

**Victims of sexual violence affected by the Lord's Resistance Army
conflict: addressing sexual violence within Ugandan national law and the
International Criminal Court (ICC)**

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Abstract

Sexual violence is a practice that was used against men and women in the northern Ugandan conflict. As a result, both male and female survivors are faced with challenges to access justice after the LRA conflict, and national and international institutions likewise encounter hindrances in addressing conflict-related sexual violence in Uganda. This dissertation examines sexual violence in Uganda, particularly in the aftermath of the LRA conflict. It specifically analyzes national and international challenges and addresses the legal and social contexts surrounding sexual violence in Uganda. It discusses the role of the Ugandan government and the International Criminal Court (ICC) in tackling sexual violence in the legal sphere. It then delves into the increased awareness of the influence of cultural norms and stigma in dealing with sexual violence survivors. While some progress has been made with regard to the support and assistance offered to survivors of sexual violence, there is still outstanding work left to be done in order to provide all survivors with the social, legal and economic support they need in Uganda.

Keywords: the Lord's Resistance Army (LRA), northern Uganda, sexual violence, victim's justice, Dominic Ongwen, International Criminal Court, gender justice, conflict-related sexual violence

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Introduction

One of the frightful humanitarian crises in the world took place in northern Uganda from 1987 to 2006. This conflict was led by the Lord's Resistance Army (LRA). The LRA is a rebel group led by Joseph Kony, which originated in northern Uganda as an insurgent movement fighting for the interests of the Acholi people. Nonetheless, Kony rapidly abandoned Acholi people and stopped fighting for their interests, and became one of the most cruel rebels characterized by attacks targeting civilians (War Child, 2014). Since 1987, the Ugandan government has been unable to stop the LRA and demanded that civilians of northern Uganda to leave their villages and move to internally displaced persons' (IDPs) camps. Those camps were constructed to protect civilians' safety, but instead it became a central target for the LRA (Invisible Children, 2014). The Lord's Resistance Army has committed various serious human rights violations, including murder, sexual slavery, abductions of civilians, and looting of villages (Human Rights Watch [HRW], 2003). The toll of people affected between 1987 and 2006 was very severe: at least 20,000 children were abducted, and over 1.9 million people were displaced and affected violently by the LRA conflict (HRW, 2012).

This Master's thesis will focus on sexual violence and will provide background information about the context in northern Uganda. Sexual violence is one of the most common instruments used in conflict settings. The term "sexual violence" describes acts of a "sexual nature imposed by force, or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power directed against any victim – man, woman, boy or girl" (International Committee of the Red Cross [ICRC], 2013). Sexual violence is used as a "weapon" by armed rebels in conflict settings to target communities "through their exposure to most atrocious practises, e.g. sexual mutilation, gang rape or forced nudity" (Maciejzak, 2013). Sexual violence includes a wide range of violent sexual

acts, such as: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual abuse of comparable gravity (ICRC, 2013). In conflict settings, sexual violence has mainly been used to target women and girls. Sexual abuse targeting women and girls has been used in “all recent conflicts, including in the former Yugoslavia, Sierra Leone, Rwanda, the Democratic Republic of Congo (DRC), and northern Uganda” (Human Rights Watch, 2015).

In northern Uganda, women and girls were forced to marry commanders, to engage in sexual activities, subjected to nudity and to other inhumane acts. Some of these women and girls became pregnant. As a result, “half of all forced wives gave birth to children from these relationships with commanders” (Carlson, 2008, p.4). Women and girls living in IDP camps are seen as the most vulnerable victims of sexual violence because females were more often sexually attacked, and live in fear of accomplishing their daily tasks, such as fetching water, due to the risks of sexual assault (Josse, 2010, p.182).

Based on the available evidence, most of the victims of sexual violence in northern Uganda are women and girls. However, men and boys have also been victims of sexual violence. This type of violence often takes different forms against men and boys in armed conflicts than when it is directed at female victims. Examples of abuse suffered by male victims include “genital mutilation, anal penetration and being forced to commit sexual acts against other abductees” (Omona, 2014, p.21). The Refugee Law Project’s investigation, carried out in 2013 according to Omona (2014) provides, evidence that conflict-related sexual abuse targeted men and boys as well women and girls. A large number of victims are still seeking justice and reparations for the crimes committed against them. Yet, many victims of sexual violence have not disclosed to their communities the extent to which they were affected by the conflict for various reasons. First, some victims abstain from sharing their experiences because of the prevalent stigmatization of sexual violence in the country. Female

victims often feel too uncomfortable to share their experiences due to a fear that sharing such information will make it more difficult to find a partner (Kagumire, 2011). Similarly, a lot of men keep their experiences of sexual violence to themselves because male victims have not been afforded the same level of recognition as female victims. This is partly due to the fact that male rape is often associated with homosexuality, which in Uganda is condemned, stigmatized and punishable by the death penalty under the 2009 Anti-Homosexuality Bill, which establishes that “homosexual sex more than once, may also receive the death penalty” (Bill No. 18, 2009).

As a consequence, many men choose not to speak out for fear of being branded as homosexuals, and victims are unable to receive adequate support because they are accused of being gay (Naatabaalo, 2013). But, it is significant to understand that this Anti-Homosexuality Bill was revised in 2014, however, but the practise of it continued. Despite the revision of this Anti-Homosexuality Act, the fight against discrimination and violence is not over in Uganda (International Federation for Human Rights [Fidh], 2014). This is one of the likely reasons why some victims do not want to remember what happened to them during the conflict. It is therefore crucial for this thesis to cover all victims of sexual violence in the conflict of LRA, including men and boys. This evidence indicates that vulnerable victims of sexual violence in northern Uganda have not been protected by peacekeepers and that the latter failed to fulfill their protection mandate at the international, national and local levels (Arieff, 2010, p. 23). This will be explained in the third chapter of this dissertation.

Investigating sexual crimes in conflict settings requires looking at both the national and international levels. This thesis will examine the extent to which sexual violence is recognized at the national level in Uganda, and at the international level. This comparison will display the reasons why so many victims are yet to receive justice. There is one main international legal instrument, which recognizes the kind of sexual abuse that was inflicted on

the victims in the northern Ugandan conflict. This is a Rome Statute of the International Criminal Court. It includes several crimes of sexual violence, which will be explained in the legal part of the thesis. The needs of victims will also be covered extensively in the final chapter, including the need to prevent secondary victimization, which occurs inter alia when social services providers' behaviors are "victim-blaming" and insensitive, and which tends to traumatize the victims of violence (Schulz, 1999).

Problem statement

During the LRA conflict victims lost their relatives, while others were directly subjected to conflict violence. As the International Crisis Group (ICG) estimated, that “ the LRA has displaced 440,000, killed more than 2,400 and abducted more than 3,400 civilians since the failure of the peace talks in 2008” (as cited in Wegner, 2015). Many of victims are still awaiting justice, reparations and recognition for the crimes that were committed against them. Victims of sexual violence often face additional challenges for the recognition of their status as victims, and do not always receive the support they need. This is partly because Ugandan law shares complete different views about sexual violence than the international law. Covering these differences is highly important, because this comparison can help countries such as Uganda to assist and provide adequate support to the victims of such crimes. An point of particular relevance in this respect is the reluctance of many northern Ugandan sexual violence victims to share their experiences with their government because of the history of stigmatization in the country, and the lack of support provided to victims of such crimes.

Research questions

Sexual violence in the northern Ugandan conflict has been widely discussed by a number of academics, notably with regard to the various issues encountered regarding the recognition of sexual violence in the country. Several questions arise from this state of affairs: how can a society return to “normal life” after this, especially when the Ugandan government fails to take necessary measures to prevent these acts? How can victims of sexual abuse move on despite the persistence of their memories of the conflict? How can the women who gave birth to children from LRA commanders get on with their lives? How can male victims obtain any sort of recognition given the constant conflation of the violence they have suffered with homosexuality, and the stigmatization and criminalization of the same? This thesis will consider both male and female victims of sexual violence and will attempt to compare and contrast approaches to sexual violence in northern Uganda in the national and international legal systems. It will be guided by the following research questions:

1. To what extent are sexual violence crimes addressed at both: the national level (in Ugandan domestic law) and at the international level (i.e. the ICC) ?
2. To what extent are the needs of victims addressed at the national level (i.e. by the Ugandan government) and at the international level (i.e. the ICC)?

