



# THE GREAT REGION



Justice John Gatwech (South Sudan), Justice Owiny Dollo (Uganda), Justice Faisal Khadir Mohamed Osman (Sudan), Rtd. Lady Justice Elizabeth Nahamya (Uganda), Justice Batema David (Uganda), Hon. Awut Deng Acuil – Minister of Gender, Child and Social Welfare (South Sudan) after attending the conference.

## Uganda's Justice Dollo commends ICGLR states on fight against SGBV

### UGAMEDIA SERVICES

Uganda's Deputy Chief Justice, Alphonse Owiny Dollo has hailed ICGLR Member states for the concerted

efforts against Sexual Gender Based Violence despite facing challenges.

The discussions have been candid, provocative, informative and eye opening, the Deputy Chief summed up the Conference that attracted

ministers, Chief Justices, Parliamentarians, Civil Society, experts, foreign and local development partners. He said the participants shared experience and practice to inform the proposals that will determine interventions for

years to come.

But Justice warned regional member states that form ICGLR that there is still room for improving the campaign against SGBV.

He said in a bid to address sexual and gender based

violence, Uganda has concluded research on establishing special courts to handle SGBV cases and they believe that by the next conference Uganda will be sharing best practices.

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## FROM THE EDITOR...

## GREAT FOR THE GREAT REGION

Under Art 6(9), the ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (2006), "Member States agreed to set up a special regional facility for training and sensitizing judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region".

In fulfilment of this obligation, the government of the Republic of Uganda offered, during the December 2011 ICGLR Summit, to host this special Regional Training Facility.

From the deliberations at the just concluded Conference on strategies for implementation of the

ICGLR instruments on sexual and gender based violence (SGBV), it is evident that the Great Lakes region has welcomed RTF. Of importance to note is that RTF has not only been supported within the region but beyond given the presence of international agencies that financially and morally supported it's programmes

It is equally important to note that without the capable leadership at the Facility in Kampala, guided by the Heads of State, the ICGLR Secretariat and other stakeholders, RTF would not have reached where it is now.

However, ICGLR member states should put the work of RTF at their centre of discussions in terms of budget and policy formulation despite the fact that all the states have supported the institution.

**It is equally important to note that without the capable leadership at the Facility in Kampala, guided by the Heads of State, the ICGLR Secretariat and other stakeholders, RTF would not have reached where it is now.**

We are at The Great Region look forward to further cooperation, support and guidance from you as a medium of communication among the ICGLR-RTF partners

We welcome you to this 4th Edition of The Great Region issue. Because of the time constraints due to long hours of deliberations at the Conference and the process engaged in production of the same, the team could not capture all the moments at the event more so in the issues so far published. We take great pleasure in serving you. Till...



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Justice David Batema, a High Court Judge consults with Birungi Sharifah (R)

# The gender bench book published

**A** book on women's access to justice in Uganda has been published highlighting womens' struggle to attain legal redress and the challenges they face

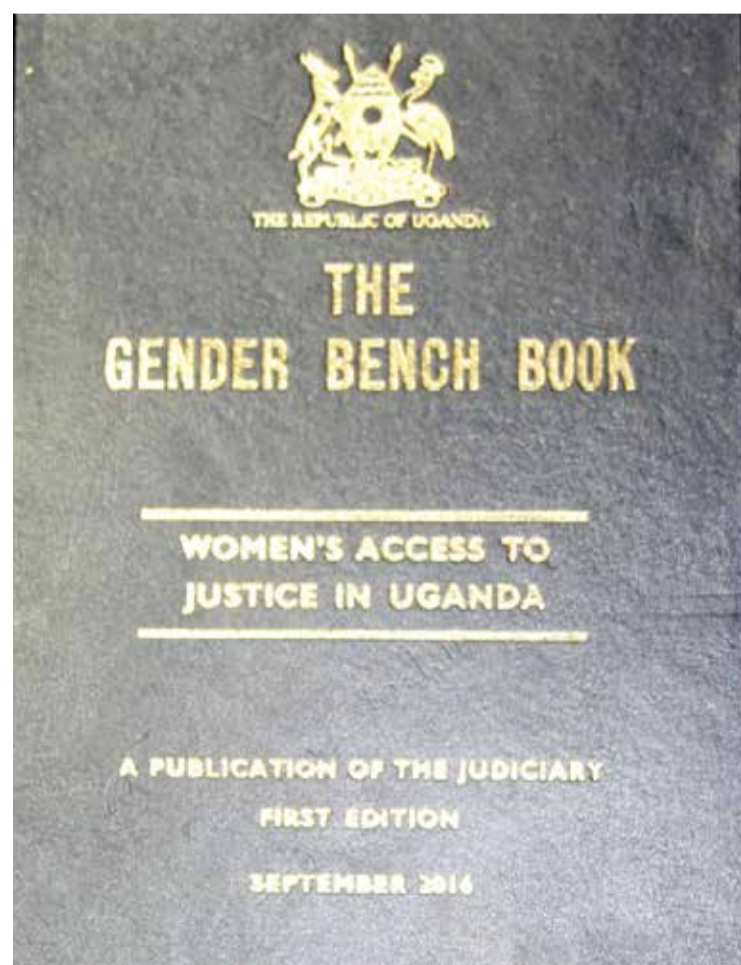
The hardcover book published by the Ugandan judiciary entitled, "The Gender Bench Book," is one of the steps key institutions like the judiciary are taking in addressing the plight of women in the Great Lakes Region and Africa. Justice David Batema is one of the leading consultants on the book.

In the foreword Ugandan Chief Justice, Justice Bart Katureebe, said access to justice for women is a critical component of delivery of justice globally and at national level.

He said it is because of challenges women face that the UN Women has supported the research and publication of the book to enhance the gender-responsiveness of judicial officers, and ensure that judgments in Uganda are increasingly gender sensitive.

"We are grateful to UN Women and the Embassy of Sweden for this valuable support," Justice Katureebe said. "We hope that this Gender Bench Book will enhance women's access to justice, and particularly contribute to the effective implementation and enforcement of women's rights," he added.

The Judiciary is one of the areas women folk complain of because some judicial officers are not gender sensitive.



# GIZ, development partners commended for supporting fight against SGBV

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The conference sponsored by GIZ, was organized by the ICGLR – Regional Training Facility (RTF) based in Uganda, and is an institution of the International Conference on the Great Lakes Region (ICGLR) based in Bujumbura, Burundi.



**D**eutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has been commended for its support towards prevention and suppression of Sexual Gender Based Violence.

GIZ assists the German Government in achieving its objectives in the field of international cooperation and offers demand-driven, tailor made and effective services for sustainable development worldwide.

The International Conference on the Great Lakes Region (ICGLR) – Regional Training Facility (RTF) on Prevention and Suppression of Sexual and Gender Based Violence (SGBV) Acting Director, Nathan Byamukama told the closing ceremony of the Conference on Strategies for Implementation of the ICGLR instruments on Sexual and Gender Based Violence (SGBV) in the Great Lakes Region at the Commonwealth Resort Munyonyo, Kampala, with support from organisations such as GIZ, NICHE, the World Bank, Akina Mama W’Afrika, Action Aid, FIDA Uganda and other development partners that have enabled RTF to meet some of its mandate.

The ICGLR is composed of 12 Member States namely: Angola, Burundi, Central Africa Republic (CAR), Democratic Republic of Congo (DRC), Republic of Congo (Congo Brazzaville), South Sudan, Sudan, Kenya,

Rwanda, Tanzania, Uganda and Zambia.

The Conference was attended by Ministers of Gender, Chiefs of Justice, Parliamentarians, ICGLR National Coordinators, ICGLR Centres’ experts, Fora and development partners to interrogate the implementation challenges of these instruments by Member States after 11 years when the Pact on Security, Stability and Development in the Great Lakes Region (what others have called the “ICGLR Constitution”) and its related Protocol on Prevention and Suppression of Sexual Violence Against Women and Children were signed by ICGLR Member States.

The conference sponsored by GIZ, was organized by the ICGLR – Regional Training Facility (RTF) based in Uganda, and is an institution of the International Conference on the Great Lakes Region (ICGLR) based in Bujumbura, Burundi. The RTF was established by Art 6(9) of the Protocol on Prevention and Suppression of Sexual Violence against Women and Children, with the mandate to train and sensitize judicial officers, social workers, police, medical officers, prisons officers and all those who handle cases of sexual violence.

Member States of the ICGLR collectively committed to combat the rampant crime of sexual violence in the Great Lakes Region. Several regional instruments with attendant obligations for ICGLR member states to ad-

**Participants attending RTF conference on SGBV at Munyonyo on December 3rd 2017.**

dress the crime have been signed and ratified. The challenge however remains with the implementation of these instruments at national and regional levels. The ICGLR also has a mechanism of implementation of its instruments and decisions at national and regional levels, including those related to sexual violence, but for various reasons including lack of sensitization, the mechanisms are neither uniformly nor consistently utilized to expected levels. The obligations under these instruments include the obligation of Member States to domesticate these instruments; to fund the structures created by these instruments, to amend laws and procedures in courts that are contrary to the instruments and to take legal and administrative measures to comply. The conference agreed on workable strategies to effectively implement these instruments across sectors of government as well as meaningful consultation of the civil society, women and youth.

**Mr. Byamukama commended the work done by the volunteering staff at the RTF offices.**

**Regarding the issues discussed at the conference, he said RTF has taken them seriously and will follow up on them.**

# RTF Masters Training takes shape



**T**he ICGLR-Regional Training Facility (RTF) training workshop for the Master Trainers (MTs) in the prevention and suppression of Sexual and Gender Based Violence (SGBV) in the Great Lakes Region (GLR) is taking shape.

The RTF conducted the first training earlier this year from 8-12th May 2017. This focused on the introduction of MTs to the RTF-GLR-SGBV training programme and roles and responsibilities.

The 12 RTF Master Trainers will train about 96 National Trainers from the 12 member states of the International Conference of the Great Lakes Region (ICGLR). Thereafter, these 96 National Trainers will train around 1,000 professionals: police officers, judicial officers, and medical officers, psycho-social workers and other categories of persons who handle cases of sexual violence in the Great Lakes Region (2018 and 2019). The fight against SGBV is the basis for ICGLR-RTF's mandate.

This training is supported by World Bank and The Netherlands Initiative for Capacity development in Higher Education (NICHE) in partnership with Maastricht School of Management (MSM), Living Peace Institute and Rutgers.

According to Mr. Nathan M Byamukama, the Acting Director of the RTF, this training will focus on progress made by MTs in conducting formative research in their respective countries, which will inform the development of training curricular for all the stakeholders (police officers, judicial officers, medical officers, psycho-social work-

ers, and other categories of persons who handle cases of sexual violence in the Great Lakes Region.

The training is scheduled for 11th to 14th December 2017. Presenting a paper at the closure of a three day conference on strategies for implementation of the ICGLR instruments

on sexual and gender based violence, Mr. Byamukama said his team has already developed the content and submitted to supervisors for improvement.

"January 2018 onwards the master trainers will play a key role in making RTF the center of excellence in the fight against SGBV in the Great Lakes Region. Amongst other things by Training, contributing to the knowledge platform, assisting in e-learning modules," Mr Byamukama said in his presentation.

The 12 master trainers were picked from highly qualified and experienced academicians and practitioners. They are picked from the areas of Police, Justice, legal Medical and Psychosocial.

Their training included Gender and SGBV, in-depth understanding of gender concepts, presentation of formative research findings and incorporation of findings into Curriculum, (Commencement of Curriculum Development), validation workshop where the developed curricula and materials will be reviewed.

"Our training (for the regional facility trainers) will design interventions based on the Socio-Ecological Model, which aims at changing multiple forces of a person's environment that may be perpetuating harmful

**TOP AND BELOW: Delegates deliberating at Munyonyo Conference**



gender norms," Mr Byamukama said.

He added, "We have finalized developing the facilitator's guide for their training and have finalized drawing their programme."

Some of the issues to be covered include, Human Rights and the Rights Based Approach and Sexual Gender Based Violence,

understanding Gender and related concepts, the legal framework on SGBV (international, regional and Local) and causes of SGBV. The trainees will there after draw a curriculum of different sectors including Police, Legal, Psycho-Socio and Medical.

# ICGLR-RTF underscores gender equity financing

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According to the UN, financing for gender equality must include women's voices and eliminate discrimination by expanding their access to services, resources, opportunities, safety and security. Further it must enhance budget transparency and increase government and donor accountability.



**EQUAL REPRESENTATION: Delegates exchanging ideas at Munyonyo conference during the break.**

**T**he regional Conference on strategies for implementation of the ICGLR instruments on sexual and gender based violence that closed on Sunday 3rd underscored the importance of gender equity budgeting.

Presenting a paper at the closing of the conference on principles, criteria for determining member states priority SGBV programmes and equity budgeting, Mr. Mubarak Mabuya of SURGE said gender equity budgeting is not the preparation of separate women's budgets or those of marginalized regions or socio-economic groups.

“It is ensuring that mainstream budgetary provisions address the different concerns, needs of women or men, socio-economic groups and regions,” he said.

He argued member countries to use gender equity budgeting as the entry point for financing sexual and gender based violence back home.

