



THE REPUBLIC OF UGANDA

JUDICIARY GENDER POLICY AND STRATEGY

**ATTAINING GENDER EQUALITY IN ACCESS
AND TREATMENT BY THE JUDICIARY**



The Judiciary of the Republic of Uganda

Gender Policy

Attaining Gender Equality in Access and Treatment by the Judiciary

December, 2012

List of Acronyms

AU	African Union
CEDAW	Convention on Elimination of Discrimination Against Women
CSOs	Civil Society Organisations
DCCs	District Chainlink Committees
DPP	Director of Public Prosecutions
ICCPR	International Convention on Civil and Political Rights
ICSECR	International Convention on Social, Economic and Cultural Rights
JLOS	Justice, Law and Order Sector
JSI	Judicial Studies Institute
LCs	Local Councils
LCCs	Local Council Courts
M&E	Monitoring and Evaluation
NDP	National Development Plan
SIP	Strategic Investment Plan
UN	United Nations

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1. Introduction

Uganda has a legal and policy framework that promotes gender equity and equality, specifically the Uganda Constitution and the National Gender Policy. This legal and policy framework is further augmented by Uganda's ratification of the African Union (AU) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, commonly referred to as the Maputo protocol. The Maputo protocol¹ provides a legal framework to address gender inequality and discrimination. It has specific provisions for civil, political, economic, social and cultural rights as well as the rights to development and peace, as well as reproductive and sexual rights. Uganda has also ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), the International Convention on Civil and Political Rights (ICCPR), and the International Convention on Social Economic and Cultural Rights (ICSECR),² all of which promote equality of women and non-discrimination. The Government also signed onto the UN Security Council Resolutions 1325, 1820 and the Goma Declaration. This Gender policy is developed within this national and international policy and legislative framework.

For a long time, the Judiciary and its development partners have recognised the link between gender and access to justice, and hence the need for the Judiciary to be gender sensitive. In 2003, the Judiciary commissioned the development of a Gender strategy/policy, titled, "Gender and Access to Justice Strategy for the Ugandan Judiciary."³ This strategy reaffirmed that "Access to justice therefore relates to whether or not individuals, groups and communities realize de facto justice from the enforcement of substantive law as well as the quality of justice meted out on them by justice delivery system."

¹ Ratified in July 2012

² ICCPR ratified in 1995, ICSECR ratified in 1987 and CEDAW in 1985

³ Gender and Access to Justice Strategy for the Uganda Judiciary, Draft Report, August 2003. Prepared by the Nordic Consulting Group (U) Ltd

Hence challenging the Judiciary to look at both process and outcomes of the delivery of justice. The strategy also highlighted that whilst there are a number of barriers to access to justice, the majority of the barriers apply to women, and in this regard, the strategy specifically pointed to two categories of gender issues that affect the Judiciary:

(i) Discrimination of women in terms of access to justice, and (ii) The role of women in the Judiciary and whether they have equal access to positions of influence and responsibility.

The draft strategy also pointed out that the Judiciary was already undertaking a number of training initiatives aimed at ensuring that judicial officers are more gender sensitive and deliberately address gender obstacles in the judicial system. The Judiciary has re-emphasised its commitment to mainstream gender equality in the Judiciary's Strategic Investment Plan III (2011/12-2015/16). This policy is therefore a key indicator of the Judiciary's ongoing commitment to gender equality.

OVERVIEW OF THE JUDICIARY GENDER POLICY

OVERALL OBJECTIVE

Ensure that there is gender sensitivity and responsiveness in the delivery of justice in Uganda.

SPECIFIC OBJECTIVES OF THE GENDER POLICY

1. To ensure access and delivery of justice to both females and males.
2. To create institutional awareness and demonstrable commitment to gender equality amongst judicial officers and other staff of the Judiciary.
3. To address gender obstacles in the delivery of justice by the Judiciary.
4. To establish systems and mechanisms to address discrimination, enforce women's rights and address unfair treatment based on gender.

