

## **Keynote Address**

**by**

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### **Securing Accountability for Conflict-Related Sexual and Gender Based Crimes in Uganda: Learning Lessons from International Experiences**

**7-8 December 2011**

**Venue: Lake Victoria Serena Hotel, Entebbe**

Your Lordships, Your Worships, Honorable Ministers, Members of the Justice Law and Order Sector, Members of the International Community, Ladies and Gentlemen. Thank you for inviting me to give the key note address at this important meeting on discussing ways to secure accountability for conflict related sexual and gender based crimes in Uganda.

During the war in northern Uganda, both men and women experienced gender based violence including rape, defilement, forced pregnancies and forced marriage. Displacement had particular impacts on women and children, rendering them further vulnerable to gender based violence. While the security situation has improved, the population continues to suffer from the consequences of violence. In addition, a combination of societal factors and harmful traditional practices particularly creates an ideal environment for increased incidents of Gender Based Violence.

Uganda has a strong legal framework for securing accountability for Sexual and Gender Based Violence crimes. For example, The Agreement on Accountability and Reconciliation negotiated during the Juba Peace Talks which seeks to address “serious crimes, human rights violations and adverse socio-economic and political impacts” from the conflict stipulates that the special needs of women and children need to be recognized and addressed with the experiences, views, and

concerns of women taken into account. It provides for an accountability process that protects the dignity, privacy and security of women who have been subjected to gender-based crimes and encourages the participation of women in processes for implementing the Agreement. It is important that these commitments are translated into meaningful opportunities for women, children and victims, to access institutions administering justice for conflict-related atrocities.

The Government has introduced a number of mechanisms to address human rights violations including Sexual and Gender Based Violence (SGBV) committed during the conflict. In July 2008, Government established the then War Crimes Division now the International Crimes Division (ICD) of the High Court of Uganda, a specialized division with jurisdiction over international crimes including crimes against humanity and war crimes.

In May 2010, the Government adopted the ICC Act, expressing the Government's clear commitment to investigate and prosecute international crimes in Uganda's domestic courts. The Act allows Ugandan courts to try crimes against humanity, war crimes and genocide defined under the Rome Statute, which provides the most comprehensive framework for prosecuting gender based crimes under international law. Historically, gender-based crimes have received little attention from investigators and prosecutors. The ICC sought to change this by including gender-based crimes in the Rome Statute. Both the definitions of crimes against humanity and war crimes specifically include "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence." Crimes against humanity include gender specific violence perpetrated during war as well as during peace. These developments within Uganda and internationally are positive steps in securing accountability for SGBV crimes.

Uganda is also a signatory to a number of international conventions that seek to promote gender equality and protect the rights of victims of SGBV including the UN Security Council Resolutions 1325 and 1820 on women, peace and security. Uganda was one of the first countries to develop a National Action Plan for the implementation of UN Security Council Resolutions 1325 and 1820, and the Goma Declaration which was launched in 2009. Uganda is also a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights. On June 22, 2010, Uganda ratified the

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, commonly known as the Maputo Protocol.

The Government has also been active in its efforts to explore broader methods of holding perpetrators accountable. The Justice Law and Order Sector is currently consolidating findings from its consultations on issues including reparations, and the use of traditional justice and truth telling mechanisms in the promotion of accountability and reconciliation.

However, a number of areas still need to be addressed in securing accountability for SGBV crimes. Central to the investigation and prosecution of international crimes in Uganda is the application of witness protection measures and strategies that can facilitate victims and witnesses to participate effectively in judicial proceedings. Uganda's effort to locally try cases involving international crimes has suffered setbacks over the absence of a witness protection mechanism.

However, a Witness Protection Bill has been drafted. It is encouraging to see participants here with comparative and international experience in this area that can provide guidance on how we can apply international standards and best practice.

It is crucial to note that the effects of SGBV not only impact victims. The repercussions are felt throughout families, communities and the country as a whole. While Uganda has a strong framework for securing accountability for SGBV crimes, the application of this framework is affected by attitude towards SGBV. This is exacerbated by limited institutional capacity and resources to adequately investigate and prosecute cases and enforce sentences. The need to develop effective mechanisms, strategies and practices to secure accountability for these crimes is crucial.

Special thanks to the Justice Law and Order Sector, UN Women, and the International Center for Transitional Justice, for conceiving an important conference. I extend a warm welcome to all of you and wish you informative and guiding discussions.