He advised that for the approach to work there has to be a gender equity budgeting task force set up to coordinate training for ministries and government departments.

“The task force puts special emphasis on SGBV for key relevant sectors in SGBV prevention and response and development of Performance Indicators and targets,” he said.

Uganda already embraced gender equity budgeting and before any budget is passed in Parliament it must have a certificate of gender equity issued by the ministry of gender.

While appearing before UN panel on gender, Speaker of Parliament Rebecca Kadaga, who was commended by President of Liberia Hon. Elen Johnson Sirleaf for her role in promoting gender equity, said there is no legislation or Bill tabled before Parliament without the Certificate of Gender Equity which facilitates the integration of gender

perspectives into wider planning concerns and all national planning and budget processes outline the issue of gender equality.

Since 2001, UN Women has been leading efforts to increase financing for gender equality through building partnerships, providing tailored technical assistance and guidance and building institutional capacity and knowledge.

These strategies have supported government and donor efforts to integrate gender into their public financial management systems to ensure that policies, plans and budgets are gender-responsive. We have made progress in achieving increased and improved quality of financing for women through building political support and transforming institutional practices.

According to the UN, financing for gender equality must include women's voices and eliminate discrimination by expanding their access to services, resources, opportunities, safety and security. Further it must enhance budget transparency and increase government and donor accountability.

Mr Mubarak said that Building capacity for gender equity implementation is critical especially in all lead institutions, ministries and government departments.

He also said coordination of key actors is essential and availability of updated disaggregated data and a strong national legal and or policy base is required.

Mr. Mubarak acknowledged that there's overwhelming evidence to the effect that sexual and gender based violence in its various forms is a serious challenge in the in the Great Lakes Region and that there are various efforts to prevent and respond to SGBV by both state and non-state actors.

“There is evidence of promising legal and policy reforms to prevent and punish SGBV perpetrators but the gap between norm set-



**A Delegate reading a copy of *The Great Region*, the Conference Newspaper published by ICGLR -RTF with support from GIZ.**

ting and norm implementation should be reduced,” he said.

He reminded the conference about the ICGLR Kampala Declaration of 2011 that laid out critical commitments on sexual and gender based violence for the Great Lakes Region.

The commitments included:

financial & technical support to key sectors, integration of SGBV in national planning frameworks, budgeting for sexual and gender based violence, establishment of special courts and sessions and establishment of ‘Recovery Centers’.

**HON. ALFONSE OWINY DOLLO, THE DEPUTY CHIEF JUSTICE OF UGANDA  
AT THE REGIONAL CONFERENCE ON STRATEGIES FOR IMPLEMENTATION OF  
THE ICGLR INSTRUMENTS ON SEXUAL AND GENDER BASED VIOLENCE (SGBV)**

# CLOSING REMARKS

**Honourable Ministers present,  
My Lords Justices and judges,  
Your Excellency ambassadors,  
Development Partners,  
Distinguished Participants.  
Ladies and Gentlemen,**

On behalf of the Justice, Law and Order Sector of Uganda and on my own behalf I am honoured to be closing this years' Regional Conference on the most important subject of discussion; which is, strategies for the implementation of the ICGLR instruments; a subject that is so important to each and every one of us, since we are either parents, husbands, wives, uncles or aunts. The discussions for the last three days have been candid, provocative, informative and eye opening. The presenters and the discussants shared from experience and practice to inform the proposals that will determine interventions for years.

This regional conference has provided a forum for self and collective reflection and engagement on key issues facing the region with regard to the fight against sexual and gender based violence in conflict situations. The conference discussed general trends in the implementation of instruments on SGBV, multi-dimensional perspectives and enabling frameworks to combat SGBV.

It emphasized collaboration between CSOs, the feasibility of special courts, sessions and procedures for SGBV cases and the much needed aspect of mobilising resources for strengthening action against SGBV in the member states.

It is not gain said that the regional conference presents an opportunity for all of us as actors and stakeholders to act in concert on issues that are important for the enhancement of the rule of law, administration of justice, maintenance of law and order and economic development of the Great Lakes Region.

In this conference, we listened to presentations on progress made by the different Member States in the last 6 years, challenges as well as prospects for the future. The Civil society and the media as our partners have also been critical in the fight against SGBV and we all agree that there is room for improvement.

The theme of this conference has certainly generated a lot of discussion and it is apparent that there was insufficient time to exhaust the issues that have emerged. We have made several resolutions and proposals which require multifaceted interventions. It is my appeal that we take forward the positive cohesion that we have exhibited at this conference to jointly tackle the issues that have been identified.

I am glad to inform this conference that under the leadership of the Chief Justice and in a bid to address sexual and gender based violence, Uganda has concluded research on establishing special court to handle SGBV cases and we believe that by the next conference we shall be sharing best practices. We invite our different partners to once again



**Hon. Alfonse Owiny Dollo (M) during the closing ceremony at Munyonyo on December 3rd, 2017. Right is Mr Nathan Byamukama, RTF's acting Director.**

rise to the occasion and support the establishment of the special SGBV court by the Ugandan Judiciary to expedite trials of SGBV cases.

Furthermore, in response to SGBV, there are a number of other interventions being undertaken that will greatly improve on the way we serve our clients who are victims of SGBV across all facets of the justice system. We are presently undertaking an assessment of the committal system with a view to enhancing case disposal, we carried out a court case census at the end of last year and crafted a case backlog reduction strategy to fast track case disposal, we are in advanced stages of the developing a Corrections Policy; developing a Child Justice Strategy, a Regulatory Impact Assessment and a certificate of financial implication has been concluded to inform the Transitional Justice Policy, and many others that are in the discussion phase with different development partners. All these are geared towards enhancing the rule of law but in particular improving justice outcomes for SGBV cases.





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Finally, I invite each one of us to take time to read through the report of this conference, pick out key issues affecting their jurisdiction and prioritise with their national governments. I thank you and look forward to a stronger and more engaging conference over the coming years.

As part of the leadership of the judiciary and the justice law and order sector in Uganda I would like assure you of our commitment to supporting initiatives to improve interventions for sexual and gender based violence and to bringing the benefit of regional cooperation, research and analysis into policy and practice.

I would like to hail and commend the various development partners under the leadership of the GIZ for their continuous partnering with ICGLR Regional Training Facility for ensuring that this regional conference takes place.

Permit me to thank all the heads and representatives of the member states, our non-state actor partners and participants for the fruitful discussions and instructive feedback and recommendations. I also want to thank RTF secretariat for organising this conference and for making our stay comfortable.

I also take this opportunity to thank the Chairpersons of the various sessions we have had at this conference, for ably moderating the presentations and discussions. My appreciation also goes to the presenters for their articulate presentations. I also thank each one of us for our participation in and contribution at this conference.

Finally, I invite each one of us to take time to read through the report of this conference, pick out key issues affecting their jurisdiction and prioritise with their national governments.

I thank you and look forward to a stronger and more engaging conference over the coming years.

It is now my singular honour to declare this conference closed.



Mr Butiku, a retired civil servant

EXECUTIVE SECRETARIAT  
INTERNATIONAL CONFERENCE  
ON THE GREAT LAKES REGION



SECRETARIAT EXÉCUTIF  
CONFÉRENCE INTERNATIONALE  
SUR LA RÉGION DES GRANDS LACS

# Regional High Level Consultation of Ministers in Charge of Justice and Gender on the Kampala Declaration on Sexual and Gender Based Violence (SGBV)

## Final Communiqué

I. The ICGLR Regional High Level Consultation with Ministers in Charge of Justice and Gender from the Great Lakes Region met in Grand Hotel, Kinshasa 28 July 2012 to follow up on the ICGLR Heads of State and Government Kampala Declaration on SGBV and its Work Plan, in particular the implementation of Decisions 2, 7 and 8. The Meeting was opened by the Deputy Prime Minister and Minister for Budget of the Democratic Republic of Congo (DRC), HE Daniel Mukoko Samba and chaired by Hon Frederick Ruhindi, Minister of State of Justice & Constitutional Affairs of Uganda;

II. In attendance were: H.E. Ms. Ana Canene Meireles de Vasconcelos Deputy Minister of Justice of Angola; Ms. Petro Koni Zeze, Zambian Minister of National Solidarity and Social Affairs and Gender from Central Africa Republic; H.E. Ms. Wivine Mumba Matipa Minister of Justice & Human Rights, DRC; H.E. Hon. Geneviève Inagosi Bulobambi Minister of Gender, Family and Children of DRC; H.E. Moubangit Moukonzi Alphonse Dinard Permanent Secretary for State Ministry of the Republic of Congo; H.E. Madeleine Yila Boumpoto Minister for Women Promotion and Women integration in Development of the Republic of Congo; H.E. Hon. Keya Atanas Ma nyala, Minister for Gender & Children, and Social Development of Kenya; H.E. Ibrahim Adam Ibrahim State Minister at the Ministry of Welfare and Social Security of Sudan; H.E. Ju lienne Munyaneza Permanent Secretary/ Ministry of Gender & Family Promotion of Rwanda; H.E. Hon. Sophia Simba, Minister of Community Development, Gender & Children of Tanzania; H.E. Hon. Aboubakar Khamis Bakari, Minister of Constitutional Affairs and Justice of Tanzania; H.E. Hon. Rukia Isanga Nakadama, Minister in Charge of gender, Labour & Social Development of Uganda; H.E. Hon. Anjellah J. Kariuki, Deputy Minister for Justice & Constitutional Affairs of Tanzania; H.E. Hon. Alfreda Kansembe, Deputy Minister of Justice of Zambia; H.E. Hon. Esther Mwilwa Banda Deputy Minister of Gender & Child Development of Zambia; Ms. Victoire Nahimana Permanent Secretary of Burundi Ministry of National Solidarity, Human Rights and Gender; H.E. Hon. William Cheptumo Deputy, Minister for Justice, National Cohesion & Constitutional Affairs Kipkorir, of Kenya; Mr. Essam Aldeen Abdulgadir Undersecretary of the Minister of Justice of Sudan;

III. Several personalities have taken floor at the High Level Consultation, namely: the Justice Minister of Uganda, the Gender Minister of Uganda, the Justice Minister of DRC, the Gender Minister of DRC, the ICGLR Executive Secretary, the Chairperson of the

Regional Women Forum, and the Representative of UNWOMEN in DRC;

IV. Also in attendance were representatives of regional and international organizations, Diplomatic Corps and ICGLR Civil Society, Youth, Parliament and Women Fora;

V. The objective of the meeting was to strategise on the implementation of the Decisions made by the Heads of State and Government in Kampala Uganda on 15th December 2011 with particular emphasis on decision 2, 7 and 8 pertaining the need to accelerate the domestication process of the ICGLR Protocol on Non aggression and Mutual Defence, the Protocol on Prevention and Suppression of Sexual Violence against Women and Children as well as the Protocol on Judicial Cooperation, in order to eradicate existing armed groups, combat Sexual and Gender Based Violence and cooperate in matters of extradition, judicial investigation and prosecution of perpetrators ( Decision 2 ); to launch the Zero Tolerance Now campaign on SGBV crimes and impunity ( Decision 7 ); and lastly on the establishing and strengthening of Special Courts, Sessions and Procedures in order to fast track SGBV cases in the Police and the Judiciary (with adequate financing, facilities and gender sensitive Officers) to improve access to justice and protect SGBV victims/survivors ( Decision 8 );

VI. The High Level Meeting was addressed by Minister of Justice of Uganda, Minister of Gender of Uganda, the Minister of Justice of DRC, the Executive Secretary of the ICGLR, the Chair person of the Regional Women Forum, the Minister of Gender of DRC;

VII. The Ministers of Justice and Gender received, considered and adopted the recommendations of the Regional Experts Meeting;

VIII. In their deliberations, the Ministers of Justice and Gender took cognizance of the importance of the Kampala SGBV Declaration on SGBV in general and Decisions 2,7 and 8 in particular, namely: on domestication, special courts, sessions and zero tolerance on SGBV crimes and impunity, reiterating that Member States should as a matter of urgency address the issue of Negative Forces as envisaged in the Kampala Declaration on SGBV (2012) and the Addis Ababa Extraordinary Summit Declaration (2012) on Negative Forces;

IX. In order to implement the Kampala Declaration and to fasttrack decisions 2,7 and 8, the Ministers decide as follows:

### On Domestication Process (Decision 2)

1. The Ministers of Justice and Gender from the ICGLR Member States commit to simplify, translate and accordingly disseminate the provisions of the three Protocols,



South Sudan Deputy Chief Justice, John Gatwech Lul attending the conference on Sunday.

namely: the Protocol on nonAggression and Mutual Defence, the Protocol on the Prevention and the Suppression of Sexual violence against Women and Children and the Protocol on Judicial Cooperation to all stakeholders and lobby all those involved in the domestication process within Government, Parliament, Law Enforcement Institutions, Regional Women Forum, Civil Society and the Citizenry for speeding up the domestication process;

2. The Ministers of Justice and Gender from the ICGLR Member States request the ICGLR Conference Secretariat to formulate Model legislations with a view to assist the domestication process;

3. The Ministers of Justice and Gender from the ICGLR Member States commit to develop Action Plans with measurable indicators/steps and a time frame to facilitate tracking of the domestication process within three (3) months after this Meeting;