Methodology

This thesis will be based on a review of the existing literature on the northern Ugandan conflict. Most of this literature discusses the sociological and legal features of the conflict. This paper will mainly focus on a legal comparison between the national and international levels and on the sociological aspects of the sexual crimes committed in northern Uganda. Based on the existing literature, this thesis will aim to provide insights

about the way in which sexual crimes are addressed on the national and international levels. Many authors have already provided background information about the conflict. This thesis will examine a topic that has not been extensively researched so far: the comparison between the effectiveness of the support systems offered to victims of sexual violence at national and international level. The sources used to this end will include sources from the NGO reports, books, journal articles, academic papers, and websites.

Structure of the paper

This research will be divided into three different chapters. The first chapter will provide a literature review on the conflict in northern Uganda. It will also address the sexual crimes committed during the conflict and their perpetrators. The second chapter will provide an overview of the Ugandan legislation governing sexual crimes and an description of sexual violence under international law. This chapter will specifically focus on the rights of victims of such crimes. The third chapter will then focus on the support and assistance provided so far to victims in northern Uganda by analyzing the national and international institutions that have assisted these victims. It will assess the contributions made to date by both the Ugandan government and international organizations in this regard. Finally, this thesis will provide a brief discussion of the findings and will offer conclusions to the research questions.

1.1 The role of Lord's Resistance Army in the northern Uganda

This chapter will discuss the roots of the conflict between the Ugandan government and the LRA. The Lord's Resistance Army originated as an evolution of 'the Holy Spirit Movement' - a rebellion against President Yoweri's domination of the north of Uganda (Invisible Children, 2014). Alice Lakwena was the first person who was inspired by the belief that the Acholi could defeat the government. Lakwena was an Acholi spirit-medium, and believed an aunt of Kony (Kamalu, 2007, p.156). Acholi- is an ethnic group located in

northern Uganda, who wanted to fight against government who prevented Acholi from making a living (IU Press Journals, 2015). Lakwena later distanced herself from Kony, because Lakwena did not want the LRA soldiers to kill innocent civilians (Briggs, 2005, p.113). It was when Kony decided to become a leader of the LRA, and started attacks against civilians in the north. The LRA mainly operated within the Acholi population in the Pader and Kitgum districts. Also, the LRA committed crimes in the areas of Lira, Apac, Lukodi, Adjumani, Kumi and Soroti where many civilians were affected (Allen, 2006). The Lord's Resistance Army gained a reputation for brutality as it waged an armed rebellion seeking to remove the government of Ugandan President Yoweri Museveni, and the LRA wanted to rule the country on the basis of the ten Biblical commandments (Aljazeera, 2014). This soon led to grave consequences for the inhabitants of northern Uganda, as the LRA, who initially purported to fight against the government, turned against civilians instead. This shift occurred in mid-2002, when Kony ordered LRA forces to begin a campaign of attacks against civilians in Uganda (Arnold, 2008). Kony's instructions consisted of various criminal acts targeting civilians from the 'Acholiland' (see figure 1), such as abductions, pillaging and kidnapping. Hundreds of thousands of people suffered in this massacre ordered and committed by the LRA. However, Kony was not the only person attacking civilians; other commanders led similarly aggressive military actions against civilians. As a result, the International Criminal Court (ICC) issued arrest warrants against five top commanders of the Lord's Resistance Army: Joseph Kony, but also Dominic Ongwen, Vincent Otti, Okot Odhiambo, and Raska Lukwiya, who assisted Kony in the attacks committed against the people of northern Uganda (Coalition for International Criminal Court [CICC], 2008).

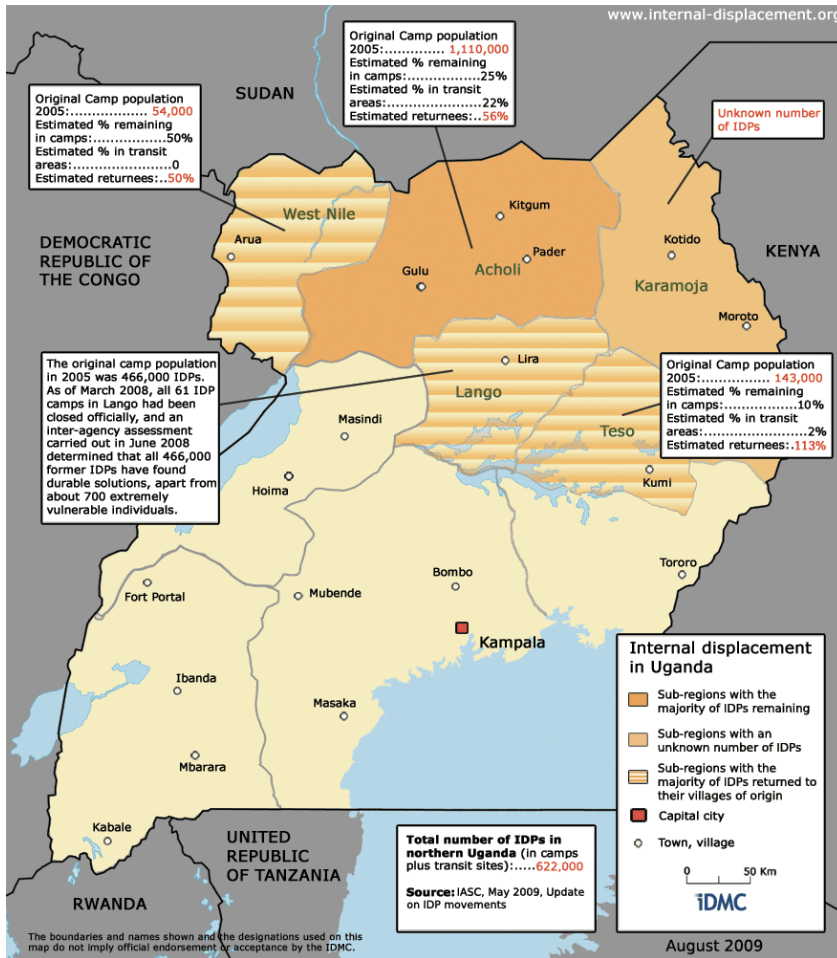


Figure 1. ‘Acholand’ – areas affected by the LRA, displaced people’s camps
 Retrieved from, <http://www.internal-displacement.org/sub-saharan-africa/uganda/2009/total-number-of-idps-in-northern-uganda>

1.2 Causes of the LRA conflict

The existing literature on this topic points to two main causes of the LRA conflict. Both of these root causes are linked to broader fundamental matters that continue to influence current discussions on this conflict, such as political legacy and the north-south division (Lomo and Hovil, 2004).

First of all, the history of Uganda has left a legacy of domination, violent politics and militarism that is difficult to overcome in the northern Uganda (Lomo, et al., 2004, p.7). Secondly, a deep-rooted regional divide remains between the country’s southern and northern parts due to the British colonial regime’s “divide and rule” policy. In its efforts to maintain

political control over Ugandan territory and to establish an economically profitable enterprise, Britain used the south as an agricultural base for sugarcane and tea, while northern Uganda was seen as hostile territory (Lomo et al., 2004, p.18). Britain thereby successfully divided north and south. This division between south and north thus effectively created ethnic-based stereotypes. People in the north were stereotyped and labelled as people who did not fit within communities in the south (Lomo, et al., 2004, p.18). This happened because of the political dominance that the south had at the time while Britain controlled Uganda.