GUIDING PRINCIPLES

1. Administering justice requires judicial officers to be conscious and cognizant of the context whilst applying substantive law/procedure.
2. Administering justice is about EQUAL justice for all.
3. Addressing gender concerns in access and treatment by the Judiciary is not just about addressing vulnerability, but is about ensuring equal treatment.
4. Mainstreaming gender into the Judiciary is not just about representation of women, but means that both female and male members of the Judiciary, and all judicial staff have the responsibility to promote gender equality.
5. Addressing gender inequalities requires judicial officers to be consistent in their position on gender equality and equity.
6. Addressing gender equality requires collaboration throughout the justice chain as well as working in

PILLARS FOR MAINSTREAMING GENDER

1. Ensure equal access to the Judiciary by women and men.
2. Ensure timely and responsive administration of justice for woman and men.
3. Develop capacity and skills for both judicial officers and non-judicial staff in gender and justice.
4. Strengthen research and data collection on gender and access to justice.
5. Address gender issues in organizational management and development.

The Judiciary Gender Policy and the Judiciary Strategic Investment Plan III

The Aim of this Policy

This policy aims to provide a framework for gender mainstreaming within the Judiciary by addressing gender concerns within the Judiciary as an institution, and also addressing key gender obstacles to court users. More specifically, this policy focuses on two key areas: (i) Access and delivery of justice to females and males and (ii) Organisational development and management (in terms of representation, and how the Judiciary can be more gender-responsive, gender-aware and gender-sensitive in its day-to-day working).

Why this Policy is important

The law and the justice system play a key role in shaping attitudes and behavior in society by providing and holding citizens accountable to standards of human rights and equality. It is therefore important that the Judiciary, which is a guardian of human rights is seen to deliberately address any elements of discrimination or inequality within its own system. This policy specifically provides a framework for the Judiciary to address issues of gender within the institution as well as ensuring that both treatment of court users and content of judgments are gender sensitive. The policy also recognises the increasing presence and role of female judicial officers, and the need to ensure that female judicial officers are given the opportunities to be equally represented at all levels, not just on the lower bench.

Ensuring that people attain justice, specifically a fair and timely trial, is a fundamental right and is a key task for the Judiciary.⁴ Whilst the journey to attaining justice is often through the justice chain that includes the Police, the Directorate of Public Prosecutions (DPP), and the Prisons, the final decisions when matters are brought to Court, rest with the Judiciary. It is therefore important that all Ugandans from different geographical locations, income status, age, sex, among other factors are able to access justice, and specifically the courts.

⁴ Article 28 Uganda Constitution

The challenges that impede access to justice are many, and it is important to note that gender is an influential factor. For example, gender has an influence on financial capacities, knowledge and access to information about the law and legal procedures, as well as time available to pursue court cases. As a consequence, whilst women and men all face challenges when accessing justice, there are challenges that are unique to women because of gender, and there are also challenges that are unique to men. Failure to acknowledge and address the different challenges faced by women and men can reinforce discrimination. And as a key arm of the State, the Judiciary is bound by the human rights obligations to protect, promote and fulfill human rights. In particular, the Judiciary should not foster discrimination.

Finally, having a gender policy that enables the Judiciary address gender inequalities and ensure fairness and equity will provide a standard for other institutions because the Judiciary is the epitome of equality and fairness since everyone is equal before the law.

How the policy will be used

This policy will provide guidelines and principles that will then be translated into strategy, systems and structures for implementation. Specifically, the policy will be incorporated into work plans based on Judiciary SIPs, the Judiciary's M&E framework, practice guidelines, administrative policies and ultimately, should also be reflected in the culture and practices of staff of the Judiciary. Specific indicators will be developed and monitored regularly to keep track of progress in this regard.

Specific responsibilities for implementation of different aspects of this policy will be allocated to different heads of sections/departments, however, overall responsibility lies with senior management, who oversee the implementation of all policies in the Judiciary. A specific Gender Focal Point will be appointed to oversee and coordinate the day to day implementation of the Policy.

Objective of the Policy

The overall objective of this policy is to ensure that there is gender sensitivity and responsiveness in the delivery of justice in Uganda.

The specific objectives of the policy are:

- (i) To ensure access and delivery of justice to both females and males.
- (ii) To create institutional awareness and demonstrable commitment to gender equality amongst judicial officers and staff of the Judiciary.
- (iii) To address gender obstacles in the delivery of justice by the Judiciary.
- (iv) To establish systems and mechanisms to address discrimination, enforce women's rights and address unfair treatment/outcomes based on gender.