4. The Ministers of Gender from the ICGLR Member States request the Ministers of Justice to designate a Legal Focal Point officer, where she/he doesn't exist, to work closely with the ICGLR National Coordinator in order to speed up the domestication process of the relevant ICGLR Instruments; On Establishment and Strengthening of Special Courts, Sessions and Procedures on SGBV (Decision 8)

5. The Ministers of Justice from the ICGLR Member States commit to coordinate with their respective Chief Justices, where necessary, to establish and strengthen Special Courts to handle SGBV cases and provide progress reports to the Conference Secretariat by December 2012;

6. The Ministers of Justice from the ICGLR Member States Commit to strengthen existing Courts/ Tribunals, as the case may be, in each Member State by broadening the jurisdiction of relevant Courts; building the capacity of staff involved in case handling and designating specialized services so as to enable the Courts/Tribunals to effectively handle SGBV cases;

7. The Ministers of Justice from the ICGLR Member States Commit to use existing institutions to organize Special Sessions, establish Mobile Courts by December 2012 to handle SGBV cases and allocate sufficient funds for operationalisation of SGBV Courts and Sessions;

8. The Ministers of Justice from the ICGLR Member States commit to create, where feasible, SGBV case procedures to deny any request for amnesty or parole for perpetrators of SGBV and amend national laws to make them more deterrent in order to comply with zero tolerance on SGBV crimes and impunity;

9. The Ministers responsible for Gender from the ICGLR Member States commit to establish National Coordination Committees on SGBV comprising of relevant stakeholders including: Ministry of Justice, Security, Social Affairs, Judiciary, Health, Police/Investigator, Medical Experts, Social Workers, Probation Officers, Lawyers, Military, Prison Officers, Psychosocial Officers, Community Based Organizations, media Non Governmental Organizations, National Human Rights Institutions and Faith Based Organizations, to coordinate SGBV prevention and response;

10. The Ministers of Justice from the ICGLR Member States commit to adopt common procedures for flagrant SGBV crime in all Member States with a time limit of investigation and trial not exceeding six (6) months;

11. The Ministers of Justice and Gender from the ICGLR Member States Commit to introduce scientific based evidence in the Justice System through the use of DNA technology and other effective measures as a mechanism for prevention and action against SGBV;

12. The Ministers of Justice from the ICGLR Member States commit to ensure access to justice for victims/survivors to include free legal representation and reparation; On SGBV "Zero Tolerance Now" Campaign (Decision 7)

13. The Ministers of Justice and Gender from the ICGLR Member States commit to simultaneously launch the "Zero Tolerance Now" campaign in every ICGLR Member State on 25th November 2012, coinciding with the 16 days of activism and ensure that the campaign is sustained for two (2) years;

14. The objectives of the campaign are to raise awareness, reduce stigma from survivors and occurrence of SGBV cases within communities; initiate training programmes in school curricula; strengthen and implement the law to end impunity and improve the living conditions of victims and assist to



Hon Awut Deng Acuil (C), Minister of Gender and Child and social Welfare, South Sudan with other delegates at the RTF Kampala Conference on Sunday, December 3rd, 2017.

access justice;

15. Each country to decide on the venue to launch the Zero Tolerance Now campaign on SGBV crimes and impunity, bearing in mind that the venue must be of national significance;

16. The campaign to be coordinated by an Inter Ministerial Committee and the launch to be led by the Heads of State and the First Ladies. The launch to involve all stakeholders, including: Ministries of Justice, Gender, Judiciary, Police/Investigator, Military, Health, Media and Security, Medical Experts, Social Workers, Probation Officers, Lawyers, Prison Officers, Psychosocial Officers, Community Based Organizations, Non Governmental Organizations, Traditional Leaders, Women, Men, Youth, Political Parties, Human Rights Institutions, Vulnerable Groups, Persons with Disabilities and Faith Based Organizations;

17. The Ministers of Justice and Gender from the ICGLR Member States commit to work with all relevant public and private stakeholders, in particular with telecommunication companies in Member States to disseminate sharp anti SGBV short messages to all mobile telephone users in different languages; Examples of antiSGBV messages to include: (i) "Stop SGBV", (ii) "say no to violence against women", (iii) "weak men rape" (iv) "men of value don't rape", (v) "Rapist: How would you feel if it were your mother, sister or daughter?" (vi) "United to end SGBV impunity";

18. The activities of the campaign to include but not limited to: SGBV caravans in all

Member States; voluntary contribution of the equivalent of a one dollar per person in the ICGLR Member States and by well wishers for victims of SGBV;

19. Funds for the Zero tolerance campaign to be mobilized from Governments, Development Partners, Public and Private Sector;

20. The communication strategy to include Drama, Talk Shows, Songs, Adverts, Radio and TV Programs, Social Networks and other appropriate methods for targeted audiences;

21. The campaigns outcome to include more re

ported SGBV cases, more perpetrators prosecuted and convicted, new or amended national laws, policies and programmes responding to SGBV issues;

#### General

22. The Ministers of Justice and Gender from the ICGLR Member States commit to provide, on regular basis, gender disaggregated data and relevant information on the above recommendations, to enable the Conference Secretariat through the Levy Mwanawasa

Centre to monitor, evaluate progress and report to RIMC on the Member States' implementation of these decisions in particular and the Kampala Declaration in general;

23. The Ministers of Justice and Gender from the ICGLR Member States request Development Partners to support the ICGLR Member States where necessary, by providing technical assistance, training and funding for the implementation of SGBV Special Courts and Sessions, the Zero Tolerance Campaign and domestication of Protocols;

24. The Ministers of Justice and Gender from the ICGLR Member States commit to strengthen the Regional Research and Documentation Centre on Women, Gender peace building in the Great Lakes Region so that it can fulfill its mandate;

25. The Ministers of Gender and Justice request the ICGLR Secretariat to expedite the budget of the Regional Training Facility that Uganda had offered to host as per Decision 14 of the Kampala Declaration.

DONE IN KINSHASA, DRC



**The communication strategy to include Drama, Talk Shows, Songs, Adverts, Radio and TV Programs, Social Networks and other appropriate methods for targeted audiences;**

# Protocol on the Prevention and Suppression of Sexual Violence against Women and Children



Conscious of the high prevalence and widespread incidence of sexual violence in the Great Lakes Region and its destructive impact on the lives, health, physical, sexual, psychological, social, and economic well-being of women and children;



Delegates discuss the social relations between men and women, within the context of society at one of the sessions in Munyonyoi, Kampala

## PREAMBLE

**W**e, heads of State and government of the Member States of the International Conference on the Great Lakes Region; Considering our Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted and signed on 20 th November 2004 in Dar-es-Salaam, particularly Article 6 under which the Member States expressed deep concern for sexual violence and the exploitation of women and girls and their use as sexual slaves;

Reaffirming our commitment to its implementation on behalf of our peoples, particularly its Article 67 under which the Member States committed themselves to set up, amongst other things, regional mechanisms aimed at providing legal assistance to women and girls who are victims and survivors of rape as well as other acts of sexual violence and exploitation;

Expressing our commitment to comply with Resolution 1325 of the Security Council of the United Nations with respect to the protection of women and children during armed conflict;

Conscious of the high prevalence and widespread incidence of sexual violence in the Great Lakes Region and its destructive impact on the lives, health, physical, sexual, psychological, social, and economic well-being of women and children;

Deeply concerned by the context in which sexual violence is perpetrated in the Great Lakes Region by deliberately targeting women and children as a means of projecting the motives of armed conflict which has a spill over effect in the region;

Mindful that sexual violence is a form of gender-based violence which seriously inhibits the ability of women to contribute to, and benefit from, development, and to enjoy human and peoples rights and fundamental freedoms, in private or public life, in peace time or during situations of armed conflict contrary to the relevant international instruments, including the Charter of the United Nations 1945, Security Council Resolution 1325, the Universal Declaration of Human Rights 1948, Convention on the Prevention and Punishment of the Crime of Genocide 1948, Convention on the Elimination of All Forms of Discrimination Against Women 1979, General Recommendation 19 on Violence Against Women, Convention on the Rights of the Children 1989, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, the African Charter on Human and Peoples' Rights 1981, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;

## AGREE AS FOLLOWS:

In this Protocol, unless the context otherwise requires, the following mean:

1. Children : every human being below the age of eighteen years, unless under the law applicable to the children, majority is attained earlier;
2. Crimes Against Humanity : any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with

knowledge of the attack:

- a. Murder;
  - b. Extermination;
  - c. Enslavement;
  - d. Deportation or forcible transfer of population;
  - e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
  - f. Torture;
  - g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of violence of comparable gravity;
  - h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime in international criminal law;
  - i. Enforced disappearance of women and children;
  - j. The crime of apartheid in relation to women and children; and
  - k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or the physical health of women and children;
3. Gender : the social relations between men and women, within the context of society;
  4. Genocide : any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
    - a. Killing members of the group;
    - b. Causing serious bodily or mental harm to members of the group;
    - c. Deliberately inflicting on the group conditions of

life calculated to bring about its physical destruction in whole or in part;

d. Imposing measures intended to prevent births within the group; and

e. Forcibly transferring children of the group to another group;

5. Sexual violence : any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:

a. Rape;  
b. Sexual assault;  
c. Grievous bodily harm;  
d. Assault or mutilation of female reproductive organs;  
e. Sexual slavery;  
f. Enforced prostitution;  
g. Forced pregnancy;  
h. Enforced sterilization;  
i. Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

j. Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort;

k. Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;

l. Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children;

m. Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls;

n. Infection of women and children with sexually transmitted diseases, including HIV/AIDS; and

o. Any other act or form of sexual violence of comparable gravity;

Sexual violence also includes gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19;

6. Trafficking in persons : the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

7. War crimes : grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

a. Willful killing;  
b. Torture or inhuman treatment, including biological experiments;



c. Willfully causing great suffering, or serious injury to body or health;

d. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

e. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

f. Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

g. Unlawful deportation or transfer or unlawful confinement; and

h. Taking of hostages;

8. Women : human beings of the female sex.

#### OBJECTIVES

The objectives of this Protocol are to:

1. Provide protection for women and children against the impunity of sexual violence in the specific context of the Great Lakes Region;

2. Establish a legal framework under which Member States undertake to prosecute and punish the perpetrators of crimes of sexual violence in the Great Lakes Region;

3. Provide a legal basis for the surrender of persons and fugitives charged with committing offences of sexual violence, without prejudice to the Protocol on Judicial Cooperation;

4. Make provision for the establishment of a regional mechanism for providing legal, medical, material and social assistance, including counseling and compensation, to women and children who are victims and survivors of sexual violence in the Great Lakes Region.

#### PRINCIPLES FOR ADDRESSING SEXUAL VIOLENCE

1. Member States agree that the principles for dealing with sexual violence under this Protocol shall derive from contemporary developments relating to the criminalisation of sexual violence and the punishment of the

perpetrators of sexual violence under international criminal law.

2. Member States guarantee that sexual violence shall be punishable in times of peace and in situations of armed conflict.

3. Member States agree that measures taken by them to protect women and children from sexual violence shall be based on the principles contained in the instruments referred to in the Preamble of this Protocol.

4. Member States are encouraged to ratify and domesticate the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

5. Member States shall comply with, and implement, the Convention on the Rights of the Child.

#### CATEGORIES AND CONSTITUENT ELEMENTS OF SEXUAL VIOLENCE CRIMES

##### I. THE CRIME OF SEXUAL VIOLENCE

Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any of the acts of sexual violence referred to in Article 1(5) (6) of this Protocol.

II. Sexual Violence in relation to Trafficking in Women and Children

Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 1(7) of this Protocol.

III. Sexual Violence in relation to the Crime of Genocide

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6), in connection with the commission of the crime of genocide as defined in Article 1(4) of this Protocol and the Convention on the Prevention and Punishment of the Crime of Genocide .

IV. Sexual Violence in relation to Crimes Against Humanity

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of crimes against humanity as defined in Article 1(2) of this Protocol and in

**BRAINS:** Delegates during one of the discussions at the December 3rd 2017 conference in Munityonyo.



**Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 1(7) of this Protocol.**



**WE HAVE MADE IT: Mr Mubarak Mabuya (C), a Gender Expert with other delegates at Munyonyo on December 2017 conference on SBGV.**

other relevant international instruments.

**V. Sexual Violence in relation to War Crimes**

Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of war crimes as defined in Article 1(8) of this Protocol and the Geneva Conventions of 12 August 1949.

**MAXIMUM SENTENCE**

1. Member States encourage a maximum sentence of imprisonment as provided by national legislation for any person convicted of a crime of sexual violence against any woman or child, without prejudice to the imposition of a higher term of imprisonment or other more severe punishment for such a crime.

2. Member States shall ensure that persons convicted of sexual violence shall be subject to social correction and rehabilitation whilst serving their sentences.

**REGIONAL RESPONSES TO SEXUAL VIOLENCE**

1. Under this Protocol, Member States agree that each Member State may, together with supporting material, transmit a written request for the arrest and surrender of a person accused of a crime of sexual violence from a Member State to the territory of the requesting Member State.