The main disagreement raised by the proponents of the northern conflict is that people from the north were continually marginalized by their neighbors' centralized traditional authority and status. Communities in the north of Uganda argue that they have suffered long-term insecurity, mistreatment, defeat, national indifference and control by the dominated government of President Yoweri Museveni. In contrast and in rejection of northern Ugandans' claims, the central government argues that it fought the slaughter and cruelty inflicted by the LRA's guerrillas, supported by local agents (Fredrick, 2007).

These were the primary motives for the LRA's decision to fight the government of Uganda, which later turned into a war against citizens. The conflict has continued because of different and divided national politics, consisting of strategies adopted by the armed protagonists, and regional and international interest, such as economical gain (Otunnu, 2002, p.10). The Ugandan government's attempts to reach a peace agreement with the LRA proved ineffective, because the LRA withdrew each time (Kersten, 2014). The Ugandan government signed an agreement of Cessation of Hostilities in August 2006 with the LRA. Unfortunately, it did not stop Kony and his group from continuing to wage the war. The peace talks took place over two years. When the Ugandan government proposed the final Peace Agreement in 2008, Kony repeatedly failed to appear and sign. It is believed that the LRA used the peace talks with the government for their own benefits, because its involvement was rewarded with

medicine, clothes and food as a gesture of good faith and peace by the government of Uganda (Invisible Children, 2014).

The LRA targeted civilians in the north of Uganda in an effort to deny claims that the armed group was becoming weak (HRW, 2012). This is when Kony began abducting children to fill the ranks of his army, and forcibly enlisted many boys to become child soldiers. The LRA's commanders organized their brigades across the Acholi area and attacked civilians (Invisible Children, 2014). It is believed that Kony and the LRA committed these brutal acts against civilians in order to demonstrate their power against the Ugandan government (Invisible Children, 2014). The other forms of acts that the LRA used to demonstrate their power was sexual violence. Sexual violence within the conflict is a very common, because it humiliates and shames the enemy (The Guardian, 2013).

1.3 Sexual violence in an armed conflict

Scholars have made substantial improvements in understanding sexual violence in conflict settings. Sexual violence is defined as a sexual act committed against a person without a given consent.

The World Health Organization (WHO) in report of (2002), defines sexual violence as:

[a]ny sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work (p.149).

Sexual violence is used for different purposes and in distinct forms across conflicts. For example, some armed groups may rape boys and men as well as girls and women. Some groups may target members of a particular ethnic group, while others target the general population (Wood, 2014, p.2). Organizations and armed groups have tenaciously

implemented a certain type of sexual abuse as their strategy of war. For example, rape is a very common form of sexual violence that is used in an armed conflict (Sivakumaran, 2007, p.256). Conflict-related sexual violence occurs in various settings: homes, detention, military sites, camps for internally displaced persons and refugees (Bastick, Grim, & Kunz, 2007, p.13). Sexual violence against women has become a conspicuous concern in legal, political, humanitarian, and academic spheres in the past two decades. Sexual violence is not limited to violence committed against women and girls. However, “such acts are still surrounded by ‘a wall of silence’ because men did not want to appear as weak or be associated with homosexuality” (Del Zotto and Jones, 2002). It is essential not only to cover the persons targeted by sexual violence in the LRA conflict, but also to understand how sexual abuse functions in different armed conflicts.

1.3.1 Sexual violence in the LRA conflict

This section will explain the particular issues related to sexual violence in the LRA conflict. Comprehending the use of sexual violence in the northern Ugandan conflict requires recognizing the ways in which this violence is portrayed. For example, sexual violence in the LRA conflict was rooted within the ideology of Kony (Amone-P’Olak, Ovuga, & Jones, 2016, p. 2). In that context, sexual violence was commonly used to “demonstrate the power of the LRA group by feminizing the perceived enemy” (Amone-P’Olak et al., 2016, p. 2). Many studies suggest that sexual violence in the north of Uganda has various associations that might impact victims lives (P’Olak, et al., 2016). The LRA used sexual abuse in their ideology, particularly against the Acholi race. Although, many concepts have been established to explain sexual violence perpetrated by the LRA, there are only a few studies that explain the real usage of sexual abuse by an armed group. In the northern Uganda, troops targeted, particularly Acholi people, where men were forced to have sex with other men or

rape women of their camp in front of their husbands (Amone-P'Olak et.al., 2016, p. 2). It is believed that sexual violence was carried out because of Kony. The LRA troops followed Kony's orders to commit sexual violence because of Kony's beliefs that Holy Spirit ordered him to create purer Acholi race (Human Rights Watch, 1997).

On the other hand, young women and girls were more often victims of such attacks than men. The LRA used specific pattern of violations that included abduction of females leading to rape, forced marriage, and forced pregnancy. The rebel group abducted women and girls to become wives with the LRA commanders and produce children with them (Amone-P'Olak et al., 2016, p. 2). Also, many abducted men in captivity were often forced by the LRA troops to participate in sexual violence against women in their communities. This led many males become victims themselves because of the forced sexual violence that they had to perform with other women. If perpetrators were not able to rape men, they sexually perpetrated women and girls to humiliate their men, knowing that with the stigma related to rape, men's morale could be disturbed (Buss, Lebert, Rutherford, Sharkey, & Aginam, 2014, p.45).

There was also specific age range that was followed by the LRA. Majority of abducted civilians were under 18 years old who were exposed to sexual violence (Carrington & Naughton, 2012, p.9). The LRA troops chose younger abductees for a reason. Based on analysis on abduction by Annan (2009) :there are a few reasons why the LRA troops chose younger abductees. First, it is believed that younger abductees had fewer sexual relationships or still are virgins. Also, because older women were seen as potential carriers of sexual transmitted diseases. Second, the LRA rebels believed that younger abductees were less likely to escape, and it was easier for troops to dominate abductees (Annan & et al., 2009, p.7). This evidence demonstrates that the LRA used younger abductees to demonstrate their

power against enemies, and used them because it was easier to control younger than older abductees.

Despite the fact that sexual violence was used against people held captive by the LRA, most sexual relationships were prohibited outside of marriage within the LRA's rules. Sexual relations were controlled and regulated by Kony, and sex was only permitted within forced marriage (Amone-P'Olak et al., 2016, p. 2). As a result, many abducted and forcibly married women and girls returned from captivity with children. The other reason why sexual violence was controlled by Kony is because of sexually transmitted diseases. From the beginning of the conflict, the LRA lost several commanders because of AIDS, including Kony's original second-in-command, Komakec Omona (Annan et al., 2009, p.12). But these attempts to control extramarital sexual violence failed, and many civilians were affected by other forms of sexual violence. Throughout the conflict, the LRA continuously raped women, mutilated civilians and abducted boys and girls for sexual slavery (CSOPNU, 2004, p. 57). Moreover, sexual violence spread around the villages and IDP camps where civilians were supposed to be protected by Ugandan government soldiers. Many civilians were afraid of being sexually violated and abducted by the LRA. This was the reason why most civilians tried to escape the conflict zone and moved from place to place. However, many of these civilians were sexually abused and forced into sexual slavery while trying to escape (Ojiambo, 2005, p.10). When abductees refused to participate in sexual acts or tried to flee in captivity, many received punishments for unfaithfulness and indiscipline. The LRA used severe punishments. An example of these punishments is the insertion of a wooden stick in a "woman's vagina so far up that it came out through her chest" (Ward, Horwood, McEvoy, Shipman, & Rumble, 2007, p.15). Such punishments had serious, life-threatening health consequences, and sometimes caused the death of an abductee.

