures.⁸⁰ Thus, while reparative justice is a core part of Uganda’s transitional justice policy, the provision for reparations would benefit from greater clarity.

The NTJP stipulates that funding for reparations shall be drawn from the consolidated fund, rather than a separate one.⁸¹ This is commendable because it guarantees funding for reparations through state revenues, which will ensure long-term funding for reparative measures such as social assistance grants, scholarships, health care, and psychosocial support for victims. This will also ensure that reparations are delivered to victims over time by a cross-section of government ministries that will have to include exceptional support for victims in their annual budgets.

It is expected that the transitional justice legislation will identify what resources will be made available for the reparations program, which government departments will be involved, the proposed timeline, how reparations will be delivered, and appeals procedures for reparations decisions. Previous reparations programs have shown that effective implementation requires the support of actors at the local government and civil society level who are equipped to ensure programs respond to the full range of gender-based violations. It is also critical that the proposed program employs gender-inclusive language to ensure violence against men and boys is adequately addressed.

To ensure gender inclusivity, public participation and the involvement of civil society organizations and women’s groups are critical in the design, implementation, and monitoring of the reparations program. Consultations on reparations should be conducted in close collaboration with women’s groups and community-based organizations that have already been involved

78 Akumu, Kihika Kasande, Acan, and Amony, “We Cannot Survive on Hope and Promises Alone.”

79 Ibid.

80 Ibid.

81 Ugandan Ministry of Internal Affairs, *National Transitional Justice Policy*, 20.

in the documentation of gender-based violations and can best identify beneficiaries. Given Uganda's specific history of displacement, it is also critical that reparations programs recognize and include displaced populations. In whatever way victims are allowed to express their views and expectations, it is important to acknowledge that victims may have more than one view and that even within victims' groups, marginalization and silencing exist. Recognizing both the need for and challenges of gathering survivors' experiences can lead to more targeted and effective reparations and restitution measures. Studies by ICTJ and partners reveal that rehabilitation, including physical and psychosocial rehabilitation, are among the most preferred forms of reparations for victims who suffered mental and physical harm.⁸² This could be delivered through one-stop centers for survivors of sexual violence, such as those that were implemented in Rwanda and South Africa. Such centers can provide support for survivors of domestic violence, sexual assault, and child abuse through tests and treatment, medical advice, counselling, evidence collection, and consultations with legal experts, among other things.⁸³

The NTJP has been criticized for failing to identify court-ordered reparations through the ICD. Despite this gap in the policy, in December 2024, the ICD issued an order for reparations to victims of Kwoyelo's crimes. Reparations were awarded to different categories of victims, based on the crimes they had suffered. Direct victims of sexual and gender-based crimes were awarded 5,000,000 Ugandan shillings (approximately \$1,400) each. The court further held that indirect victims, who include children born of sexual crimes and family members of the victims, are eligible for reparations.⁸⁴ The Kwoyelo reparations order issued by the ICD has established an important precedent affirming state responsibility to provide reparations to victims of international crimes, as well as the principles underlying the award of reparations to international crime victims in Uganda, which draw heavily from ICC jurisprudence.

At the international level, the ICC delivered its most significant reparations order to date in the Ongwen case. It provided for both individual and collective, community-based reparations. Direct victims of Ongwen's crimes, including direct victims of sexual and gender-based crimes and the children born as a result, are among those who will receive individual reparations. It has been estimated that €15 million will be awarded for collective, community-based reparations; €37 million to fund symbolic awards of €750 each to individual victims, and €100,000 for symbolic measures, including monuments.⁸⁵

The ICC award thus recognizes the importance of inclusive, community-led memorial initiatives. The NTJP must also ensure that any memorialization project be accompanied by the development of educational material on histories of violence and in particular, how gender featured as an integral part. This could include developing teaching manuals that highlight the multiple roles played by women, including as both survivors of conflict and agents of peace.

82 Akumu, Kihika Kasande, Acan, and Amony, "We Cannot Survive on Hope and Promises Alone."

83 Padma Bhate-Deosthali, Poulomi Pal, and Maureen Hogan, International Centre for Research on Women, "Toolkit for Designing One-Stop Crisis Centres for Survivors of Gender-Based Violence: Learnings from the Dilaasa Model," (2021).

84 *Uganda vs. Thomas Kwoyelo, Alias Latoni*, Miscellaneous Application No. 35 of 2024 Arising from HCT-00-ICD-CR-SC-0002 of 2010 Reparations Orders.

85 Akumu, Kihika Kasande, Acan, and Amony, "We Cannot Survive on Hope and Promises Alone."

Conclusion

The NTJP has charted a long-awaited road map to achieve accountability, reconciliation, and reparations in Uganda. Grouped into five priority areas—formal justice, traditional justice, nation building and reconciliation, amnesty, and reparations—the policy is intended to delineate frameworks to promote peace and justice in Uganda. However, while the NTJP offers a vital framework, it is crucial that its implementation is expedited. Currently, the policy depends on the government’s enactment of complementary legislation, which must be prioritized. Since the goal of transitional justice is to address past injustices and promote a fair future, further delays in implementation should be avoided.

