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# Violence Against Women and Criminal Justice in Africa: Volume II

## Sexual Violence and Vulnerability

Edited by  
Ashwanee Budoo-Scholtz · Emma Charlene Lubaale

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Ashwanee Budoo-Scholtz ·  
Emma Charlene Lubaale  
Editors

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*To,*

*Every woman survivor of violence who is denied justice.*

# Foreword

Violence against women and girls is perhaps one of the most critical issues dominating discussions on the agendas of states across the African continent. This scourge is neither new nor unique to the African continent. Over the past few decades, however, it has become an increasingly public issue across states in Africa. The pervasiveness of violence against women and girls has seen some states label the scourge a national crisis warranting immediate redress. It can be considered as one of the main challenges to the realisation of women's rights in Africa.

Criminal justice systems in Africa have a fundamental role to play in the eradication of violence against women. Disheartening, however, progress has been extremely slow as far as holding perpetrators of such violence to account is concerned. A significant number of cases, if at all reported, hardly make it through the criminal justice system. All considered, it is indisputable that violence against women and girls on the African continent has reached alarming levels. It is equally irrefutable that criminal justice responses are generally wanting. But equally undeniable is the fact that most African states have made multiple reforms to national laws. Many have also committed themselves to international

obligations by way of ratification of treaties relevant to addressing the scourge of violence against women and girls. Even so, these strides have not generally translated into better criminal accountability across justice systems in Africa. The challenges and prospects of criminal justice for women and girls in Africa, despite these reforms, have hardly been the subject of scholarly discussion.

The two edited volumes of this publication fill in this scholarly gap. They echo the provisions of article 4 of the Protocol to the African Charter on Human and Peoples' Rights (Maputo Protocol) that requires States parties to adopt and enforce laws, including punishing perpetrators, to ensure the elimination of violence against women. The contributions present a comprehensive and rigorous overview of the salient features and major developments in Africa's criminal justice systems in as far as justice for women is concerned, while also focussing on vulnerable women. It offers a unique insight into the practical challenges of advancing justice for women in cases of violence in the different regions in Africa.

As someone who has been engaged on women's rights on the continent, including on the issue of violence against women, I believe that the publication of these two volumes is timely and that the recommendations therein, if implemented, can ensure more accountability for violence against women in the criminal justice systems of African countries.

Yaoundé, Cameroon

Commissioner Lucy Asuagbor  
African Commission on Human and  
Peoples' Rights'  
Outgoing Special Rapporteur on the  
Rights of Women in Africa



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# Abbreviations

1951 Convention	UN Convention Relating to the Status of Refugees and Exiles
ACHPR	African Charter on Human and Peoples' Rights
ACHPR Guidelines	African Commission on Human and Peoples' Rights' Guidelines on Combating Sexual Violence and Its Consequences in Africa
ACJA	Administration of Criminal Justice Act Nigeria
African Charter	African Charter on Human and Peoples' Rights
African Child Charter	African Charter on the Rights and Welfare of the Child
African Commission	African Commission on Human and Peoples' Rights
African Court	African Court on Human and Peoples' Rights
AIDS	Acquired Immunodeficiency Syndrome
ANC	Antenatal Care
ART	Antiretroviral Treatment
AU	African Union

Basic Principles	United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
BOR	Bill of Rights
BPfA	Beijing Declaration and Platform for Action
CALs	Coalition of African Lesbians
CAR	Central African Republic
CBHI	National Community Based Health Insurance
CDOs	Community Development Officers
CEDAW	United Nations Convention on the Elimination of all forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of Discrimination Against Women
CEDOVIP	Center for Domestic Violence Prevention Uganda
CERD	Convention Against all forms of Racial Discrimination
CGE	Commission for Gender Equality
Comprehensive Strategy	United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by UN Staff and Associate Personnel
CRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CRPD Committee	Committee on the Rights of Persons with Disabilities
CRSV	Conflict Related Sexual Violence
CSOs	Civil Society Organisations
Declaration	Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
DEVAW	United Nations Declaration on the Elimination of Violence Against Women
DGAL	Directorate of Government Analytical Laboratories Uganda
DGIE	Directorate General of Immigration and Emigration