1.3.2 Sexual violence linked to the ideology of the LRA

Sexual violence is believed to be a part of the ideological motivations developed by LRA leader Joseph Kony. At first, the ideology of the LRA was based on the name of God and its Ten Commandments (Invisible Children, 2014). It was supposed to support people against the Ugandan government. The Lord's Resistance Army claimed it was fighting in the name of God. However, that claim was disproved once Kony started instrumentalizing this ideology to carry out sexual violence against civilians. Kony believed that "God is the one that was helping the LRA in the bush" to sexually attack civilians (Butagira, 2014). Based on the Butagira's (2014) findings, it is easy to perceive that sexual violence was used as the way of punishment of civilians.

Many studies tried to understand the sexual violence committed by the LRA and the ideology behind it, but not many found answers. Although only a few studies provided explanations on why sexual violence was perpetrated by the LRA and was linked to ideology. Sexual violence in the northern Ugandan conflict can be explained through two theories proposed by scholars, respectively (1) "organizational opportunity" and (2) "militarized masculinity" theories (Amone-P'Olak et al., 2016, p. 2).

1.1.3 "Organizational opportunity" theory

Organizational opportunity theory explains, that variety of sexual violence used in the conflict depends on the organizational structure and norms proposed by an armed group (Lindsey, 2013, p.8). This theory can be associated with the sexual violence committed by LRA fighters, who had to follow certain rules established and enforced by Kony. For instance, the LRA forced many women and girls to marry soldiers on terms defined by the organization, which regulated and monitored compliance with its rules. Also, sexual violence

was accepted by LRA troops since it was strategically useful and systematized to fight against the enemies (Lindsey, 2013, p. 6). For example, the LRA targeted men and boys too because it was strategic, and sexual violence was used against males as an opportunity to destroy the enemy (Bubenzer, 2011, p.4). Organizational opportunity theory displays that sexual violence was used as part of LRA's organizational plan during the conflict.

1.3.4 "Militarized masculinity" theory

Masculinity in sexual violence plays a very significant role because it provides insights for such violence occurrence in the first place. Militarized masculinity is a prominent theory within academic research on conflict-related sexual violence. Skjelsbaek (2001) and Wood (2006) believe that militarize masculinity is used to demonstrate power of an armed group by "feminizing" its enemy. In this context, masculinity refers to the way manhood is portrayed in society and is defined in the historical and cultural frameworks. In the case of northern Uganda, masculinity plays a very important role because of its association with power (Esuruku, 2011, p. 26). The Lord's Resistance Army committed sexual violence not only to demonstrate their masculinity, but also to assert their power. Based on studies by Alison (2007) and Esuruku (2011), a perpetrator sexually abusing his enemy succeeds in masculinity by "feminizing" the male enemy and, by association, rendering him weaker. Many scholars have found that masculinity to play a key role in the use of sexual violence by the LRA. This was particularly evident in Kony's ideology's support of sexual violence, and in the belief that such violence constituted evidence of LRA troops' superior strength over the Ugandan government.

1.3.5 Forms of sexual violence used in the LRA conflict

In order to cover sexual violence in the conflict, it is essential to consider the different forms in which it was used by the Lord's Resistance Army. Sexual violence may be encouraged by the LRA commanders to use against civilians in the conflict as a way of paying troops for their work (Arieff, 2010, p.7). For example, the LRA might be allowed to sexually assault or rape civilians for the looted goods from local communities. During the LRA conflict, the three most common forms of sexual violence were rape, child sexual abuse and forced marriage (Amnesty International, 2007; Jackline, 2015). These three kinds of violence were part and parcel of LRA fighters' practices, which often led to the abduction of females, males and even children for purposes of sexual slavery (Arieff, 2010, p.7). During the LRA conflict many women testified being exposed to various forms of sexual violence. Amnesty International (2010) found, that 20% of women reported sexual abuse including rape, other 14.6% suffered from sexual slavery and forced marriages. Another 7.9% of males appeared to be sexually abused during the conflict in northern Uganda (Amnesty International, 2010). In addition to this, forced marriage was used for various purposes. Forced marriage entailed not only sexual relations, but also domestic responsibilities. Within forced marriage, the LRA troops coerced women and girls into taking on the roles of sexual partners, and of mothers for the children born from these relations (Carlson & Mazurana, 2008, p.45). The use of sexual violence by the LRA has had very important consequences for the affected communities in northern Uganda. These consequences will be explained in the following part of this paper.

1.3.6 Consequences of sexual violence

This section will focus on the major consequences on survivors of sexual violence. To understand once suffered pain from sexual violence, it is significant to analyze the

consequences of this particular violence. Most of the literature that focuses on sexual violence, discusses the health impacts experienced by survivors. These can be both psychological and physical: many victims are left with consequences ranging from “depression to post-traumatic stress disorder, chronic pelvic pains or fertility problems” (Kagumire, 2011). Several physical consequences are most commonly associated with sexual violence and widely covered in the literature. At least one physical trauma in relation to sexual violence affects 52 % women and girls in the north of Uganda (Kinyanda, et al., 2010). An example of the trauma experienced by many victims is “uterine prolapse- which is one of the long-term complications associated with sexual violence” (Kagumire, 2011). Some women experienced many gynecological problems following these abuses, and experience painful sexual intercourse or infertility (Kalifani, Ojiambo-Ochieng, Marshall, Oguttu, & Musisi, 2008, p.9). Many victims were infected with sexually transmitted diseases because of the war. In the case of northern Ugandan conflict, about “85 per cent of girls and women who arrived at Gulu Trauma Centre for former abductees of the LRA had contracted sexual diseases during their captivity” (ICTJ, 2014). In addition to these physical problems, survivors experienced many psychological health issues. In a study undertaken by Kalifani et al (2008), 826 respondents reported facing psychological difficulties in relation to the sexual violence to which they were subjected during the northern Ugandan conflict (p.11). Existing literature suggests that survivors of sexual violence after the LRA war, often experience one or several of these main forms of psychological issues: post-traumatic stress disorder (PTSD), and depression (Amone-P’Olak, 2015). Kalifani et al. (2008) report that “in Gulu almost 77% [of the women who experienced sexual violence during the LRA conflict] were found to experience psychological distress” (Kalifani, et al., 2008, p.11). Evidently, some forms of sexual violence are reported very little because of many survivors’ reluctance to do so. This is linked to the possible consequences beyond physical scars for many women who were

raped during the war, one of which was their husband's rejection after their return from captivity (Kagumire, 2011).

Sexual violence in the north of Uganda has led to continuing health problems, but little is explained in the existing literature about the reasons why most of the victims struggle with these long-lasting health issues. Victims of sexual violence continue suffering from vulnerability due to the traumatic experiences caused by the conflict. This is because survivors of sexual violence are not always acknowledged in a respectful manner. For example, in the northern Uganda, sexual violence is perceived as shameful. This means that many survivors face high levels of stigmatization and marginalization from their community and family, and that most of them have yet to receive justice and reparation for the harm they suffered (ICTJ, 2014). Sexual violence might cause people to leave their homes in search of a safer place, thus separating families and villages, and with husbands abusing their wives (Otto & Gronberg, 2009, p.8). Victims of such violence need to be provided with crucial reaction to recover. A cross-sectional study completed by K. Amone-P'Olak et al. (2016) focuses on the association between sexual violence and general functioning. According to K. Amone- P'Olak and colleagues (2016), “[s]exual violence was found to be associated with increased stigma, poor community relations, and poor general functioning” (p.8). The reports analyzed in the study of K. Amone- P'Olak et al. (2016), indicate that there are many unresolved issues in relation to sexual violence. This survey also shows that stigmatization and community relations constitute two significant obstacles that continue to affect survivors of sexual violence.

1.3.7 Stigmatization and negative stereotypes

Survivors of sexual violence in northern Uganda experience extreme stigma (Amone-P'Olak, et al., 2016, p.1). In Uganda stigma plays a massive role in determining who will and will not be accepted back into communities (Buss, et al., 2014, p.75). Stigma affects both female and male victims of sexual violence. In northern Uganda, mothers with their children born in the LRA captivity are isolated from the rest of society, because of their status as products of the conflict (Buss, et al., 2014, p.45). Women and girls who were in the LRA conflict continue to face enormous obstacles from being sexually abused by rebels. One of these obstacles is the fact that many “Ugandan men have specified that they prefer not to marry a woman who has been sexually active with the LRA rebels” (Buss et al., 2014, p.76). One female survivor of sexual violence testified that “she and other women endure intense stigma from the community, and that her husband rejected her and left her to raise children alone” (Kagumire, 2011).