2. Definition of Key Concepts

A number of key concepts will be used throughout this policy. These concepts, which are defined below, have mainly been adopted from the Uganda National Gender Policy in order to ensure consistency between the National policy and this policy. These key concepts are defined below:

Access to Justice: This study adopts the definition of access to justice used in a previous JLOS study on Gender and Access to Justice.⁵ The study defined access to justice as "...in relation to justice, relates to whether or not individuals, groups and communities realize de facto justice from the enforcement of substantive law as well as quality of justice metted out on them by the justice delivery system." Hence broadening access to justice to outcomes, specifically in relation to attainment of human rights standards. The study also specifically categorized access into three areas:

- (i) Physical access- how close the users are to law enforcement agencies
- (ii) Access in financial terms – how affordable legal services are to the users
- (iii) Access in technical terms – how comfortable users are with the legal language and procedural requirements. This also relates to the treatment of users by the law enforcement personnel as well as their representation by experts in law.

Gender: is the social and cultural construct of roles, responsibilities, attributes, opportunities, privileges, status, access to and control over resources and benefits between women and men, boys and girls in a given society. Gender refers to the characteristics of men and women, boys and girls that are socially or culturally determined, as opposed to those that are biologically determined. It should be noted that addressing gender issues is distinct from addressing the needs of differently able people. However, there are gender concerns amongst differently able people and other vulnerable groups and this policy provides the framework to address these specific gender dimensions.

Therefore the type of policy that the judiciary requires is a gender sensitive policy - one that addresses discrimination that arises from gender and enshrining/ enforcing/protecting rights of women (and men).

Gender Equality: is the ability of men and women, boys and girls to enjoy the same status and have equal opportunity to realise their potential to contribute to socio-cultural, economic and political development. In human right treaties like CEDAW, 'equality' is recognised in terms of achieving equality of results or outcomes. The basis under human rights laws for evaluating whether women are being provided with equal opportunities to those of men is based on equality of results. It should be noted that Gender equality has not been achieved even if policies or programmes exist to advance or improve women's opportunities, if these have not effectively resulted in women having the opportunities that men have in all spheres of life.

Gender mainstreaming: is a conscious approach of an organisation to take into account gender equality concerns in all policy, programme, administrative and financial activities as well as organisational structures and procedures. It is based on a political decision to work towards and finally achieve the goal of gender equality within the organisation thus contributing towards gender equality in the respective society. It involves applying a variety of measures, providing resources (financial, human, time, information) and ensuring a process of learning and transformation.

Gender-sensitive is recognising the differences and inequalities between female and male needs, roles, responsibilities and identities.

Gender analysis examines the relationships between females and males. It provides information about a community's power structures and the gender relations within them. Gender analysis asks simple questions to understand the ways women and men are able to influence and control their lives. Such questions can include: Who does what, and where, and when do they do it? Who owns resources and what resources do they own? Who has the right to use the resources? Who benefits? Who loses?

⁵ 2007 JLOS Gender and Access to Justice study ibid

The knowledge gained through gender analysis helps us make better and more sustainable decisions with regard to projects/ programmes.

Gender analysis involves the collection and analysis of **sex-disaggregated data**, which reveals the impact of a project on women and men.

Sex-disaggregated data is information presented according to the numbers of females and males in a given population. It also refers to data collected about females and males separately in relation to all aspects of their functioning – ethnicity, class, caste, age, location etc.

Sex is a biological term referring to people, animals etc. Sex is biologically determined and a biologically determined role can only be performed by one of the sexes, for example, that only females can have babies.

Gender Responsive Budgeting (GRB) is a planning, programming and budgeting process that contributes to the advancement of gender equality and the fulfillment of women's rights. It entails identifying and reflecting needed interventions to address gender gaps in policies, plans and budgets, and ensuring that adequate resources are allocated to address gender concerns.

3. Attaining Gender Equality in Access and Treatment by the Judiciary: The Context

Uganda has a conducive policy and legislative environment that promotes gender equality and women's rights. The Uganda Constitution has a clear statement on equality and has specific provisions that focus on women's rights that among others are against discrimination and also provide for the use of affirmative action in order to attain equity. Constitutional provisions have been translated into national legislation like the Domestic Violence Act, the Female Genital Mutilation Act, and the Local Government's Act, which provides for at least 30% representation of women at all elected levels.⁶

Uganda also has a National Gender Policy whose purpose is "to establish a clear framework for identification, implementation and coordination of interventions designed to achieve gender equality and women's empowerment in Uganda." The policy is accompanied by a strategy. There is also a Ministry of Gender, Labor and Social Development (MGLSD) whose mandate is to ensure that gender issues are identified and addressed in all Government policies and programmes. The National Gender Policy highlights that gender mainstreaming is not just about achieving gender equality, but ultimately about social justice and sustainable development.