2. Such a request shall be transmitted through the diplomatic channels of the Member States.

3. Member States agree that the requested State shall cooperate with the requesting State and shall forthwith comply with the request for the arrest and surrender of an accused person to the jurisdiction of the requesting State.

4. Member States agree to simplify the procedures for lodging complaints of sexual

violence by women, children, and other interested parties.

5. Member States agree that criminal procedures for the prosecution of persons accused of crimes of sexual violence shall be sensitive to the emotional state of the victims and survivors of such crimes. Under these procedures, such victims and survivors shall give evidence in camera, or by video links, and they shall neither be compelled nor required to give evidence in open criminal proceedings, nor shall the casting of aspersions on their character and integrity be permitted as part of the defence of any person charged with a crime of sexual violence.

6. Member States accept that no statutory limitations shall apply to sexual violence crimes in the Great Lakes Region and hence assume responsibility for ensuring that the victims and survivors of sexual violence are compensated, by the perpetrators.

7. Member States shall establish legal and medical procedures for assisting the victims and survivors of sexual violence, and a fund for sensitizing the perpetrators on the wrongfulness of their sexual behaviour.

8. The responsibility of Member States under paragraph (6) of this Article may entail the creation of a special facility under the fund for reconstruction and development, the purpose of which shall be to provide social and legal assistance, medical treatment, counseling, training, rehabilitation and re-integration of the survivors and victims of sexual violence, including those who may not be able to identify the perpetrators of sexual violence.

9. Member States agree to set up a special regional facility for training and sensitizing judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region.

10. Member States agree to harmonize all relevant national laws and criminal procedures in accordance with the provisions of this Protocol.



**FINAL PROVISIONS**

1. This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.

2. For any Member State which has ratified the Pact in terms set out in Article 30 of the

Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact.

3. Nothing contained in this Protocol shall be construed to be contrary to the provisions of the Pact, the Constitutive Act of the African Union, and the Charter of the United Nations.

# Angola best practice to fight against SGBV shared at RTF conference in Uganda

UGAMEDIA SERVICES

**A**ngola strictly observes the International Laws that favor the fight against gender-based sexual violence according to the country's Secretary of State for Social Action, General Lúcio Gonçalves Amaral of the Ministry of Social Action, Family and Women Promotion.

While making a presentation at the ICGLR-RTF conference on the strategies for Implementation of the ICGLR Instruments on Sexual and Gender Based Violence (SGBV), said, with the end of the armed conflict in 2002, Angola's success in combating domestic violence based on gender consisted of the country's ability to reunite the belligerent military forces and formed the unique Army of the Angolan Armed Forces (FAAs).

The Secretary noted that Angola was able to integrate the officers, generals, sergeants, of military forces involved in the conflict, namely FAPLAs, UNITA, FNLA and FLEC.

The Secretary noted that Angola ensured the socioeconomic and productive reintegration of ex-soldiers into various production cooperatives, guaranteed access to bank loans, built houses, secured retirement pensions and achieved a significant number of women in the Angolan Armed Forces, in the National Police, in the Justice, Civil Protection and Fire Brigades.

Regarding policies for integration of gender in development plan, the Secretary said in view of this particular situation, the policies and strategies of the Angolan Executive to support programs for gender equality and equity have been included in the previous National Development Plan 2012-2017 and will be published in the five-year period 2018-2022.

"In these plans all actions against SGBV are taken into consideration and delivered through governmental, non- governmental, public, private, civil societies sectors," the Secretary observed.

"Actions for the benefit of women and children will therefore deserve special attention from the Executive Bodies with the implementation of programs that facilitate the empowerment of women to prevent them from promoting less forgiving practices such as prostitution" the delegate said.

Policy measures include social rehabilitation, referral of victims to work and income generation programs, vocational training, and access to micro credit to promote self-sustaining activities.

In Angola, cases related to SGBV are dealt with in the Family Chambers of the Provincial Courts and in their respective sections, and all such cases are dealt with in the light of the relevant national and international legislation in this regard.

Victims' access to justice is however, still challenging, although domestic violence



Participants at the conference in Munyonyo

cases are treated as a priority in police stations and referred to the Criminal Sections of the Provincial Courts.

The Family Counseling Centers, assisted by a number of private centers and churches, are places where violence and family counseling are dealt with in cases of conflict resolution, sexual violence and other forms of violence.

The network of Integrated Centers for the care of victims of sexual violence in all the provinces of Angola is being created. In March 2018 will be the inauguration of the first reference equipment, in Huambo province, which will then be replicated throughout the country.

There is a line SOS domestic violence, which during the year 2016 received a total of 650. 621 calls, in which 553 are sexual violence based on gender.

It should be noted that Angola joined the "Zero Tolerance" Campaign and the UNiTE Campaign launched by the Secretary-General of the United Nations with the support of the United Nations Population Fund;

The Ministry of Social Action, the Family and the Promotion of Women, the Ministry of Interior, the Ministry of Justice and Human Rights and Civil Society Organizations have been conducting specialized training for the Defense and Security Forces, Judges and Magistrates.

There have been strategies for the dissemination of SGBV instruments such as: Dissemination of the Law against Domestic



Participants during group discussions at Munyonyo

Violence in communities and in the media; Cases of gender-based violence are published in public and private journals, in public and private university magazines;

Brochures, pamphlets, reports, various material that cover the issue of SGBV are regularly prepared and disseminated; Awareness programs in the fight against SGBV are disseminated by State and private radio stations and state television channels; Advertising spots concerning the issue of SGBV are published on public television in Angola, on National Radio of Angola in sev-

eral national languages.

"Angola will continue to strive to adapt its internal legislation to conform to the length of CIRGL instruments with regard to the fight against Gender-Based Sexual Violence. Considering that it is a complex and current issue, Angola will continue to cooperate and interact with the other Member States to find the best ways to eliminate SGBV affecting thousand of women and children, young and old in the region", the Secretary concluded.

# Some judgements on SGBV

The case law compendium has been compiled by the RTF as a resource to be used by criminal justice sector personnel, lawyers, and activists. It contains examples of cases on SGBV from international bodies and national judiciaries of ICGLR member states.

The African Commission on Human and Peoples' Rights and the CEDAW Committee have considered a number of Sexual and Gender Based Violence cases where the State has been found wanting in regard to its obligation to protect women from violence. The International Criminal Tribunal for Rwanda made a number of observations about sexual violence in conflict, which is relevant not just for conflict situations, but also for peace time. In this regard, it is important to remember that the decisions of international bodies are relevant in interpreting and applying the domestic laws of states parties to international conventions that prohibit violence.

The ICGLR framework provides a unique opportunity for judiciaries and law enforcement officers in member states to learn from each other in administering justice for cases of Sexual and Gender-Based Violence.

The various national level cases tackle issues ranging from the discriminatory requirement for corroboration of evidence in sexual offences (*Mukungu v. R- Kenya*), to marital rape (*Yiga Hamidu v. Uganda*). There are cases on domestic violence, rape and defilement. It is hoped that the variety of cases will be used to enrich the jurisprudence of the judiciaries across the region.

## Democratic Republic of Congo v. Burundi, Rwanda and Uganda, 2003

The armies of Burundi, Rwanda, and Uganda engaged in systematic violence against the people of the Democratic Republic of Congo (the DRC). As part of that violence, approximately 2,000 HIV-positive Rwandan and Ugandan soldiers raped Congolese women and young girls in order to spread AIDS to the Congolese population. The DRC brought the complaint asserting, among other things, that the mass rape and deliberate infection of women and girls with HIV constituted a violation of human rights under the African Charter. The respondents did not deny the occurrence of mass rape and infection, but responded that "there is never group responsibility for violations" like rape. The Commission noted that the mass rape of women and girls as a tool of systematic violence violated article 76 of the first Protocol Additional to the Geneva Conventions of 1949, which provides that "[w]omen shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other forms of indecent assault" and also "offend[ed] the African Charter and the Convention on the Elimination of All Forms of Discrimination Against Women." It therefore held that this offense violated articles 60 and 61 of the African Charter, which enabled the African Commission to draw inspiration from international law on human and peoples' rights and take into consideration general principles of law, such as the humanitarian law principles contained in the Geneva Conventions. The Commission urged the respondent states to abide by their obligations under the African Charter and other applicable international and regional law and immediately withdraw their armed forces from the DRC. The Commission also requested that adequate reparations be paid to the DRC for and on behalf of the victims of the human rights violations.

## Doebbler v. Sudan, 2003.

Eight female students of the Nubia Association of Ahilia University were arrested for engaging in immoral activities that violated the public order, in contravention of Sudan's Criminal Code, which incorporates Islamic Sharia law. The immoral activities the women committed consisted of "girls kissing, wearing trousers, dancing with men, crossing legs with men, sitting with boys, and sitting and talking with boys." The women were punished with fines and between 25 and 40 lashes. The lashing took place in public by use of a wire and plastic whip. The complaint asserted that the punishment violated Article 5 of the African Charter on Human and Peoples' Rights, which guarantees the right of individuals to human dignity and prohibits cruel, inhuman or degrading punishment and treatment. The Commission found that the lashing violated article 5 of the African Charter. It requested that Sudan abolish the punishment of lashing and compensate the women for their injuries.

## Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v. Sudan, 2009

In 2003, the Sudan Liberation Movement/Army issued a political declaration and clashed with the respondent State's armed forces. The respondent State engaged in various human rights violations against suspected insurgents, including the rape of women and girls. The Commission noted that "cases of Sexual and Gender Based Violence against women and girls in and outside IDP camps has been a common feature of the Darfur conflict. The right to liberty and security of the person, for women and girls, and other victims of the Darfur conflict has remained an illusion." The Commission held that the respondent State violated Articles 1, 4, 5, 6, 7(1), 12(1) and (2), 14, 16, 18(1) and 22 of the African Charter. It recommended that the State take all necessary and urgent measures to ensure protection of victims of human rights violations in the Darfur region, including; conducting effective official investigations into abuses committed by members of military forces, undertake major reforms of its legislative and judicial framework, take steps to prosecute those responsible for human rights violations, and take measures to ensure that victims of human rights abuses are given effective remedies.



## Uganda v. Ayebare, HCT-11-CSC-122 OF 2011

The above named accused person is indicted for Aggravated Defilement contrary to Section 129 (3) and (4) (d) of The Penal Code Act. It is alleged that Ayebare Bangye Moses, on 14 May, 2009, at Rubuguri Kashija Village, Rubuguri Parish, Kisoro District unlawfully performed a sexual act with Kyasiimire Fortunate, a girl aged 16 years knowing that she was mentally retarded. The victim PW 5 Kyasiimire Fortunate gave evidence not on oath owing to her mental retardation. She was able to clearly describe the events of the night she went to the accused person's house. She found the accused in his house alone and he closed her in the house and put her on the bed and went on top of her. He told her he would give her money and he gave her 500/= after sexual intercourse. Completely mentally ill when she was in primary three and since then she is mentally on and off and under medical treatment as a person living with mental disability. The accused person and the family of the complainant lived closely almost in the same compound and he knew that this girl was mentally retarded or unstable.

In sentencing, the court observed: "The accused/convicted person is a well-educated man who should have been a guide to his society away from living a criminal lifestyle. He defiled a child who was also mentally retarded. Considering that the maximum sentence provided is death, I will be lenient and give him another chance. He will serve 14 years imprisonment to give him time to reflect on his action and reform before he returns to society."

## Uganda v. Kigoye, HCT- 06-CR, [2013] UGHCCRD 25

The brief facts of the case were that in January, 2013 the victim along with other children went to collect firewood. On the way they met the accused who isolated the children. He took the victim further away from the other child she was with. When they reached a secluded place in the forest he ordered the victim to undress and proceeded to have sexual intercourse with her. The sexual act caused the victim to cry out in pain and the dog she was with started barking. When her colleague Kamoga Jovan Ntale responded to her alarm, he found the accused lying on top of the victim and her knickers hanged on a stick. Court said: "The offence with which he was convicted has become rampant in the community and the convict violated the bodily integrity and decency of the victim who isn't only a child in need of protection from him but she is also a vulnerable child being mentally handicapped"

In view of the above, court sentences him to 24 years in jail."

## Uganda v. Okiring, HCT-04-CR- SC-0080-2008, [2011] UGHC 43

The case for the prosecution was that the complainant (PW.I) Asio Jane was travelling from Pallisa Town to Katuke village. She was riding a bicycle laden with a sack of maize. Unfortunately, the sack of maize fell off the bicycle. At the scene of the mini-accident was the accused Okiring James and two of his colleagues one of whom was called Yobu, and the other was Eseuna. The two offered to help. After that, the accused and others followed her. It would appear the accused developed ideas about the complainant. All of a sudden he held her hand backwards. Yobu kicked her legs and she fell down backwards. The accused called upon Yobu to assist because he complained PW.I was strong. The accused removed his shorts, sat on her stomach, removed his penis and pushed it "into her" and forced her into sex. All this happened with the assistance of Yobu. As the accused played sex, Yobu was holding her legs.

The accused held her mouth so that she could not make noise. After the accused finished playing sex, Yobu did the same with the help of the accused. She knew him casually because she used to pass through his village.