Although men and boys were also victims of sexual abuse during the conflict, their experiences often remain unheard. Men who report any type of sexual violence are frequently “linked to homosexuality” (Natabaalo, 2013). This stigma against sexual violence has prevented the Ugandan community from understanding how survivors were affected. According to K. Kihika (2008), in Uganda “stigmatization against survivors of sexual violence is a very difficult topic to tackle in a very patriarchal society” (p.3). Correspondingly, some studies suggest that “stigma among people living with HIV, as a result of conflict-era sexual violence, have found that it exacerbates psychological health problems such as depression, anxiety, and PTSD” (Amone-P'Olak et al., 2016, p. 2).

The stigmatization of sexual violence victims goes hand in hand with prevalent negatives stereotypes in northern Uganda. Survivors are called derogatory names by their

communities or families such as tainted, unworthy, low value (Amone-P'Olak et al., 2016, p. 2). The prevalence of such stigma in their communities impeded many victims from accessing medical services in a timely manner, and many of them still grapple with the consequences today (Kagumire, 2011).

1.3.8 Community relations

Community relations have a strong influence on the way in which victims of sexual violence are received and treated. Community relations indeed shape the local community's reaction to and perception of sexually violated victims (Amone-P'Olak et al., 2016, p. 2). In the case of victims of sexual violence perpetrated by the LRA, that reaction was often one of rejection due to a prevalent belief within the Ugandan community that women who had been sexually violated by LRA rebels may infect their husbands with HIV (Kihika, 2010, p.3). Another study concluded that victims of sexual violence reported having worse relationships with their community because of negative changes in the way in which they were perceived (Parsons, 2016). The same research also demonstrated that both community relations and stigma were found to be associated between general functioning and sexual violence (Amone-P'Olak et al., 2016, p. 2).

Conclusions

Despite the fact that some of the research completed so far on sexual violence in Uganda has addressed its relation to stigma and community relations, is relevant to understand how victims are perceived when returning from the LRA captivity. The next chapter will focus on the national and international legal systems and how these two legal

bodies address conflict-related sexual violence. This upcoming chapter will explain how survivors are treated within the legal system of Uganda.

2. Sexual violence on national and international legal systems

2.1 Introduction

This chapter first reviews Uganda's legislation covering sexual violence, as well as the options available to victims of such violence, with a view to identifying the main issues encountered by the victims.

To be able to guarantee that laws on the international and national levels are adequately implemented so as to secure justice for all victims of sexual violence, it is crucial that Uganda and International Criminal Court (ICC) would work together in partnership. This chapter will also tackle some of the major challenges that legal institutions face to address sexual violence in the conflict of northern Uganda. Finally, this section will provide targeted recommendations for the Ugandan government with a view to improving the domestic legal system so that all victims of sexual violence in the northern conflict could have access to justice nationally.

2.1.1 National laws addressing sexual violence in Uganda

Domestic legal framework have proposed several legal provisions to address sexual violence. The various legal and policy measures taken by the Ugandan government to combat sexual violence in the country have not managed to eradicate the use of such violence, which remain prevalent, particularly in the Lord's Resistance Army conflict. By reviewing Uganda's domestic law and legal system applying to sexual violence, this chapter will provide a better understanding of the legal challenges faced by victims of sexual violence, specifically in the context of an armed conflict. Several provisions of the Constitution of Uganda are of special relevance in this context.

Article 21 (2) provides that:

All persons are equal before and under the law in all features and scopes and shall not be discriminated based on economic, political, sex, tribe, birth, social and cultural life and every other aspect and shall enjoy equal protection of the law (UGA. Const. Art. XXI, 2).

Article 21 (2) thus provides for equal protection for all victims and directly links this protection to non-discrimination. However, the government of Uganda's failure to adequately implement this article is visible in the unequal recognition and treatment received by victims of sexual violence. Indeed, female victims of sexual violence have been afforded more legal protection than men, as they are explicitly recognized by the Constitution under Article 33 (3), which provides that "Uganda partakes in protection of women and their rights" (UGA.Const. Art. XXXIII, 3).

The Penal Code of Uganda is another law which "criminalizes sexual offences such as rape, defilement or prostitution" (Uganda Women Parliamentary Association [UWOPA], 2012, p.5). The Penal Code thus recognizes various sexual violations against women and girls. For instance, chapter XIV Article 129 (1) sanctions the offence of raping an underage girl with the death penalty: "Any person who unlawfully has sexual intercourse with a girl under age of eighteen years commits an offence and is liable to suffer death" (The Penal Code of Uganda, XIV, 129). The LRA conflict had many violations, specifically that many young girls were used for sexual slavery and were forced to have sexual intercourse with rebels (Patrick, 2005).

Chapter XIV, Article 123 of the Penal Code of Uganda defines "rape" as:

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by

personating her husband, commits the felony termed rape (The Penal Code of Uganda, 1950, XIV, 123).

This definition of rape in the Penal Code of Uganda is gender-focused and entails that male rape is not recognized in Uganda at all, which inevitably leads to gaps in the Ugandan legal system's ability to provide justice to male survivors.

As a consequence of this, male survivors of sexual violence are those who experience the most issues with the legal system, due to the insufficient protection granted to them by the national legal framework (Refugee Law Project, 2013, p.3). The Ugandan government has enacted laws making it even more difficult for male victims of sexual violence to be recognized legally. This exclusion from the ambit of sexual violence victims and from the protection afforded to them under Uganda's legal system, subjects male victims of sexual violence to ongoing suffering. An additional barrier to justice for male survivors was the Anti-Homosexuality Bill, which was problematic for survivors of sexual acts between men punishable with the death penalty. This Bill further silences male victims of sexual violence from the LRA conflict, by adding homophobic stigma to the existing lack of legal recognition of their experiences of rape and sexual violence. The Ugandan government decided to issue the Anti-Homosexuality Bill without factoring in its potential effect on male victims of sexual violence after the northern Ugandan conflict.

The legal system of Uganda ignores certain victims of sexual violence, and does not address some present and developing sexual crimes (ICRC, 2014; UWOPA, 2012).

Similarly, the Uganda's Penal Code fails to recognize as victims children who have been subjected to child marriage or unwanted pregnancies, as well as young boys that were raped (ACORD, 2009, p.18). Some of these present sexual offences are perfectly portrayed in the LRA conflict. For example, the case of forced pregnancy, sexual slavery, and sexual intercourse with underage children during their captivity by the LRA (Kramer, 2012, p.30).

Although the Ugandan Penal Code criminalizes several sexual offences, it does not cover all of them. According to the Refugee Law Project (2013), “[t]he Penal Code of Uganda criminalizes misconducts relevant for prosecution and reporting of conflict-related sexual violence against men and women, these crimes are: sexual assault and same-sex sexual intercourse” (p.52). Sexual assault only applies to women and girls under Ugandan domestic law. No corresponding provision applies for men and boys or could potentially support their recognition as victims of sexual violence. The only law considered to be applicable to male case is that allowing for the prosecution of men for same-sex intercourse. Therefore, implementing the Penal Code of Uganda for male cases of sexual abuse does not address their needs or provide them with any kind of justice or reparation.

This current inadequacy of national laws for sexual violence committed against men and boys highlights the urgent need for revision of these provisions. This could improve the national legal system’s ability to tackle sexual abuse and give victims access to justice and legal recognition on the national level. The construction of an improved legal system for victims of sexual abuse will however have to overcome additional challenges, which are addressed in the following part of the paper.