Disability Rights Protocol	Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa
DOVVSU	Domestic Violence and Victim Support Unit Uganda
DRC	Democratic Republic of Congo
DSW	Department of Social Welfare Uganda
EAC	East African Community
EU	European Union
FCT	Federal Capital Territory Nigeria
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GBV Act	Anti-Gender Based Violence Act Zambia
HIV	Human Immunodeficiency Virus
HIV+	Human Immunodeficiency Virus Positive
HRBA	Human Rights-Based Approach
HRC	Human Rights Council
HREA	Human Rights Education Act Uganda
HSM	Holy Spirit Movement
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICC Act	International Criminal Court Act Uganda
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICJ	International Commission of Jurists
ICPD, POA	International Conference on Population and Development, Programme of Action
ICRMW	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia
IDPs	Internally Displaced Persons
IPV	Intimate Partner Violence
IRC	International Rescue Committee
ISIL	Islamic State in Iraq and Levant
JLOS	Justice Law and Order Sector

JTF	Joint Task Force
Juba Agreement	Juba Peace Agreement on Accountability and Reconciliation
LAB	Legal Aid Board
LACVAW	Legislative Advocacy Coalition on Violence Against Women
LBQ	Lesbians, Bisexuals and Queer
LGBTIQ+	Lesbians, Gays, Bisexuals, Transgender, Intersex and Queer
LRA	Lord's Resistance Army
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
MGCSP	Ministry of Gender, Children and Social Protection Uganda
MIDIMAR	Ministry of Disaster Management and Refugees
MINUSCA	United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic
MMDAs	Metropolitan, Municipal and District Assemblies Uganda
MMR	Maternal Mortality Rate
MNJTF	Multinational Joint Task Force
MONUC	United Nations Organisation Mission in the Democratic Republic of Congo
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo
MOUs	Memorandum of Understandings
Nairobi Declaration	Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation
NAP	National Plan of Action
NATO	North Atlantic Treaty Organisation Agreement
NCADV	National Coalition Against Domestic Violence
NCCEMD	National Committee for Confidential Enquiry into Maternal Deaths
NEMA	National Emergency Management Agency Nigeria
NGOs	Non-Governmental Organisations
NHIS	National Health Insurance Scheme
NHRIs	National Human Rights Institutions

Niamey Guidelines	African Commission on Human and Peoples' Rights' Guidelines on Combating Sexual Violence and Its Consequences in Africa
NPA	National Prosecutions Authority
NPOAA	Domestic Violence National Policy and Plan of Action
NTJP	National Transitional Justice Policy Uganda
OAU	Organisation of African Unity
ODPP	Office of the Directorate of Public Prosecutions
OIOS	United Nations Office of International Oversight Services
PLH	People Living with Human Immunodeficiency Virus
PNC	Postnatal Care
RECs	Regional Economic Communities
Review Committee	Trust Fund Review Committee
Rome Statute	Rome Statute of the International Criminal Court
SADC	Southern African Development Community
SADC Gender Protocol	Southern African Development Community Protocol on Gender and Development
SDGs	Sustainable Development Goals
SDP IV	Fourth Sector Development Plan
SEA	Sexual Exploitation and Abuse
SER	Socio-Economic Rights
SOB	Sexual Offences Bill Uganda
SODV Act	Sexual Offences and Domestic Violence Eswatini
SOFAs	Status of Force Agreements
SOGIE	Sexual Orientation, Gender Identity and Expression
SRHR	Sexual and Reproductive Health Rights
SSA	Sub-Saharan Africa
STIs	Sexually Transmitted Infections
SVAWG	Sexual Violence Against Women and Girls
TCCs	Troop Contributing Countries
TFV	Trust Fund for Victims
TIA	Trial on Indictment Act Uganda
Trust Fund	Trust Fund in Support of Victims of Sexual Exploitation and Abuse
UDHR	Universal Declaration of Human Rights

**xxx      Abbreviations**

UHRC	Uganda Human Rights Commission
UN	United Nations
UNCAT	United Nations Convention Against Torture
UNCHR	United Nations Commission on Refugees
UNSC	United Nations Security Council
UWONET	Uganda Women's Network
VAW	Violence Against Women
VAWG	Violence Against Women and Girls
VRA	Victims' Right Advocate
WAJU	Women and Juvenile Unit Uganda
WHO	World Health Organisation
WLH	Women Living with Human Immunodeficiency Virus
ZCS	Zambia Correctional Service
ZPS	Zambia Police Service

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# Part I

## Introduction