The convict was a first offender; however, abusing the modesty of women is deplorable and amounts to violence against women which court must prevent. The offence of rape is therefore a serious one. I will consider that the accused has spent more than three years awaiting trial and has been waiting for his case to be concluded for a year. The convict is a young man capable of reform. He appears remorseful. I will therefore sentence him to 18th month's imprisonment in addition.

# Fida wants Anti-Human trafficking law to be implemented

ZURAH NAKABUGO

**M**any victims of human trafficking have gone through depressed circumstances and need protection from the anti-human trafficking legislation law which is not yet implemented in Uganda, Annet Bada, Head of legal, FIDA Uganda said.

"The law on trafficking came into existence in 2009, but to date, there are no regulations to operationalize it. There is need for these laws to resonate with the common person because they are the most vulnerable and they are the victims of human trafficking," she said.

She said, there is no business support for victims, witnesses and the judiciary has no budget line to support them yet the victims have gone through horrifying circumstances and need the protection of the law and court procedures.

"In Uganda we have the judicature audio and vision groups that allow victims to testify in confidential room while the law takes place. We need to have all these facilities in courts so that get evidence," said Bada.

She said, Ugandans also still lack social psycho support which the government has neglected a lot and the kind of social psycho support they offer is very elementary because they don't have their legal training.

"The offices of police officers who are in the

charge of investigations on the issues of sexual gender based violence is very tiny and there is no space where a victim can speak privately," Bada said, adding that "The victim will not speak freely or privately with that officer because she is limited with the space in the office and this will kill the evidence in court. The police also don't have experts to handle victims of sexual gender based violence which is a big problem."

Bada said this on December 2 during the second day for the Regional conference on strategies for implementation of the international conference on Great Lakes Region (ICGLR) Instruments on Sexual and Gender Based Violence (SGBV).

The conference brought together regional stakeholders on sexual and gender based violence to share region-wide experiences that can enable stakeholders to review the strategies on implementation instruments for fighting impunity in sexual.

She said, the training should be extended to the prosecutors because they depend on police officers to get evidence they use in courts since prosecutors are looking at elements of the offence to secure conviction.

"But our prosecutors face the challenge of low pay and as result some are compromised and the cases die in court."



Annet Bada, Head of Legal department at FIDA Uganda during the RTF conference on Sunday, Dec 03, 2014









# General Facts About Uganda, The Summit Host

<b>Location:</b>	Eastern Africa
<b>Geographic coordinates:</b>	1 00 N, 32 00 E
<b>Nationality:</b>	Ugandan
<b>Geography:</b>	Landlocked, fertile, well-watered country with many lakes and rivers.
<b>Capital:</b>	Kampala
<b>Area: total:</b>	236,040 sq km
<b>Land:</b>	199,710 sq km
<b>Water:</b>	36,330 sq km
<b>Population:</b>	27,694,827 (July 2005 est.)
<b>Age structure:</b>	0-14 years: 50.1% (male 6,873,663/female 6,784,276)
<b>15-64 years:</b>	47.7% (male 6,511,867/female 6,494,859)
<b>65 years and over:</b>	2.2% (male 263,790/female 338,925) (2005 est.)
<b>Major towns:</b>	Arua, Gulu, Jinja, Masaka, Mbarara, Mbale, Lira, Soroti
<b>Border countries:</b>	Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania. Uganda is landlocked.
<b>Climate:</b>	Tropical, generally rainy with two dry seasons (December to February; June to August); semi-arid in northeast.
<b>Elevation extremes:</b>	
<b>Lowest point:</b>	Lake Albert 621 m
<b>Highest point:</b>	National Peak on Rwenzori 5110m
<b>Natural resources:</b>	Southern cobalt, hydroelectricity, ironstone, salt, oil, gold, zinc, lead, timber.
<b>Land use:</b>	
<b>Arable land:</b>	45.88%
<b>Permanent crops:</b>	10.55%
<b>Other:</b>	63.47% (2001)
<b>Irrigated land:</b>	90,122 km (1998 est.)
<b>Population growth rate:</b>	3.31% (2005 est.)
<b>Birth rate:</b>	47.39 births/1,000 population (2005 est.)
<b>Death rate:</b>	12.8 deaths/1,000 population (2005 est.)



# Sexual Gender Based Violence Summit in Uganda important to the world, says UN



Hon. Jennet Kem - the Manager, Africa UNITE Campaign to end Violence Against Women and Girls and Hon. Florence Butegwa the Representative to the AU and UNECA

**By Ugamedia Services**  
 The United Nations Entity for Gender Equality (UN Women) and the Secretariat of the Africa UNITE campaign to end violence against women and girls, have said the agenda of the Summit in Kampala is important, not just for the region, but also for all women in Africa and beyond.  
 "It is a measure of the level of awareness among the leaders of the

ICGLR, of the seriousness of SGBV, and its link with the goals of peace, security, stability and development in the region," the UN WOMEN and UNITE campaign said in their presentation this morning to the Regional Inter-Ministerial Committee.  
 "The ICGLR is showing leadership in involving its highest policy organs and building consensus on strategic actions necessary to prevent, end impunity and provide services to survivors of SGBV."

the two said in a joint presentation led by Mrs Florence Butegwa, a representative to the African Union and UNECA.

On January 30, 2010, the Chairperson of the African Union and the UN Secretary General launched the Africa UNITE campaign to end violence against women and girls in Addis Ababa, Ethiopia. Africa UNITE is the Africa component of the global UNITE campaign launched by UN

# Uganda offers to host Sexual Gender Based Violence regional training facility

Ugamedia Services

Uganda has offered to host the Great Lakes regional training centre that will impart skills to handle sexual violence cases, which initiative is part of the region's efforts to scale-down sexual and gender-based violence. Under the International Conference on the Great Lakes Region (ICGLR), 11 African countries agreed to establish a research and documentation centre to enhance collection of gender disaggregated data on gender-based violence but also train and sensitize judicial officers, police units, social workers, medical officers and other categories of persons who handle

education. These functions are numerous and include the special regional facility on SGBV which will overburden the centre. Besides the, the issues of SGBV may not be given adequate attention," said Syda Bbumba, Uganda's Minister for Gender, Labour and Social Development during the ICGLR inter-ministerial meeting.

Uganda agreed that to put the Special Regional facility under the Levy Mwanawasa Centre requires amending the pact on security, stability and development in the Great Lakes region, (Article 34 on amendments and revision), which requires a member state to propose an amendment in writing in six months.

"In this particular case, Uganda is not aware of any country that has expressed interest to amend the pact in this direction," Hon Bbumba said. "The Levy Mwanawasa Regional Centre is responsible for civic education, think tank observatories and research, which strains it further in addition to other responsibilities," she added.

Uganda observed at the meeting that as the deliberations of the special session on SGBV have pointed out, the vice poses threat on the security and development of the Great Lakes region. It is therefore important that all actors addressing these issues should be equipped with skills on how to prevent, end impunity and provide support to SGBV survivors.

Uganda also proposed to fast track the establishment of the regional training facility to address the problem. Uganda also said that the facility shall enhance equitable sharing of the ICGLR centres, citing the Documentation Centre in DRC, ICGLR Secretariat in Burundi, Forum for Parliamentarians in Sudan and Levy Mwanawasa Centre in Zambia.

"Uganda, therefore requests the ICGLR member states for support to host this centre," the Minister added.

Sexual violence against women has been one of the main features of conflicts in the Great Lakes region, which has been used as a weapon by all sides of the conflicts - rebels groups and national armies.

It is difficult to find reliable statistics on the number of women who have been raped and sexually assaulted, but crude estimates by different NGOs indicate that about 250,000 women were raped during the war and genocide in Rwanda.

No official statistics exist for Burundi and the DRC, although some UN agencies and local human rights organisations working in eastern DRC estimate that between 40,000 to 60,000 women were raped between 1996 and 2002.

These massive rape cases have raised very serious public health issues. For instance, a high number of rape victims are infected with HIV/AIDS. According to Human Rights Watch, 4.6 per cent of combatants involved in the war in the eastern



Hon. Syda Bbumba

sexual and gender based violence in the Great Lakes.

The ministers of gender at their high-level consultation meeting on sexual and gender-based violence in Arusha recommended that the training centre be part of the Levy Mwanawasa Regional Centre for democracy, good governance, human rights and civic education base in Zambia. However, Uganda and other countries argue that juxtaposing the training centre with the Levy Mwanawasa think tank would require amendment of the pact on security, stability and development yet no country has expressed to amend the pact.

# Time up for illicit mineral dealers in Great Lakes



BY UGAMEDIA SERVICES

The Great Lakes region member states will soon start fingerprinting their minerals to trace their origin in order to end the illicit mineral trade that has fuelled conflicts in the region, which are the centre of human rights abuses especially the sexual and gender based violations.

The analytical fingerprint (AFP) system developed by the German Federal Institute for Geosciences and Natural Resources (BGR) and commissioned by the International Conference for the Great Lakes Region, identifies the mineral concentrate origin by comparing its mineralogical and geochemical characteristic features to samples of known provenance that are stored in a BGR reference database.

The fingerprinting centre, according to

Governance, could be established in Tanzania. This new weapon is expected to make it extremely difficult for the mineral dealers that have ventured in an illegal trade and therefore lessen the urge to start wars.

Successful application of the AFP method for a positive certification of mineral producers necessitates detailed and comprehensive sampling of active mining sites of the producer; geo-chemical and mineralogical data obtained from the analytical procedures.

The data has to be updated regularly and any changes in production methods should be communicated to a CTC counterpart (like changes in production sites; commissioning of concentrate upgrading equipment).

The fingerprint system is expected to

include; regional certification for gold, coltan, cassiterite and the wolframite, harmonization of national legislation and domestication of the protocol on natural resources, establishing a regional database for mineral flows, whistle blowing mechanism and extractive industries initiatives.

The six tools are supposed to curtail any further trading in blood minerals that have recently fuelled conflicts especially in eastern DRC and Sudan leading to gross human rights abuses particularly sexual gender-based violence, which is currently a subject of discussion in the ongoing ICGLR special session summit in Kampala, Uganda.

Militarised mining, which is part of the illicit trade, has meant massive use of forced labour, widespread violence against workers and the population in general, continued abuses of human

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# Great Lakes Summit Dispatch

Dec. 14<sup>th</sup> 2011

ICGLR gets new Executive Secretary



Delegates pause for group Photograph after the opening ceremony by Uganda's Deputy Prime Minister Gen. Moses Ali of the Regional Inter-Ministerial Committee at Munyonyo, Kampala on 13<sup>th</sup> December 2011

**“ United to end impunity and provide assistance to victims of sexual and gender based violence in the Great Lakes Region”**



Translation by Kiiza Alexander

# Quelques jugements faites par les tribunaux en violence sexuelle

Accès à la justice et mettre fin à l'impunité pour la violence sexuelle et sexiste dans la région des Grands Lacs : Un compendium de jurisprudence pertinente

Le recueil de jurisprudence a été compilé par le RTF comme une ressource à utiliser par le personnel du secteur de la justice pénale, les avocats et les activistes. Il contient des exemples de cas de violence sexuelle et sexiste émanant d'organismes internationaux et de systèmes judiciaires nationaux des États membres de la CIRGL.

La Commission africaine des droits de l'homme et des peuples et le Comité CEDAW ont examiné un certain nombre de cas de violence sexuelle et sexiste où l'État a été jugé défaillant en ce qui concerne son obligation de protéger les femmes contre la violence. Le Tribunal pénal international pour le Rwanda a fait un certain nombre d'observations sur la violence sexuelle dans les conflits, ce qui est pertinent non seulement pour les situations de conflit, mais aussi pour la paix. À cet égard, il est important de se rappeler que les décisions des organes internationaux sont pertinentes pour interpréter et appliquer les lois nationales des États parties aux conventions internationales qui interdisent la violence.

Le cadre de la CIRGL offre une opportunité unique aux magistrats et aux responsables de l'application des lois des États membres d'apprendre les uns des autres dans l'administration de la justice pour les cas de violence sexuelle et sexiste.

Les différentes affaires au niveau national traitent de questions allant de l'exigence discriminatoire de corroboration des preuves dans les infractions sexuelles (Mukungu c. R-Kenya) au viol conjugal (Yiga Hamidu c. Ouganda). Il y a des cas de violence domestique, de viol et de souillure. Il est à espérer que la variété des cas sera utilisée pour enrichir la jurisprudence des systèmes judiciaires dans la région.

## République démocratique du Congo c. Burundi, Rwanda et Ouganda, 2003

Les armées du Burundi, du Rwanda et de l'Ouganda se sont livrées à des violences systématiques contre le peuple de la République Démocratique du Congo (RDC). Dans le cadre de cette violence, environ 2 000 soldats rwandais et ougandais séropositifs ont violé des femmes et des jeunes filles congolaises afin de propager le sida à la population congolaise. La RDC a déposé une plainte affirmant, entre autres, que le viol collectif et l'infection délibérée de femmes et de filles séropositives constituaient une violation des droits de l'homme en vertu de la Charte africaine. Les personnes interrogées n'ont pas nié la survenance de viols et d'infections de masse, mais ont répondu qu'«il n'y a jamais de groupe responsable de violations» comme le viol. La Commission a noté que le viol collectif des femmes et des filles en tant qu'instrument de violence systématique violait l'article 76 du premier Protocole additionnel aux Conventions de Genève de 1949, qui dispose que "les femmes doivent faire l'objet d'un respect particulier et être Protégé notamment contre le viol, la prostitution forcée et toute autre forme d'attentat à la pudeur "et également" offensé la Charte africaine et la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes ". Il a donc estimé que cette infraction violait les articles 60 et 61 de la Charte africaine, ce qui permettait à la Commission africaine de s'inspirer du droit international des droits de l'homme et des peuples et de prendre en considération les principes généraux du droit humanitaire tels que les Conventions de Genève. La Commission a exhorté les États défendeurs à respecter leurs obligations en vertu de la Charte africaine et d'autres lois internationales et régionales applicables et à retirer immédiatement leurs forces armées de la RDC. La Commission a également demandé que des réparations adéquates soient versées à la RDC pour et au nom des victimes des violations des droits de l'homme.