The first of these challenges is the lack of specific law addressing sexual violence against children. Indeed, although some provisions of the Penal Code cover assault of underage girls, these provisions do not apply to boys (Action for Development Uganda [ACFODE], 2009, p.10). Second, even if laws cover sexual assault of women in Uganda, but marital rape is not recognized as a criminal offence. This makes it even more complicated for female victims of sexual violence, since most of these women were forcibly married with LRA commanders and experienced rape within their forced marriage (UWOPA, 2012, p.6). An additional problem is the lack of inclusion in Ugandan domestic law of different types of sexual abuse, including some of the forms performed in the LRA conflict. For example,

“penetration of the mouth or anus” (Nafuma, 2016). It is important to note that definition of “rape” in the Ugandan law does not include “the penetration of the mouth or anus by other part of the body, or by any object used by the rapist to penetrate the victim’s vagina” (Nafuma, 2016). Finally, Uganda has a weak legislation related to sexual violence offences. There is a need for improvement of many aspects, including regarding charges and punishments, damaging traditional exercises, and an unfriendly atmosphere surrounding victims’ interactions with others (UWOPA, 2012, p. 2).

This chapter concludes, that the Ugandan government has failed and continues failing to protect all victims of sexual abuse. Uganda does not follow its own provisions proposed in the Constitution by not recognizing all victims in the equal manner. Ugandan law alone does not suffice to serve all victims of sexual violence on the national level because of a lack of effective implementation.

2.1.2 Traditional/Cultural customs and application of the law

In Uganda, cultural and traditional customs vitalize sexual abuse. An example of this is forced and early marriage, which is a very common problem in Uganda that places many girls in a difficult situation when it comes to reporting sexual abuse to legal institutions (Rubin, Green, & Mukuria, 2009, p.13). In addition to this, most of the legal officials believe that rape within marriage is a domestic matter, and should as such be dealt with at home rather than in the courts (ACODE, 2010, p.8). The rejection of homosexuality in Ugandan culture and the legal ban on same-gender sexual intercourse pose additional problems in terms of traditional approaches to sexual violence. As a result of these cultural obstacles, victims are not only legally ignored, but also face social rejection. The perception of women as victims, and males as perpetrators of sexual violence, also hinders acceptance of men’s

victim status. This demonstrates, that it is currently impossible for the domestic legal system to take into account that victims of sexual abuse can also be minor boys, or adult men (Dolan, 2014; Omona, 2014).

Amnesty International (2010) has published a report on the barriers that victims of sexual violence face in Uganda. This report suggests that there are economic and social obstacles to justice, including the costs of criminal investigations, the high prices of medical reports, discrimination by government officials, and ongoing stigma from the community (Amnesty International, 2010). Based on Amnesty's evidence, one can conclude that the Ugandan government has not done enough to support victims of sexual violence. For example, victims of sexual abuse are frequently asked to pay money to deliver lunch for police officers during the examination, or to feed the suspect while he is imprisoned (Amnesty International, 2010). These survivors are thus in a position of having to cover the costs for the suspects' food from their own income. This state of affairs demonstrates an absolute disrespect of sexual violence survivor, because paying for perpetrators' food may lead to secondary victimization. Ugandan traditions and norms thus remain a strong influence on the treatment, perception and rehabilitation of victims of sexual abuse in society.

2.1.3 Recommendations for the Ugandan government to improve the legal situation for survivors of sexual violence

There is need for legal reform in Uganda in relation to sexual violence. Based on the evidence, it is noticeable that legally survivors of sexual abuse are not supported by the Ugandan legislation. As Amnesty International states. "Today Amnesty accuses the criminal justice system in northern Uganda of ignoring, rejecting and silently overlooking violence against victims who were sexually perpetrated in the northern conflict, while Uganda protects suspected criminals" (Amnesty International, 2007). Legal improvement in terms of sexual

violence in Uganda can be achieved in several ways: 1) by introducing new types of sexual violence in Ugandan law; 2) by including male victims into the definition of rape, instead of limiting its scope on the basis of gender; 3) by considering rape in the cases of early marriage, marriage in the conflict or without women's consent; 4) by eliminating the Anti-homosexuality Bill, so as to allow victims who were raped by same-sex perpetrators to come forward and report sexual offences to the police without fear (RLP, 2013; Omona, 2014). The government should also ensure that survivors of sexual violence have immediate access to justice and legal aid. Otherwise, survivors of sexual abuse are at risk of not receiving justice and reconciliation from their own government. This might be accomplished by opening additional legal options, for example, making a new law for male victims, and providing legal aid to victims of sexual violence.

2.2.1 International Criminal Court addresses sexual violence in the northern Ugandan conflict

The Rome Statute of the international criminal court (ICC) is the first instrument establishing a permanent court which holds leaders of states responsible for genocide and other serious international crimes (Dallman, 2009, p.1). The ICC also prosecutes the offenders of sexual abuse crimes. Sexual crimes, cover physical and non-physical acts with a sexual element under the jurisdiction of the ICC (ICC, 2014, p.3).

The Rome Statute, Article 7(1) (g)-6 defines the first element of a crime against humanity of sexual violence:

The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or

persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent (ICC, 2011).

Sexual violence in armed conflict does not come alone. Victims of such violence have usually also been subjected to torture, mutilation or other brutal acts. Under the international law, sexual violence or rape can constitute to other crimes, such as torture (Josse, 2013).

The ICC considers numerous categories of sexual violence. These offences of sexual abuse are included in the Elements of Crimes of the Rome Statute (ICC). The Rome Statute of ICC does not define sexual abuse as gender-specific and therefore recognizes all victims of sexual violence – male or female. Indeed, in the Elements of crimes of ICC the definition of rape is “gender neutral” (Omona, 2014, p.25).

The ICC also focuses on conflict-related sexual violence in Uganda. Since June 2002, Uganda ratified the Statute and the ICC exercised jurisdiction over crimes listed in the Rome Statute (ICC, 2004). The ICC among the other crimes in Uganda, has mainly focused on the conflict in the north of Uganda. ICC opened its investigations into the LRA's alleged war crimes and crimes against humanity in July 2004 (ICC, 2016). The LRA has been involved in various violent acts including murder, abduction, looting, burning of houses, mutilation, sexual enslavement, and other inhumane acts (Kramer, 2012, p. 10).

The International Criminal Court also faces with a few challenges when working with the conflict-related sexual violence in the northern Uganda. The LRA perpetrated sexual abuse against thousands of individuals, and yet not all offenders have been brought to the ICC (Crawford, 2016). The International Criminal Court has issued arrest warrants against the five main LRA leaders. LRA commander of Sinia Brigade, Dominic Ongwen reported himself before the International Criminal Court in January 2015, and was the first LRA member to do so, with other LRA commanders still on the run. Dominic Ongwen was charged on 21 December 2015, by the Prosecutor, with the counts of crimes issued in the

warrant of arrest (ICC, 2016). According to ICC (2016) “[t]he Prosecutor presented expanded charges against Dominic Ongwen, which contain sexual violence crimes committed from 2002 to 2005- forced marriage, torture, sexual slavery, rape and enslavement” (ICC, 2016). This indictment represented a major achievement after years of challenges for victims of sexual violence, and could mark the beginning of legal recognition of victims of conflict-related sexual abuse in Uganda. That said, the ICC will not have the capacity to restore outcomes of the Ugandan conflict alone, and provide all reparation to victims and prosecute the perpetrators. The Ugandan government’s contribution to justice affected by conflict-related sexual violence for victims is crucial (Crawford, 2016). Refugee Law Project (2013) suggests, that the combined application of international norms and Ugandan legislation will help decrease the remaining obstacles to reporting conflict-related sexual abuse (Refugee Law Project, 2013, p.69).