At regional level, Uganda ratified the African Union (AU) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, commonly referred to as the Maputo protocol. At the international level, the Uganda Government ratified ICCPR, ICESCR and CEDAW. The Government has also signed on to the Action plan for the implementation of the UN Security Council Resolutions 1325, 1820 and the Goma Declaration.

The Justice Law and Order Sector (JLOS), like all other Government sectors has a duty to ensure that the sector identifies and addresses any gender inequalities in line with the Constitution, the National Gender Policy and Governments' international commitments to securing women's rights and addressing discrimination. The JLOS SIP III specifically identifies and prioritises addressing the concerns of the most vulnerable, including women in order to ensure that they are able to attain justice.⁷

⁶ It should be noted that in spite of this progress, a key piece of legislation to address gender inequalities, the Domestic Relations Bill has been pending for over 15 years.

⁷ Two of the result areas in the JLOS SIP III are (i) "More people, particularly the poor and vulnerable groups, will have better access to justice, and live in a safer and secure environment", and (ii) "JLOS

A recent Gender Audit report of JLOS⁸ identified a number of areas in which there has been progress amongst JLOS institutions in addressing gender barriers to access to justice, for instance, the establishment of family and children's courts, as well as family and children's protection desks in police stations. The audit report also pointed to the increasing representation of women in the JLOS institutions.

Specifically regarding the Judiciary, the Gender Audit identifies a number of good practices for promoting a gender responsive Judiciary which include:

- Training of judicial officers and staff of the Judiciary as Gender champions who are staff that have been trained in gender, they understand what it means to be gender sensitive and responsive, and also have the skills of gender mainstreaming. These champions play an informal advisory role for colleagues who require more information on gender.
- There has also been training of judicial officers in gender by the Judicial Studies institute (JSI)⁹, and through the Justice and Equality Project conferences that have been organized by the Association of Women Judges over the last three to four years.
- The Inspectorate of Courts regularly monitors and evaluates the performance of Magistrates in order to improve judicial services, and also investigates any complaints from the public and court users. This can provide an opportunity to collect data with regard to performance in consciously addressing gender barriers to access to justice. The checklist for the Inspectorate should enable the collection of gender disaggregated data, and also check of whether the courts are gender sensitive for instance whether cases of breast feeding mothers were fast tracked.

institutions that are more responsive to human rights, and are more accountable to service users and the public.”
⁸ Participatory Gender Audit, Uganda Justice, Law and Order Sector (JLOS) Final Report, May 2011

⁹ Earlier this year, JSI piloted a course titled “Gender and the Law”

- There is an increasing number of female judicial officers, with the attainment of equality on the lower benches. However, this increase is not being reflected in higher management positions.
- Efforts to ensure that there is at least one female Magistrate in every district, hence ensuring that each Magistrate's court has both male and female Magistrates.

However, in Uganda, like many other countries, whilst there are legislative, policy and efforts geared to changing the structures of institutions, barriers and obstacles continue to exist both within the institution of the Judiciary, and in the wider community. These obstacles and barriers make the legislative and policy guarantees “hollow promises, having little impact on the day to day lives of women.”¹⁰

Obstacles to Equal and Equitable Access and Treatment by the Judiciary

The draft 2003 JLOS Gender strategy identified three main levels for examining gender obstacles in the Justice, Law and Order sector, which are still relevant today. These are:

- the substantive laws
- the administration of the law and,
- the community in which the conflicts or disputes occur.¹¹

(i) The Substantive Laws

Despite progress made under the 1995 Constitution, there still remain laws in Uganda's statutes that are discriminatory to women. These include laws on guardianship, land registration, requirements for passports for children i.e. need to have father's consent, etc. In its analysis of the context, the National Gender policy points out that critical gender related barriers to access to justice, include; substantive law issues relating to gender biased laws and differences in burden of proof requirements.

¹⁰ UN Women ibid

¹¹ 2007 JLOS paper on Gender and Access to Justice which quotes Taaka Awori “Gender and Poverty Mainstreaming in the Justice, Law and Order Sector” 2001

The Judiciary has made laudable efforts to address these barriers in substantive laws by rejecting the application of discriminatory laws and upholding the standards set in the Constitution by developing gender related jurisprudence.¹² However, there are still cases where judicial officers have not taken the opportunity to apply international human rights standards for various reasons, and these need to be addressed, so that applying human rights standards that promote gender equality and equity becomes the norm and not the exception.