## Doebbler c. Soudan, 2003.

Huit étudiantes de l'Association Nubie de l'Université Ahilia ont été arrêtées pour avoir pris part à des activités immorales qui violaient l'ordre public, en violation du Code pénal soudanais, qui incorpore la loi islamique de la Charia. Les activités immorales que les femmes ont commises consistaient en «des filles à s'embrasser, à porter un pantalon, à danser avec des hommes, à croiser des jambes avec des hommes, à s'asseoir avec des garçons et à s'asseoir et à parler avec des garçons». Les femmes ont été punies d'amendes et entre 25 et 40 coups de fouet. L'arrimage a eu lieu en public au moyen d'un fil et d'un fouet en plastique. La plainte affirmait que la peine violait l'article 5 de la Charte africaine des droits de l'homme et des peuples, qui garantit le droit des individus à la dignité humaine et interdit les peines et traitements cruels, inhumains ou dégradants. La Commission a estimé que l'arrestation violait l'article 5 de la Charte africaine. Il a demandé que le Soudan abolisse la peine de flagellation et indemnise les femmes pour leurs blessures.

## Organisation soudanaise des droits de l'homme et Centre sur les droits au logement et les expulsions (COHRE) c. Soudan, 2009

En 2003, le Mouvement / Armée de libération du Soudan a publié une déclaration politique et a affronté les forces armées de l'État défendeur. L'État défendeur a commis diverses violations des droits de l'homme à l'encontre d'insurgés présumés, notamment le viol de femmes et de filles. La Commission a noté que «les cas de violence sexuelle et sexiste contre les femmes et les filles dans et à l'extérieur des camps de personnes déplacées ont été une caractéristique commune du conflit du Darfour. Le droit à la liberté et à la sécurité de la personne, des femmes et des filles et d'autres victimes du conflit du Darfour est resté une illusion. »La Commission a jugé que l'État défendeur avait violé les articles 1, 4, 5, 6, 7 (1), 12 (1) et (2), 14, 16, 18 (1) et 22 de la Charte africaine. Il a recommandé à l'État de prendre toutes les mesures nécessaires et urgentes pour assurer la protection des victimes de violations des droits de l'homme dans la région du Darfour, notamment: mener des enquêtes officielles efficaces sur les abus commis par des membres des forces militaires, entreprendre des réformes majeures de son cadre législatif et judiciaire, engager des poursuites pour les responsables de violations des droits de l'homme et prendre des mesures efficaces pour remédier aux violations des droits de l'homme.



## Ouganda c. Ayebare, HCT-11-CSC-122 de 2011

Le prévenu nommé ci-dessus est inculpé pour "Aggravated Defilement", contrairement à l'article 129 (3) et (4) (d) de la loi sur le code pénal. Il est allégué qu'Ayebare Bangye Moses, le 14 mai 2009, au village Rubuguri Kashija, paroisse de Rubuguri, district de Kisoro, a illégalement commis un acte sexuel avec Kyasiimire Fortunate, une jeune fille âgée de 16 ans sachant qu'elle était retardée mentalement. La victime PW 5 Kyasiimire Fortunate n'a pas témoigné sous serment en raison de son retard mental. Elle a pu décrire clairement les événements de la nuit où elle s'est rendue à la maison de l'accusé. Elle a trouvé l'accusé seul dans sa maison et il l'a refermée dans la maison et l'a mise sur le lit et est montée sur elle. Il lui a dit qu'il lui donnerait de l'argent et il lui a donné 500/= de shillings après un rapport sexuel. Complètement malade mentale quand elle était en primaire trois et depuis lors elle est mentalement off et sous traitement médical en tant que personne vivant avec un handicap mental. L'accusé et la famille du plaignant vivaient étroitement dans la même enceinte et il savait que cette fille était mentalement retardée ou instable.

En matière de détermination de la peine, le tribunal a déclaré: «L'accusé / condamné est un homme bien éduqué qui aurait dû guider sa société loin de la vie criminelle. Il a souillé un enfant qui était également mentalement retardé. Considérant que la peine maximale prévue est la mort, je serai indulgent et lui donnerai une autre chance. Il purgera 14 ans d'emprisonnement pour lui donner le temps de réfléchir à son action et à sa réforme avant de retourner dans la société.

## Ouganda c. Kigoye, HCT-06-CR, [2013] UGHCCRD 2

En bref, en janvier 2013, la victime et d'autres enfants sont allés chercher du bois de chauffage. En chemin, ils ont rencontré l'accusé qui a isolé les enfants. Il a éloigné la victime de l'autre enfant avec lequel elle était. Quand ils ont atteint un endroit isolé dans la forêt, il a ordonné à la victime de se déshabiller et a commencé à avoir des rapports sexuels avec elle. L'acte sexuel a poussé la victime à crier de douleur et le chien avec lequel elle était aboyée a commencé à aboyer. Lorsque son collègue Kamoga Jovan Ntale a répondu à son inquiétude, il a trouvé l'accusé allongé sur la victime et sa culotte pendue à un bâton. La Cour a déclaré: "L'infraction avec laquelle il a été condamné est devenue effrénée dans la communauté et le condamné a violé l'intégrité corporelle et la décence de la victime qui est non seulement un enfant ayant besoin de protection mais aussi un enfant vulnérable handicapé mental

Compte tenu de ce qui précède, le tribunal le condamne à 24 ans de prison."

## Ouganda c. Okiring, HCT-04-CR- SC-0080-2008, [2011] UGHC 43

L'accusation plaide que le plaignant (PW.I) Asio Jane voyageait de la ville de Pallisa au village de Katuke. Elle conduisait une bicyclette chargée d'un sac de maïs. Malheureusement, le sac de maïs est tombé de la bicyclette. Sur les lieux du mini-accident, l'accusé Okiring James et deux de ses collègues s'appelaient Yobuthé, et l'autre Eseuna. Les deux ont offert d'aider. Après cela, l'accusé et d'autres l'ont suivie. Il semble que l'accusé a développé des idées sur le plaignant. Tout à coup, il a tenu sa main en arrière. Yobu lui donna un coup de pied dans les jambes et elle tomba en arrière. L'accusé a appelé Yobu à aider parce qu'il s'est plaint que le PW.I était fort. L'accusée a enlevé son short, s'est assise sur son ventre, a enlevé son pénis et l'a poussée «en elle» et l'a forcée à avoir des relations sexuelles. Tout cela est arrivé avec l'aide de Yobu. Pendant que l'accusé jouait au sexe, Yobu tenait ses jambes.

L'accusée a retenu sa bouche pour qu'elle ne puisse pas faire de bruit. Après que l'accusé ait fini de faire l'amour, Yobu a fait de même avec l'aide de l'accusé. Elle le connaissait avec désinvolture parce qu'elle passait dans son village.

Le condamné était un premier délinquant; cependant, abuser de la modestie des femmes est déplorable et équivaut à une violence contre les femmes que le tribunal doit prévenir. L'infraction de viol est donc grave. Je considérerai que l'accusé a passé plus de trois ans dans l'attente de son procès et attend son procès depuis un an. Le condamné est un jeune homme capable de se réformer. Il semble plein de remords. Je vais donc le condamner à

# La population des détenus liés au sexe reste grande et les estimations à 22%

ZURAH NAKABUGO

**S**elon Sarah Nalwanga, agente principale du bien-être et de la réadaptation dans la région du Centre, la population carcérale est encore importante et estimée à plus de 11 630 détenus, soit 22,03% de la population carcérale totale (52 791).

Elle a déclaré que parmi les criminels se trouvaient des cas de souillure aggravée, de viol, de tentative de viol, de souillure et d'attentat à la pudeur, bien que d'autres affaires de meurtre et d'abattage ne soient pas considérées comme des cas sexuels.

"Les principaux auteurs d'infractions sexuelles sont les hommes parce que les femmes sont négligeables. Ainsi, le Programme de réadaptation des délinquants sexuels s'adresse aux détenus de sexe masculin. Les infractions sexuelles sont sujettes à tous les êtres humains, mais peu sont signalées. Les infractions sexuelles sont le résultat de la dynamique sociale ou des groupes de comportement qui aboutit à la violence », a déclaré Nalwanga.

Elle a dit que certains des auteurs sexuels incluent la pornographie, les croyances sexuelles contradictoires, le manque d'empathie et les groupes de membres masculins tels que les fraternités et les équipes sportives. D'autres sont l'abus d'alcool et de substances qui a été identifié comme un fort corrélat du viol collégial.

Selon Nalwanga, la mise en œuvre d'une nouvelle innovation ou d'un nouveau programme se heurte à un certain nombre de défis tels que l'incapacité des clients à divulguer tous leurs crimes ou leurs pensées sexuellement déviantes, la confidentialité et la facilitation ou le financement limités.

Les attitudes qui ont mené à la délinquance peuvent devenir plus fortes, plus virulentes en prison, le manque de personnel des préposés aux services sociaux de la prison et peu de travailleurs comme 64,779 prisonniers sociaux. Nous recommandons

donc d'augmenter le financement afin de sensibiliser les détenus à leurs changements de comportement sur les questions de violence sexuelle fondée sur le sexe », a-t-elle déclaré.

Nalwanga a dit, le SORP s'est avéré être un outil de guérison et il guérit mentalement et physiquement. Les délinquants sexuels aux côtés d'autres délinquants tels que les détenus civils qui ont des connaissances, préparent le terrain pour que les délinquants sexuels s'adaptent et optent pour un meilleur style de vie.

Cette technique est limitée au niveau d'éducation, à l'âge et à la langue, mais l'accent est mis sur la capacité des délinquants sexuels à surmonter ces difficultés. Puisque la police ne prévoit pas les droits conjugaux des détenus, ceux-ci doivent s'entraîner à incurver leurs sentiments, devenant ainsi positivement adaptatifs dans la vie réelle », a-t-elle déclaré.

Nalwanga a dit, grâce à des conseils intensifs, les détenus sont soutenus pour développer des attitudes sexuelles saines qui sont socialement acceptables, à savoir; en attendant le consentement des femmes et les jeunes filles à grandir en adultes consentants.

"Par conséquent, l'abstinence sexuelle devient normale pour les détenus même après l'emprisonnement. Lors de la naturalisation des sentiments, l'implication des chefs religieux est très importante. Une Ecriture spécifique à cet effet est Ecclésiastique 3: 1-11 ", a-t-elle dit.

Nalwanga a dit, les acteurs sociaux sont impliqués dans le programme pour aider à s'assurer que le détenu est réintégré avec succès dans la société en tant que citoyen respectueux des lois.

Elle a dit que les contrevenants aggravés ont aidé à comprendre qu'une longue peine d'emprisonnement ne fait pas disparaître le fait que l'infraction commise était un manquement social très extravagant. L'implication des acteurs sociaux leur permet également de prendre la responsabilité de s'assurer que le détenu libéré ne récidive pas la communauté.