2.2.2 Conclusions

Ugandan legal background could theoretically serve to fight against sexual violence. Nevertheless, sexual violence remains neglected and ignored to a large extent, with many LRA conflict violence survivors are still seeking to receive justice, both before national tribunals and at the International Criminal Court (Moffett, 2014, p. 210). This both stems from and reinforces the disappointment many victims feel with regard to their legal system in Uganda. International scrutiny over their rights and the crimes they suffered represents a source of hope for many that their voices will finally be heard. Uganda should generate some effort in reforming some laws in relation to sexual violence. So, that all victims would be acknowledged, and also all brands of sexual violence should be considered under the Ugandan law. Once these recommendations will be applied in Uganda, survivors might have better legitimacy in the community or better access to justice.

3.2 Assistance provided for sexual violence victims in Uganda

3.2.1 Introduction

Since many victims are still awaiting legal reform and justice in Uganda, it is important to access the support offered by national and international institutions. The next section of this thesis will provide analysis on the assistance provided to the LRA conflict survivors of sexual violence, and compare how victims of conflict-related sexual violence are assisted on the national and international levels. This comparison will explain different perspectives on the major issues in assisting victims of such violence. This chapter will focus on the organizations and individuals wishing to support these victims and will display the main gaps and advantages of national and international support for survivors of sexual abuse.

3.2.2 Support provided for sexual violence survivors in Uganda

The Ugandan government does not seem to have any support mechanism in place for assisting victims affected by sexual violence. Recent research by Jackline (2015) suggests that some ongoing proposals and projects address the main difficulties of sexual violence that will be addressed in this chapter. However, little research has been carried out on how sexual abuse survivors were reintegrated into society (Jackline, 2015, p. 5). The simple existence of legislation forbidding sexual violence against women does not mean that it is adequately implemented. Both male and female sexual abuse survivors share difficulties and are faced with a general lack of support in Uganda. Amid this lack of support, some organizations do provide assistance for victims of the LRA conflict. One of them is the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), a non-governmental organization which provides services to survivors and victims of torture by armed groups in Uganda (ACTV, 2015). Since 2007, ACTV has supported 1,200 female survivors of torture and sexual violence (ACTV, 2015). The central aim of ACTV's project was to provide women

victims of torture and sexual violence with the means to accomplish independence and economic stability alone (ACTV, 2015). Yet, the participation of women survivors of sexual violence is limited due to the large amount of stigma in the country, which prevents a large proportion of survivors from wanting to be associated in the project (ACTV, 2015). The other goal of the ACTV project in relation to sexual abuse is to provide support for rehabilitation services, and to strengthen communities in the Gulu district in northern Uganda affected by the LRA (ACTV, 2015). This was the first project that focused on sexual violence issues in Uganda without the international support for the project.

In northern Uganda affected by the LRA war, local NGOs are not financed, overloaded, and do not have enough equipment to fight the persistent issue of sexual violence, reported to be experienced by 62% of women (Pathfinder Organization, 2010). Although some women's rights are enshrined in the Ugandan Constitution, many women are unaware of their rights. Article 33(2) of the Ugandan Constitution (Rights of Women) clearly states that "[t]he state shall provide facilities and prospects for women and their welfare" (Constitution of Uganda, 1995). However, the Ugandan government does not seem to follow its own Constitution, and ignores many victims of sexual violence by not focusing on all victims of such violence. Amnesty International has advised Ugandan authorities to speed up its process for women seeking justice for sexual abuse (Amnesty International, 2010). Amnesty International recommended to speed up this process of providing support for victims of sexual violence, so that more victims of sexual violence would be able to access support that is needed. Some of the steps that could be taken to improve this grave situation for survivors of sexual abuse in Uganda. This include a reinforcement of international assistance in providing institutional or financial help, increased efforts on the part of the Ugandan government for sexual violence survivors, and better support from the local communities.

3.2.3 Improvement steps for sexual violence in Uganda

This part of the thesis will suggest a few possible recommendations to achieve this. Studies suggest very similar paths on how this improvement could be achieved, and identify the efforts that the Ugandan government has to complete in order to assist and protect victims of sexual violence (Refugee Law Project, 2013). However, not all of the analyzed literature addressed the social issues faced by survivors in their everyday lives. It is significant to cover the struggles of survivors of sexual violence and understand what changes could possibly make the life of these victims better.

3.2.4 Changes in Ugandan cultural norms and traditions

Cultural and traditional changes are needed in terms of sexual violence. Indeed, the current acceptance and entrenched character of sexual violence in Ugandan cultures and traditions need to change if sexual violence is to be decreased. Female genital mutilation is an example of a long-standing and very common harmful practice in Uganda. Despite the 2010 Prohibition of Female Genital Mutilation Act (ULII, 2010), enacted to combat such sexual violence, this practice is ongoing. Many perpetrators accuse police officers of destroying their culture, and also find new tactics to target as many girls as possible at night (Mutebi, 2015). World Health Organization (WHO) defines female genital mutilation as, “all procedures that involve partial or total removal of female genitalia, or other injury to the female genital organs for non-medical organs” (as cited in Kinyua, 2012). For example, in the LRA conflict, mutilation was used as a tool of terror, and fighters would place a stick in the genital areas that would even come out of the women’s chest (Borger, 2012).

The Ugandan government has thus failed to implement this FGM Act, and the widespread societal belief considering female genital mutilation as an important part of culture and tradition continues to prevail. Changes in cultural norms and traditions are crucial

in addition to purely legal measures. The Ugandan government should focus on educating civilians, and implementing legal acts into action. This could benefit Ugandan society and make civilians aware that sexual violence acts such as early marriage, genital mutilation, or marital rape are not cultural norms, but are serious criminal offences that offenders can be punished for (Mutebi, 2015).

3.2.5 Funding of different organizations/programs to support and prevent sexual violence in Uganda

The other crucial step for Ugandan government is to provide funding for organizations and programs supporting or protecting victims of sexual violence. This is especially crucial after the LRA war, as only a few of the many victims in need of assistance have received it. Those who benefited from such support received it from NGOs, because most of the organizations were either unfunded by the government or did not exist at the time of the LRA war (HRW, 2012). In addition, this lack of government funding for NGOs means that they do not have the necessary capacity and equipment, making it impossible for organizations to assist victims and offer sexual and reproductive health services for affected civilians (Pathfinder, 2010). The Ugandan government has to take steps and fund these types of organizations. Research of the Pathfinder Organization (2010) suggests that “it is believed that increased NGO involvement in Uganda could improve community-level response, and awareness of sexual violence” (Pathfinder Organization, 2010). These findings demonstrate that funding is very important for organizations, because it could help many victims to access health services and education about sexual violence.

3.3 Assistance provided by the International Criminal Court (ICC) for victims of sexual violence perpetrated in the LRA conflict

The purpose of this section is to examine whether the ICC is in the best position to provide for the needs of victims affected by the conflict in northern Uganda, and especially victims of sexual violence. It will investigate how survivors of sexual violence are represented before the ICC and will analyze the role of the Court and the special measures taken to protect victims and witnesses in its proceedings. Several bodies within the ICC are in charge of working specifically for victims. This thesis will address the three main sections that are focused on victims representation and assistance in court, i.e. the Victims Participation and Reparations Section (VPRS), the Witnesses and Victims Unit (VWU), and the Trust Fund for Victims (TFV), and their work on sexual violence in northern Uganda.

3.3.1 Victims Participation and Reparation Section (VPRS)

The Victims Participation and Reparations Section (VPRS) is a very unique section of the court, because it facilitates victims' interactions within the court (as cited in Human Rights Center, 2015, p.1). Art. 75 of the Rome Statute provides, that the Court "shall establish principles relating to reparation processes, restitution, compensation, and rehabilitation" (ICC, 2004). As Uganda has ratified the Rome Statute, victims are allowed to seek support from the ICC, which is of special importance for victims of sexual violence of the conflict in their quest to achieve justice and recognition on the international level. The importance of this recognition and opportunity to have their voices heard can hardly be overstated due to the fact that many victims of sexual violence are not recognized in Uganda.