(ii) Administration of Justice

These barriers relate to the institution of the Judiciary and how it operates.¹³ It should be noted that whilst any institutional gaps affect all court users, they are more likely to affect those who have less resources, lower levels of education and influence more, and more often than not, these are women.¹⁴

The high costs of litigation in the form of court fees, costs of hiring lawyers, transport costs, the implications of not attending to household and other chores, can all be a barrier. Corruption and the public perception of the Judiciary as inaccessible to the ordinary person is also a barrier¹⁵. The use of legal and highly technical language also contributes to the perception of the Judiciary as inaccessible, particularly to those with limited access to resources and influence, many of whom are women. The Judiciary SIP III (2011/12-2015/16) identifies the need to improve public trust and confidence in the Judiciary as a strategic outcome.

The geographical distance of the courts is also a challenge. Though there has been progress in this regard, the JLOS SIP III (2011/12-2015/16) points out that "JLOS services remain largely inaccessible outside of urban settings and particularly for socially and economically disadvantaged groups." In Uganda, this is exacerbated by the creation of new districts without the attendant budgets to construct new courts and staff them.

Delays in the administration of justice are also a major obstacle. A trends analysis report of the Justice Centers points out that the use of court litigation is quite low, largely because of the poor court case management; slow court processes, huge backlog and the inherent weakness and system bottlenecks in the justice system that hamper the timely resolution of cases.

As a result of the various training and awareness raising interventions, there is a good understanding of gender and its importance.¹⁶ However, a key challenge is HOW to apply this knowledge to the work of judicial officers- what does it mean to be gender sensitive in matters of procedure and in making rulings? Furthermore, not all the judicial officers, especially the Grade 2 Magistrates have attended these training activities.¹⁷ In addition to the training, there are a number of skills that can best be acquired through practice and observation, for instance through internship and/or mentoring. It should also be noted that not enough attention has been given to training non-judicial staff in the Judiciary, and yet they are usually the first point of contact for court users.

The lack of capacity to respond to needs resulting from specific gender roles is also an obstacle. For instance, the lack of facilities for breastfeeding mothers, or an area/space for toddlers who may have accompanied their mothers to court can discourage women from attending court proceedings.¹⁸ This is particularly the case when the mothers have to spend long hours waiting for their cases to be heard, or if the cases are continually adjourned. In such instances, there is a high likelihood of attrition of such cases before they have been concluded.

The lack of capacity to respond to specific gender needs is also reflected in the level of gender insensitivity by judicial officers and non-judicial staff, as well as outright discrimination based on their assumptions about gender. There are reports of insensitivity towards court users and female advocates.

¹⁶ Interviews with various respondents

¹⁷ Participatory Gender Audit *ibid*

¹⁸ This space and facilities used to be available in the Family and Children's court, but is no longer in existence

¹³ Have also been referred to as institutional barriers

¹⁴ UN Women "In Pursuit of Justice. 2011-2012 Progress of the World's Women."

¹⁵ A Justice Centers report, "Mapping Trends Analysis of Key Issues in the Justice Centers Uganda Casework" August 2011 mentions that "..... the courts are traditionally "feared" by local community members who associate them with imprisonment and could potentially deter them from seeking assistance."

The Judiciary has introduced a number of interventions that can address gender related concerns like the small claims procedures, training gender champions, seeking to have a fair representation of women and men as judicial officers, encouraging discretion in court fees payments, Judiciary nullifying discriminatory laws, the Justice Centers model, etc. The challenge is ensuring that these projects are fully implemented and integrated in the whole judicial system.

Organisational Development and Management,

The increase in the number of women being recruited in the lower benches has implications on the current policy of posting judicial officers, and in particular, the need to provide resources that can make the out of city postings more comfortable and attractive for judicial officers who have to fulfill their gender roles as fathers and mothers.

Another issue that was raised in the 2003 draft strategy, the Participatory Gender Audit, as well as in the Judiciary SIP III (2011/12-1015/16) is sexual harassment. Whilst there is no legal definition of sexual harassment in Uganda, various sexual harassment policies from other contexts include:

- It is unwelcome
- It is conduct of a sexual nature that can be verbal (like comments about clothing, personal behavior, a person's body), visual (for instance pictures, drawings or photographs), or physical (including hugging and touching)
- It is severe or pervasive (continues even when the person being harassed has requested that it stops)
- It affects working conditions or creates a hostile work environment for instance where the person being harassed feels powerless, is at risk of losing their job or being denied promotion.