Mme Bada Annet le chef legale de FIDA

Translation by Kiiza Alexander

EXECUTIVE SECRETARIAT  
INTERNATIONAL CONFERENCE  
ON THE GREAT LAKES REGION



SECRÉTARIAT EXÉCUTIF  
CONFÉRENCE INTERNATIONALE  
SUR LA RÉGION DES GRANDS LACS

# Consultation régionale de haut niveau des ministres en charge de la justice et du genre sur la Déclaration de Kampala sur la violence sexuelle et sexiste (SGBV)

## Communiqué final

I. La Consultation Régionale de Haut Niveau de la CIRGL avec les Ministres en charge de la Justice et du Genre de la Région des Grands Lacs s'est réunie au Grand Hôtel, Kinshasa le 28 juillet 2012 pour suivre la Déclaration de Kampala sur la VSBG et son Plan de Travail, en particulier la mise en œuvre des décisions 2, 7 et 8. La réunion a été ouverte par le vice-premier ministre et ministre du budget de la République démocratique du Congo (RDC), SE Daniel Mukoko Samba et présidée par l'Honorable Frederick Ruhindi, ministre d'État Affaires constitutionnelles de l'Ouganda;

II. Étaient présents: H.E. Mme Ana Canene Mei-reles de Vasconcelos Vice-Ministre de la justice de l'Angola; Mme Petro Koni Zeze, Ministre Zarambaud de la Solidarité nationale et des Affaires sociales et du genre de la République centrafricaine; H.E Mme Wivine Mumba Matipa Ministre de la justice et des droits de l'homme, RDC; H.E.Hon. Geneviève Inagosi Bulu Ibambi Ministre du Genre, de la Famille et des Enfants de la RDC; IL. Moubangit Moukonzi Alphonse Dinard Secrétaire permanent du Ministère d'État de la République du Congo; IL. Madeleine Yila Boumpoto Ministre de la Promotion de la Femme et de l'Intégration des Femmes au Développement de la République du Congo; IL. Hon. Keya Atanas Manyala, Ministre du Genre et de l'Enfance et du Développement social du Kenya; IL. Ibrahim Adam Ibrahim Ministre d'Etat au Ministère de Bien-être et sécurité sociale du Soudan; IL. Julienne Munyaneza Secrétaire permanente / Ministère de la promotion du genre et de la famille du Rwanda; IL. Hon. Sophia Simba, Ministre du développement communautaire, Genre et enfants de la Tanzanie; IL. Hon. Aboubakar Khamis Bakari, Ministre des affaires constitutionnelles et de la justice de Tanzanie; IL. Hon. Rukia Isanga Nakadama, ministre en charge du genre, du travail et du développement social de l'Ouganda; IL. Hon. Anjellah J. Kariuki, vice-ministre de la justice et des affaires constitutionnelles de la Tanzanie; IL. Hon. Alfreda Kansembe, vice-ministre de la justice de la Zambie; IL. Hon. Esther Mwilwa Banda Vice-ministre du genre et du développement de l'enfant de la Zambie; Mme Victoire Nahimana Secrétaire permanente du Ministère burundais de la solidarité nationale, des droits de l'homme et du genre; IL. Hon. William Cheptumo Député, Ministre de la justice, de la Cohésion nationale et des Affaires constitutionnelles Kipkorir, du Kenya; M. Essam Aldeen Abdulgadir Sous-secrétaire du Ministre de la justice du Soudan;

III. Plusieurs personnalités ont pris la parole lors de la consultation de haut niveau: le ministre ougandais de la Justice, le min-

istre ougandais de la Justice, le ministre de la Justice de la RDC, le secrétaire exécutif de la CIRGL, le président du Forum régional des femmes et le représentant d'UNWOMEN en RDC;

IV. Étaient également présents des représentants d'organisations régionales et internationales, du corps diplomatique et de la société civile de la CIRGL, de la jeunesse, du parlement et des forums des femmes;

V. L'objectif de la réunion était d'élaborer des stratégies sur la mise en œuvre des décisions prises par les chefs d'État et de gouvernement à Kampala en Ouganda les 15 et 16 décembre 2011, en insistant particulièrement sur les décisions 2, 7 et 8 concernant la nécessité d'accélérer la domestication, processus du Protocole de la CIRGL sur la non-agression et la défense mutuelle, le Protocole sur la prévention et la répression de la violence sexuelle contre les femmes et les enfants ainsi que le Protocole sur la coopération judiciaire afin d'éradiquer les groupes armés existants; Violence et coopération en matière d'extradition, d'enquête judiciaire et de poursuite des auteurs (Décision 2); lancer la campagne « Zero Tolerance Now » sur les crimes et l'impunité de la SGBV (Décision 7); et enfin sur l'établissement et le renforcement des tribunaux, sessions et procédures spéciaux afin d'accélérer l'accès à la justice et de protéger les victimes / survivants de violence sexuelle et sexiste (avec un financement adéquat, des installations et des agents sensibles au genre) Décision 8);

VI. La réunion de haut niveau a été abordée par le ministre ougandais de la justice, le ministre ougandais de la justice, le secrétaire exécutif de la CIRGL, le président du Forum régional des femmes et le ministre du Genre de la RDC.

VII. Les ministres de la justice et du genre ont reçu, examiné et adopté les recommandations de la réunion régionale d'experts;

VIII. Dans leurs délibérations, les Ministres de la Justice et du Genre ont pris conscience de l'importance de la Déclaration de Kampala SGBV sur la violence sexuelle et sexiste en général et des décisions 2,7 et 8 en particulier: domestication, tribunaux spéciaux, sessions et tolérance zéro sur les crimes et délits sexuels. L'impunité, rappelant que les États membres devraient s'attaquer d'urgence à la question des forces négatives telle qu'elle est envisagée dans le Kampala

Déclaration sur la SGBV (2012) et la Déclaration extraordinaire du Sommet d'Addis-Abeba (2012) sur les forces négatives;

IX. Afin de mettre en œuvre le Décret de Kampala

Pour les décisions 2, 7 et 8, les Ministres décident ce qui suit: Sur le processus de domestication (Décision 2)



Le juge en chef adjoint du Soudan du Sud, John Gatwech Lul, a assisté à la conférence dimanche.

1. Les Ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à simplifier, traduire et disséminer en conséquence les dispositions de les trois protocoles, à savoir: le Protocole sur la non-agression et la défense mutuelle, le Protocole sur la prévention et la répression des violences sexuelles contre les femmes et les enfants et le Protocole sur la coopération judiciaire à toutes les parties prenantes; processus au sein du gouvernement, du parlement, des institutions chargées de l'application des lois, du forum régional des femmes, de la société civile et du citoyen pour accélérer le processus de domestication;

2. Les Ministres de la Justice et du Genre des États membres de la CIRGL demandent au Secrétariat de la Conférence de la CIRGL de formuler des législations types en vue d'assister le processus de domestication;

3. Les Ministres de la Justice et du Genre des États membres de la CIRGL s'engagent

à développer des Plans d'action avec des indicateurs / étapes mesurables et un calendrier pour faciliter le suivi du processus de domestication dans les trois (3) mois après cette réunion;

4. Les ministres du genre des États membres de la CIRGL demandent aux ministres de la Justice de désigner un responsable du point de contact juridique, là où il n'existe pas, pour travailler en étroite collaboration avec le coordinateur national de la CIRGL afin d'accélérer le processus de domestication les instruments pertinents de la CIRGL; Création et renforcement des tribunaux, sessions et procédures spéciaux sur la violence sexuelle et sexiste (décision 8)

5. Les ministres de la Justice des États membres de la CIRGL s'engagent à coordonner leurs efforts avec leurs juges en chef respectifs pour établir et renforcer les tribunaux spéciaux. et fournir des rapports d'étape au Secrétariat de la Conférence d'ici

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décembre 2012;

6. Les ministres de la Justice des États membres de la CIRGL s'engagent à renforcer les cours et tribunaux existants, selon le cas, dans chaque État membre en élargissant la compétence des tribunaux compétents; renforcer les capacités du personnel chargé du traitement des dossiers et de la désignation des services spécialisés afin de permettre aux cours et tribunaux de traiter efficacement les affaires de violence sexuelle et sexiste;

7. Les ministres de la Justice des États membres de la CIRGL s'engagent à utiliser les institutions existantes pour organiser des sessions spéciales, établir des tribunaux mobiles d'ici décembre 2012 pour traiter les cas de violence sexuelle et sexiste et allouer des fonds suffisants pour l'opérationnalisation des tribunaux et des sessions SGBV;

8. Les ministres de la Justice des États membres de la CIRGL s'engagent à créer, lorsque cela est possible, des procédures en cas de VSBG pour refuser toute demande d'amnistie ou de libération conditionnelle aux auteurs de VSBG et modifier les lois nationales pour les rendre plus dissuasives. Les crimes de SGBV et l'impunité;

9. Les ministres responsables du genre des États membres de la CIRGL s'engagent à établir des comités nationaux de coordination sur la violence sexuelle et sexiste comprenant: Ministère de la justice, de la sécurité, des affaires sociales, de la justice, de la santé, police / enquêteur, Officiers, avocats, militaires, agents pénitentiaires, agents psychosociaux, organisations communautaires, organisations non gouvernementales de médias, institutions nationales des droits de l'homme et organisations confessionnelles, pour coordonner la prévention et la réponse à la violence sexuelle et sexiste;

10. Les ministres de la Justice des États membres de la CIRGL s'engagent à adopter des procédures communes pour les infractions flagrantes liées aux violences sexuelles et sexistes dans tous les États membres ayant un délai d'enquête et n'excédant pas six (6) mois;

11. Les Ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à introduire des preuves scientifiques dans le système de justice en utilisant la technologie de l'ADN et d'autres mesures efficaces comme mécanisme de prévention et de lutte contre la violence sexuelle et sexiste;

12. Les ministres de la Justice des États membres de la CIRGL s'engagent à garantir l'accès à la justice pour les victimes / survivants afin d'inclure une représentation juridique gratuite et une réparation; Campagne sur la tolérance zéro de la SGBV (Décision 7)

13. Les ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à lancer simultanément la campagne «Tolérance zéro maintenant» dans chaque État membre de la CIRGL le 25 novembre 2012, coïncidant avec les 16 des jours d'activisme et faire en sorte que la campagne soit soutenue pendant deux (2) ans;

14. Les objectifs de la campagne sont de sensibiliser, de réduire la stigmatisation des survivants et la survenue de cas de SGBV au sein des communautés; initier des programmes de formation dans les programmes scolaires; renforcer et appliquer la loi pour mettre fin à l'impunité et améliorer les conditions de vie des victimes et contribuer à l'accès à la justice;

15. Chaque pays doit décider du lieu de lancement de la campagne « Zero Tolerance Now » sur les crimes et l'impunité liés à la violence sexuelle et sexiste, en gardant à l'esprit que le lieu doit être d'importance nationale;

16. La campagne doit être coordonnée par



Hon Awut Deng Acuil (C), Ministre du Genre et de l'Enfance et de la Protection sociale, Soudan du Sud avec d'autres délégués à la Conférence RTF de Kampala, dimanche.

un comité interministériel et le lancement doit être dirigé par les chefs d'État et les premières dames. Le lancement pour impliquer toutes les parties prenantes, y compris: les Ministères de la Justice, du Genre, du Pouvoir Judiciaire, Police/Chercheur, Militaire, Santé, Médias et Sécurité, Experts médicaux, Travailleurs sociaux, Agents de probation, Avocats, Agents pénitentiaires, Agents psychosociaux, Organisations communautaires, Organisations non gouvernementales, Chefs traditionnels, Femmes, Hommes, Jeunes, Po- les partis politiques, les institutions des droits de l'homme, les groupes vulnérables, les personnes handicapées et les organisations confessionnelles;

17. Les Ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à travailler avec toutes les parties prenantes publiques et privées concernées, en particulier les entreprises de télécommunication des États membres pour diffuser des messages courts anti-SGBV à tous les utilisateurs de téléphones mobiles dans différentes langues. ; Exemples de messages anti-SGBV incluant: (i) "Stop aux violences sexuelles et sexistes", (ii) "non aux violences faites aux femmes", (iii) "viol des hommes faibles" (iv) "les hommes valables ne violent pas", (v) "Rap-ist: Comment vous sentiriez-vous si c'était votre mère, votre sœur ou votre fille?" (vi) "Unis pour mettre fin à l'impunité de la SGBV";

18. Les activités de la campagne comprennent, sans s'y limiter: les caravanes pour la violence sexuelle et sexiste dans tous les États membres; contribution volontaire de l'équivalent d'un dollar par personne dans les États membres de la CIRGL et par des

sympathisants volontaires pour les victimes de la violence sexuelle et sexiste;

19. Fonds pour la campagne de tolérance zéro à mobiliser auprès des gouvernements, des partenaires de développement, des secteurs public et privé;

20. La stratégie de communication doit inclure des émissions dramatiques, des émissions-débats, des chansons, des publicités, des programmes radiophoniques et télévisés, des réseaux sociaux et d'autres méthodes appropriées pour des publics ciblés;

21. Le résultat des campagnes comprendra davantage de cas de violence sexuelle et sexiste signalés, plus de délinquants coupables et condamnés, de lois, politiques et programmes nationaux nouveaux ou amendés répondant à des questions de violence sexuelle et sexiste; Général

22. Les ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à fournir régulièrement des données ventilées par sexe et des informations pertinentes sur les recommandations ci-dessus, afin de permettre au Secrétariat de la Conférence par le Centre Levy Mwanawasa de suivre, évaluer les progrès et faire rapport au RIMC sur la mise en œuvre par

les États membres de ces décisions en particulier et sur la déclaration de Kampala en général;

23. Les ministres de la Justice et du Genre des États membres de la CIRGL demandent aux partenaires au développement de soutenir les États membres de la CIRGL en fournissant une assistance technique, une formation et un financement pour la mise en œuvre des tribunaux spéciaux et des sessions de la SGBV. Campagne et domiciliation de protocoles;

24. Les ministres de la Justice et du Genre des États membres de la CIRGL s'engagent à renforcer le Centre régional de recherche et de documentation sur les femmes et la consolidation de la paix entre les sexes dans la région des Grands Lacs afin qu'il puisse remplir son mandat;

25. Les Ministres du Genre et de la Justice demandent au Secrétariat de la CIRGL d'accélérer le budget du Mécanisme Régional de Formation que l'Ouganda a offert d'accueillir conformément à la Décision 14 de la Déclaration de Kampala.