In the VPRS Section, "Participation" means that victims are able to present their views and concerns to the court (McKay, 2008, p. 2). Victim participation is also used to "contribute to truth-finding in trials, where victims representatives provide facts and legal arguments of the victim" (Kersten, 2013). Reparations also play an important role for

Ugandans, because if a suspect is found guilty by the Court, reparations will be provided by the ICC Trust Fund for Victims (Sarkin, 2014, p.537). The VPRS section has encountered a number of difficulties in the northern Ugandan case, because some victims' applications do not fall under the scope of the Office of the Prosecutor (OTP). This means that not all applicants' claims can be considered by the court (Human Rights Center, 2015, p.1). Another problem is the sheer number of applications from conflict situation from Uganda received by the VPRS, which can be counted in thousands and make the personnel's workload impossible because of the lack of resources and funds (Human Rights Center, 2015, p.1). Therefore, chances for participation in the court for sexual violence victims of the northern Ugandan conflict are low. The Scope of the Office of the Prosecutor (OTP) is proposed to follow specific time and region where the crimes were perpetrated, and based on the scope provided, OTP decides whether or not the application is reliable (Foundation for Human Rights Initiative, 2016). After all, great amount of work is done by the VPRS and Office of the Prosecutor on sexual violence in northern Uganda. Recently, Dominic Ongwen of the LRA group, was charged with eight counts of sexual violence. The charges included "rape, torture and sexual slavery, as both war crimes and crimes against humanity, and forced marriage and enslavement as crimes against humanity" (De Vos, 2016). Despite the overload of applications within the VPRS, the first steps toward justice for sexual violence victims before the ICC have begun. This is very significant for broader gender justice at the ICC, because the cases are not only limited to women, but also include sexual violence suffered by men. Ongwen's case has the largest number of sexual violence charges in the ICC history (De Vos, 2016).

3.3.2 Victims and Witnesses Unit (VWU) at the ICC

The Victims and Witnesses Unit is in charge of the protection of victims and witnesses that participate in court proceedings. There are several provisions within the Rome Statute of the ICC for the right to protection of victims and witnesses under the Article 43 (6) (CICC, 2014). Protection at the ICC seems to be more focused on women, possibly because sexual violence against men has not been as widely covered within the situations previously at the ICC (Brouwer, 2015, p. 644). In order to make sure that gender is not excluded in the ICC, Victims and Witnesses Unit include separate staffing of group of counsellors, and provide support for male victims too. The Victims and Witnesses Unit seeks to include all victims of sexual violence and tries to avoid any type of re-traumatization in the process (Global Solutions, 2009, p.1). The Victims and Witnesses Unit also offers assistance to sexual violence victims. It comprises various experts on trauma related to sexual violence that are willing to counsel all victims of sexual violence (Global Solutions, 2009, p.1). The VWU serves for protection and assistance in the northern Ugandan conflict. This means that victims of sexual violence will not be placed on trial when victims give testimony, and that their privacy will be protected by the court (United Nations [UN], 2014, p. 8). It is important to note that the Victims and Witnesses Unit does not require sexual violence evidence. It is therefore sufficient for victims to provide personal conduct of the traumatic experience (Global Solutions, 2009, p.1). This means that investigation can start without any physical evidence provided by the victims. Such evidence can be presented later in the trials. The other important part of the Victims and Witnesses Unit, is that gender is not excluded depending on violence. This means that the VWU will provide victims with therapists and staff who have expertise in sexual violence offences (Global Solutions, 2009). In the case of northern Uganda, many victims of sexual violence are protected by the ICC's VWU, because

a failure to protect them would put them at risk of secondary victimization when returning to their communities (Human Rights Watch [HRW], 2004).

3.3.3 Trust Fund for Victims: special measures in northern Uganda for sexual violence survivors

The Trust Fund for Victims (TFV) aims to secure beneficial effect and support for victims of crimes and their families within the jurisdiction of the International Criminal Court (Trust Fund for Victims [TFV], 2016). The TFV is a program providing a range of assistance to victims affected by violence. This includes rehabilitation, psychological and medical services for traumatized victims (TFV, 2016).

The Trust Fund for Victims has focused on one specific health assessment in northern Uganda for sexual violence survivors. This is because many conflict survivors are still experiencing a large number of psychological trauma and bodily injuries (TFV, 2016). There might be a better future for victims of sexual violence in Uganda, because the TFV has prepared six projects to assist victims in need. Five projects were announced to “receive income for activities to address the harm suffered by survivors of sexual and gender-based violence” (TFV, 2016). These five projects aim to expand access to medical facilities and to mental support. Moreover, the TFV identified new projects which will support reconciliation and restoration at the “community level through sensitization and awareness raising campaigns to reduce the added stigma and discrimination that victims of grave human rights abuses often endure” (ICC, 2015). TFV presented recent progress report about the projects for sexual violence survivors in northern Uganda. This progress report of TFV presents improvements achieved. TFV reports that, since the start of their first project 35 war victims, including five victims of sexual violence have received physical rehabilitation, and the

centers of psychological rehabilitation that previously were closed have re-opened for the survivors, and provided 19 victims with immediate psychological support (TFV, 2015).

The Trust Fund for Victims (TFV) is working towards a better future for these victims in northern Uganda. It gives hope that many more victims affected by sexual violence will improve their lives (TFV, 2016). Assistance and support of victims of sexual violence in northern Uganda is extremely important, especially since sexual violence is stigmatized and misrepresented in the country. This is the reason why Ugandan government should take action to protect and support victims of sexual violence. If the Ugandan government is not willing to fund and support the various organizations working on sexual violence issues, it might re-traumatize survivors because survivors might feel unrecognized.

The International Criminal Court (ICC) demonstrates how victims of sexual violence are presented before the court, and the work being done to protect and assist these victims. The major achievement of the ICC in the LRA case is Ongwen's charged with crimes related to sexual violence, which brings victims closer to a justice they could not have received in Uganda for a long time.

Conclusion

This thesis examined the extent to which sexual violence committed during the LRA conflict is addressed on the national and international level. A review of the existing literature demonstrate that there is a clear division between the Ugandan legal system and the International Criminal Court, when it comes to addressing conflict-related sexual violence. There are clear gaps in the legislation of Uganda, which are in need of improvement. Given these flaws of the domestic legal system, Uganda's ratification of the Rome Statute of the ICC brought it one step closer to a revision of its legislation on sexual violence. Literature

analyzed in this thesis, demonstrate that this was a major step for victims of sexual violence because it made them feel more recognized.

Generally, addressing the prevalence of sexual violence in Uganda is fraught with many difficulties, not only on the legal level, but also within cultural and traditional norms. This is due to the enduring stigmatization and sensitive community relations in Uganda regarding this type of abuse. It also complicates the process of reintegration into society for survivors. This highlights the lack of education about these issues in Uganda, and the need for government assistance to be provided to local NGO's to create projects to protect and educate people about sexual violence. On the needs of victims, literature found did not provide much information on local NGOs or on the support provided to them by the Ugandan government. Only international and larger institutions such as the Trust Fund for Victims seem to be covered in the literature findings. This shows that the needs of victims are more frequently addressed on the international level, rather than by national NGOs in Uganda. This thesis found that there is a lack of national support visible in the low likelihood of government funding for these local organizations.

This thesis concludes that there is a need for reform of national laws that address sexual abuse in Uganda, because at the moment the extent to which sexual violence is addressed on the national level is limited. There is a gender divide excluding male survivors from accessing justice, and legal problems in relations to sexual abuse should be solved by the Ugandan government, and not only by the international institutions. The needs of victims should never be forgotten, because doing so would increase the risks of ongoing issues, such as health problems, stigma, or rejection by the community or family. These findings suggest that little research has been done on victims support and social reintegration after exposure to conflict-related sexual violence in Uganda. Also, men have been under-researched and under-tackled by international court. These areas could be a possible avenue for future research.

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