As outlined in this report, there are gender gaps in the NTJP. For Uganda to effectively implement transitional justice, processes must cater to victims’ different vulnerabilities and needs. This requires addressing the full range of rights violations and abuses during conflict. Gender intersects with various identities in Uganda, and it is important to consider how experiences of injustice differ. Recognizing this will ensure that transitional justice frameworks encompass the experiences of all survivors of gender-related crimes. The long-term effects experienced by victims of gender-based harms are critical considerations for transitional justice mechanisms. These range from physical to social to economic consequences. As such, the NTJP needs to engage with the ways that fundamental gender biases hinder women from claiming and enjoying their socioeconomic and political rights. Furthermore, while the policy recognizes the importance of the inclusion of women in transitional justice processes, much greater engagement is needed in terms of how to address the societal and structural dimensions of gender-based violence.

The policy could be strengthened by prioritizing gender expertise and ensuring representation and input from a variety of perspectives. To effectively support the integration of gender issues into the NTJP’s priority areas, policymakers and donors must bridge the gap between policy and implementation. The delivery of transitional justice in Uganda has been slow, making it essential to establish mechanisms that ensure the commitments made in the NTJP are honored. To realize this, sufficient resource allocation is needed to ensure all aspects of the policy are achieved and that intent becomes reality. For the multi-sectoral commitment to be operationalized, it is also important that relevant ministries include transitional justice in their budgets.

Moving forward, a broad interpretation of the NTJP’s commitment to justice and accountability for vulnerable populations could potentially enhance transitional justice processes and achieve the goal of “holistic interventions to achieve lasting peace” in Uganda. This would include moving beyond a cosmetic approach to gender to address structures of power, take a firm stance against all human rights abuses, and develop a comprehensive understanding of gendered violence.

Recommendations

1. The NTJP provides a vital framework to promote national reconciliation, peace, and justice in Uganda, but it is important that its implementation is fast-tracked. Currently, the policy relies on the government's adoption of enabling legislation, which needs to be prioritized. Since the ambition of transitional justice is to address the injustices of the past and promote an equitable future, there must be no further delay in the implementation of the policy.
2. For policymakers and donors to best support the meaningful integration of gender issues into the NTJP's priority areas, the current disjuncture between policy and implementation needs to be bridged. The delivery of transitional justice in Uganda has been slow. It is thus important to create mechanisms to ensure that the obligations made in the NTJP are upheld. This should be accompanied by measures promoting inclusivity, accountability, and transparency during implementation.
3. A policy relies on implementation, and this requires the allocation of sufficient resources to ensure all aspects of the policy are realized. If the multi-sectoral commitment is to be operationalized, it is also important that relevant ministries include transitional justice in their strategic plans and budgets. While the Ministry of Internal Affairs was entrusted to lead implementation of the NTJP, resources from other ministries will be critical.
4. The NTJP and its proposed future processes can better deliver gender justice by adopting a broader definition of gender than just women. Gender forms an intersecting part of a range of identities in Uganda, and thought must be given to how experiences of injustice vary. Recognizing this is important to ensure that transitional justice frameworks encompass the experiences of all survivors of gender-related crimes.
5. While the NTJP acknowledges the experience of gender-based violence, limiting definitions to crimes experienced by women and girls fails to address the range of gender-based crimes committed. These include violations against men, boys, and sexual minorities. To avoid reproducing the stereotype of women's victimhood evident in previous transitional justice initiatives, Uganda must create mechanisms sensitive to a broad definition of gender-based crimes.
6. The NTJP identifies the promotion of women's participation as important for inclusive transitional justice initiatives, but those enacting the NTJP must ensure women are not merely offered a compensatory role. The use of quotas in previous transitional justice processes has sometimes resulted in the descriptive, as opposed to the substantive, representation of women. To adequately include those "most marginalized and most excluded" in transitional justice processes, a comprehensive engagement with political and economic power dynamics within Ugandan society is necessary for devising affirmative action programs. When quotas are implemented, they must be implemented in an inclusive way that recognizes diverse and plural realities.
7. While reparative justice is a core part of Uganda's NTJP, the provision for reparations needs greater clarity. Details of the proposed reparations program should include what resources will be made available, a proposed timeline, plans for how reparations will be delivered, and an appeals procedure for reparations decisions. Delivery requires the identification of actors at the local government and civil society levels who are equipped to ensure programs address the full range of gender-based violations. It is also essential that the proposed program uses gender-inclusive language to ensure violence against men is properly addressed. Additionally,

any program must be mindful of cultural gender norms that could prevent victims from accessing reparations.

8. Civil society should collaborate with victims' groups to develop memorialization initiatives and educational materials on histories of violence, particularly emphasizing how gender was an integral part of the violence in Uganda. It is important to create clear policies regarding sites of memory that commemorate past mass atrocity events and ensure that all memorialization efforts give proper consideration to gender issues. Teaching manuals that highlight the multiple roles played by women, including as both survivors of conflict and agents of peace, should also be developed.
9. Members of civil society that are working on implementing the NTJP need to develop guidelines to help understand the root causes of militarized and violent masculinities and how these norms can reinforce harmful gender stereotypes and contribute to issues such as sexism, homophobia, and violence, both within and outside of military contexts. This can be achieved by supporting initiatives that promote education and training on alternative masculinities. Very little attention is paid in the NTJP to the need for institutional reform to address militarized masculinities, despite the recent spate of military coups on the continent. Addressing this gap is central to peace and justice.

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