Fait à Kinshasa, RDC le 28 juillet 2012



**La stratégie de communication doit inclure des émissions dramatiques, des émissions-débats, des chansons, des publicités, des programmes radiophoniques et télévisés, des réseaux sociaux et d'autres méthodes appropriées pour des publics ciblés;**

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# Le juge ougandais veut que le pouvoir judiciaire soit consulté lors de l'adoption des lois

**L**e juge David Batema, un juge de la Haute Cour en Ouganda, a demandé aux pays de la région des Grands Lacs d'impliquer la justice tout en promulguant diverses législations destinées à régler les problèmes de violence sexuelle dans leurs pays respectifs.

Le juge Batema a fait ces remarques lors de la conférence régionale sur la violence sexuelle et sexuelle dans la région des Grands Lacs à Munyonyo, Kampala.

Il dit que si le Judiciaire est impliqué, il sera facile pour les pays de mettre en œuvre des législations qui visent à lutter contre les violences basées sur le genre qui sont en augmentation dans la région.

Il a recommandé que les pays veillent à ce que des lois punissent la violence au niveau de la famille.

Mme Annet Bada, juriste principale à FIDA Ouganda, a déclaré que les policiers ougandais ont besoin d'une formation spéciale sur la manière d'enquêter sur la violence sexuelle et sexuelle.

Elle a déclaré que les procureurs doivent être formés ainsi que les policiers parce que pour l'instant, ils ne sont pas capables d'enquêter sur de tels cas.

«Certains officiers enquêtent à des fins documentaires, pour dire à leurs patrons que c'est ce que j'ai fait dans une période donnée sans la motivation d'exposer les auteurs pour s'assurer qu'ils sont poursuivis avec succès», a-t-elle dit.

Elle a déclaré que la plupart des procureurs sont mal payés, ce qui les rend incapables d'obtenir l'engagement de poursuivre ces cas, alors que certains sont compromis pour protéger les contrevenants.

«La police n'a pas la formation pour offrir un soutien psychosocial aux victimes de crimes sexuels et sexistes», a-t-elle déclaré.

Elle a déclaré que la mise en place de la cour est assez intimidante pour les laïcs afin qu'ils puissent épingler librement les délinquants, en ajoutant que des tribunaux spéciaux doivent être créés et que plus d'officiers de justice doivent être recrutés pour répondre à ce type de crimes.

## Meilleures pratiques à adopter

Mme Bada a déclaré que les pays membres devraient lutter contre le tourisme sexuel en promulguant et en mettant en œuvre des lois anti-traite qui forcent les compagnies touristiques et les compagnies aériennes à informer leurs clients des interdictions prévues par la loi.

«Les lois en vigueur devraient trouver un écho auprès des femmes et des enfants les plus vulnérables, même si certains hommes sont également des victimes», a-t-elle déclaré.

Mme Dorah Byamukama, un ancien membre de l'Assemblée législative de l'Afrique de l'Est, a déclaré que pour arrêter la traite des êtres humains, la région devrait adopter des lois qui pourraient aider les pays membres à combattre le vice.

Elle a déclaré que les pays membres doivent renforcer leurs lois sur l'adoption des enfants et l'exportation de main-d'œuvre.

«Nous devons savoir où ces gens sont censés travailler ou où ils travaillent», a-t-elle déclaré.



Le juge David Batema, un juge de la Haute Cour en Ouganda



M. Jean Bigitimana (R) et M. Kamya avant le début de la session de l'après-midi.



M. Jean Bigitimana (R) avec les délégués à la Conférence ICGLR -RTF Munyonyo.



Mme Mwanga Mastullah, Ashah, Directrice exécutive de l'Initiative des femmes islamiques pour la justice, le droit et la paix (IWILAP)



Mme Nalwanga Sarah, agente principale du bien-être et de la réadaptation, région du Centre

# Boas práticas, dos acontecimentos obtidos sobre a implementação da declaração de Kampala



**No âmbito da Violência Sexual Baseada no Género, a Constituição da República de Angola, no seu artigo 22º consagra o Princípio da Universalidade e o artigo 12º, da Lei 25/11 – Lei contra a Violência Doméstica nos pontos 1 e 2 assegura a proteção da vítima de violência e sua família.**

1. Antes de mais, os nossos agradecimentos pelo convite e pela hospitalidade e aproveitamos a oportunidade para informar que Sua Excelência Ministro da Justiça de Angola não se faz presente nesta Conferência, por razões de calendário.

2. Contudo, o Ministério da Acção Social, Família e Promoção da Mulher encontra-se representado pelo seu Secretário de Estado para Acção Social, General Lúcio Gonçalves Amaral, que em breves palavras dar-vos-á a conhecer as boas práticas em prol dos Direitos da Mulher e reiterar o engajamento do Governo Angolano no combate à violência sexual baseada no género.

3. A nossa apresentação cingir-se-á em 6 pontos principais, nomeadamente:

- (i) Leis e procedimentos nacionais e internacionais sobre VSBG;
- (ii) Medidas para reduzir a VSBG;
- (iii) Políticas para a integração do Género;
- (iv) Os Tribunais;
- (v) Os Centros de Aconselhamentos e formações;
- (vi) Estratégia de Comunicação.

4. No âmbito da Violência Sexual Baseada no Género, a Constituição da República de Angola, no seu artigo 22º consagra o Princípio da Universalidade e o artigo 12º, da Lei 25/11 – Lei contra a Violência Doméstica nos pontos 1 e 2 assegura a proteção da vítima de violência e sua família.

De várias legislações nacionais produzidas, ressaltam-se:

Lei nº 25/11 contra a Violência Doméstica, de 14 de Julho;

Decreto Presidencial nº 124/13 – Regulamento da Lei contra a Violência Doméstica;

Decreto Presidencial nº 26/13 – Plano Executivo de Combate à Violência Doméstica e a Comissão Multisectorial para a implementação do Plano, bem como seu cronograma de acções;

Decreto Presidencial nº 52/12 – Comissão Nacional de Auditoria e Prevenção de Mortes Maternas Neonatais e Infantil.

Aprovou-se a Política para Igualdade e Equidade de Género em 2013;

A criação da Linha SOS para facilitar a comunicação entre os Órgãos da Polícia e as vítimas na denúncia dos casos de violência.

5. Angola observa com rigor as Leis Internacionais que favorecem o combate à violência sexual baseada no género tais como:

- a) Declaração Universal dos Direitos Humanos, 1948;
- b) A Convenção das Nações Unidas sobre a Eliminação de todas as Formas de Discriminação contra as Mulheres (CEDAW 1981);
- c) A Resolução nº 1325 do Conselho de Segurança das Nações Unidas sobre Mulheres, Paz e Segurança (2000);
- d) Declaração Solene entre os Homens e as Mulheres em África (2004);
- e) Protocolo à Carta Africana dos Direitos Humanos e dos Povos, relativo aos Direitos das Mulheres em África (2003);
- f) Adenda sobre a Prevenção e Erradicação da Violência contra Mulheres e Crianças



(1998);

g) A Plataforma de Acção de Dakar (1994);

h) A Declaração e Plataforma de Acção de Beijing (1995);

6. Com o fim do conflito armado em 2002, o sucesso de Angola na luta contra a violência doméstica baseada no género consistiu nas seguintes características:

Angola conseguiu reunir as forças militares beligerantes e formou o Exército único das Forças Armadas Angolanas (FAAs);

Conseguiu integrar os oficiais, generais, sargentos etc. de forças militares envolvidos no conflito nomeadamente FAPLAs, UNITA, FNLA e FLEC;

Assegurou a reinserção socioeconómica e produtiva dos ex-militares em cooperativas diversas de produção, garantiu acesso aos créditos bancários, construiu casas, garantiu pensão de reforma entre outros;

Conseguiu integrar um número significativo das mulheres nas Forças Armadas Angolanas, na Polícia Nacional, nos Órgãos de Justiça, Protecção Civil e Bombeiros.

7. O Governo Angolano realizou em 2014 o Recenseamento Geral da População e Habitação de Angola (Censo

Populacional) e os resultados definitivos mostraram que existe em Angola 25. 789. 024 milhões de habitantes, dos quais 12. 499. 041 do sexo masculino, equivalente a 48% e 13. 289. 983 do sexo feminino equiparado a 52% da população total residente;

8. Dos 52% ou seja 13. 289. 983 da população que são mulheres, 4. 996. 610 equivalente a 37% vivem nas zonas rurais;

9. Tendo em atenção esta particularidade, as Políticas e Estratégias do Executivo Angolano para sustentar os programas para a igualdade e equidade do género constaram no anterior Plano Nacional de Desenvolvimento 2012 - 2017 e constarão no quinquénio 2018 - 2022. No referido Plano contém acções transversal a todos os sectores governamentais e não governamentais, públicos e privados, da sociedade civil, igrejas e partidos políticos, para combater a violência sexual.

10. Portanto, as acções em benefício da mulher e da criança merecerão especial atenção dos Órgãos do Executivo, com a implementação de programas que facilitam o empoderamento das mulheres, para evitar que elas propaguem práticas menos abonatórias como a prosti-

tuição.

11. Das medidas de políticas salientam-se a reabilitação social, o encaminhamento das vítimas para programas de geração de trabalho e rendas, formação profissional, acesso a microcréditos para fomentar actividades de auto-sustentabilidade;

12. Criação de uma rede de Centros de atendimento à vítima de violência em todas as províncias e casas de abrigos.

13. Em Angola os processos ligados a VSBG são tratados nas Salas de Família dos Tribunais Provinciais e nas suas respectivas secções, sendo que todos os casos dessa índole são tratados à luz da legislação nacional e internacional especializada nesta matéria;

14. Em 2011 foi criado por Decreto Executivo nº 34/11 de 31 de Março a 9ª Secção Criminal do Tribunal Provincial de Luanda dado o número elevado de processos relacionados com a Violência Doméstica. Desde a sua criação foram julgados e concluídos um total de 262 processos, sendo que 60 processos forma concluídos em 2013, 131 processos em 2014, 52 processos em 2015.

15. O acesso das vítimas à justiça é ainda desafiante, embora assim, os casos de violência doméstica são tratados de forma prioritária nas esquadras policiais e encaminhados para as Secções Criminais dos Tribunais Provinciais.

16. Os Centros de Aconselhamentos familiares, coadjuvado com alguns centros privados e igrejas, são lugares de atendimento dos casos de violência e de aconselhamento às famílias, no diz respeito a resolução de conflitos familiares, a violência sexual e outros tipos de violência;

17. A rede de Centros Integrados de atendimento à vítima de violência sexual em todas as províncias de Angola está a ser criada. Em Março de 2018 será a inauguração do primeiro equipamento de referência, na província do Huambo, que será depois replicado em todo o país;

18. Existe uma linha SOS violência doméstica, que durante o ano de 2016 recebeu um total de 650.621 chamadas, nas quais 553 são de violência sexual baseada no género;

Resultados desde Janeiro a Agosto 2016 Violência Doméstica

19. De realçar que Angola aderiu a Campanha “Tolerância Zero”;

20. Aderiu, de igual modo, a Campanha “UNiTE” lançada pelo Secretário Geral das Nações Unidas com apoio do Fundo das Nações Unidas para a População;

21. O Ministério da Acção Social, Família e Promoção da Mulher, Ministério da Justiça e dos Direitos Humanos e as Organizações da Sociedade Civil têm vindo a realizar formações especializadas direccionadas para as Forças da Defesa e Segurança, Juizes e Magistrados;

22. É de salientar as formações sobre “violência doméstica, agressão sexual e fuga à paternidade” realizadas nos Comandos Provinciais da Polícia nas províncias do país;

23. Tem havido estratégias de divulgação dos instrumentos VSBG tais como:

Divulgação da Lei contra a Violência Doméstica nas comunidades e nos meios de comunicação social;

Casos de violências baseada no género são publicados nos jornais públicos e privados, nas revistas das universidades públicas e privadas;

São regularmente elaborados e divulgados folhetos, panfletos, relatórios, feiras de material diversos que abordam a temática sobre VSBG;

Programas de sensibilização e conscientização no combate à VSBG são difundidos pelas rádios estatais e privadas e canais televisivos do Estado;

Spot publicitários concernente a temática



sobre VSBG são divulgados na televisão pública de Angola, na Rádio Nacional de Angola em várias línguas nacionais;

Foi lançado um sistema integrado de informação do género chamado (SII Género) desde 2012. É com a experiência do uso desta aplicação, novas categorias de filtragem de dados são acrescentados. Os responsáveis provinciais foram formados no uso da aplicação.

24. É importante ressaltar que já foram formados mais de 1.162 Mobilizadores e Activistas nas diversas comunidades do país para levar acções de sensibilização na vertente de género;

25. Angola vai continuar a desenvolver esforços no sentido de adequar a sua legislação interna para conformar o comprimento dos instrumentos da CIRGL no que concerne a luta sobre Violência Sexual Baseada no Género (VSBG).

26. Considerando ser um assunto complexo e actual, Angola continuará a cooperar e interagir com os restantes Estados Membros no sentido de encontrarem as melhores formas para eliminar este grande mal que afecta milhares de mulheres, crianças, jovens e idosos na nossa região.

27. Bem haja e estamos juntos!

28. Muito obrigado pela vossa atenção!



Sharifah Birungi,

“

É de salientar as formações sobre “violência doméstica, agressão sexual e fuga à paternidade” realizadas nos Comandos Provinciais da Polícia nas províncias do país;