The challenge though is that there is no concrete evidence, which is not surprising, because most incidents of sexual harassment are not reported unless complainants have confidence in systems and commitment by institutions to address their complaints. The Judiciary does not have a system and/or procedure to report and address claims of sexual harassment.

(iii) The Communities in Which the Conflicts or Disputes Occur

There are a number of barriers that exist within the community or society, which are also referred to as social barriers. The National Development Plan (NDP), which is the overall development planning framework for Uganda identifies some of these barriers as follows, "...women experience more barriers in accessing justice than men. This is because of higher levels of illiteracy and lack of information about legal rights. Their restricted mobility and poverty means that it is not easy for them to access legal institutions and services."¹⁹ Other social barriers identified in an international study include lack of knowledge of their rights or the justice system, dependence on male relatives for assistance and financial resources, and the threat of sanction or stigma as a result of reporting male relatives to court.²⁰ The 2003 draft Gender strategy also states that ownership and control of productive resources by men creates reasons for them to be involved in litigation; litigation is a masculine practice and it is un cultural for women to get involved in litigation; and that women lack the means to afford the costs of litigation.

The role of traditional mediation institutions is also key with regard to gender and access to justice. A report from Justice Centers highlights that "the preferred dispute resolution forum for communities are the Local Councils and the traditional justice systems because of their accessibility within the community and knowledge of cultural norms and traditions."²¹ A 2010 study by the Center for Human Rights Empowerment and Development (CHED) and Action Aid²² on access to Justice for Women in Local Council Courts (LCCs) identifies that the type of cases they handle are

¹⁹ According to the 2011 draft gender Audit, there is evidence from different sources (though not based on data), that women lack knowledge of their rights more than men, especially when looking at land rights, access to services of the judiciary...". The National Gender Policy also identifies gender barriers to access to justice to include the low status of women, power imbalances in the household as well as inadequate knowledge and information on legal rights.

²⁰ In Pursuit of Justice ibid

²¹ This is reiterated in the Gender Audit report and in the JLOS SIP III that both identify this as an area for intervention

²² CHED and Action Aid "Access to Justice for Women Through the Local Council Courts: Community Experiences from Lango Sub-Region" September 2010

early marriages, domestic violence (physical), deprivation of property (land), child neglect (girl child education), divorce and separation.

All these cases are mainly filed by women and have gender related issues. The report also identifies some efforts by the LCCs to be gender responsive like having representation of women, however, there are challenges in their level of influence. The report also points to a number of other barriers to justice at the LC level which include lack of legal knowledge (technical capacity) and legal reference materials, lack of logistical equipment and office space, inadequate investigation processes and affordability. Lack of supervision and inadequate responsiveness to vulnerable groups/ individuals with special needs were also considered systematic barriers.²³

4. Guiding Principles for This Policy

Guiding principles for the Judiciary Gender Policy

1. Administering justice requires judicial officers to be conscious and cognizant of the context whilst applying substantive law/procedure because gender roles and responsibilities and the accompanying assumptions are a key part of the context.
2. Administering justice is about EQUAL justice for all, and equal justice means that people who are seeking justice from the courts should be given equal opportunity.
3. Addressing gender concerns in access and treatment by the Judiciary is not just about addressing vulnerability, but is about ensuring equal treatment for women and men.
4. Mainstreaming gender into the Judiciary is not just about representation of women, but that both female and male members of the Judiciary, and all Judicial staff have the responsibility to promote gender equality.
5. Addressing gender inequalities requires judicial officers to be consistent in their positions and actions on gender equality and equity.
6. Addressing gender equality requires collaboration throughout the justice chain as well as working in partnership with Civil Society Organisations (CSOs).

²³CHED and Action Aid report *ibid*. The Justice Centers Trends Analysis report *ibid* report also points out that these systems have an inherent weaknesses both at capacity level (knowledge of laws and processes), in dealing with gender issues and conforming to internationally recognized human rights standards on the rights of women to own property”.

This policy will be guided by principles, which are informed by the National Gender Policy whose principles are: Gender equality, Gender cuts across all sectors and levels, Affirmative Action, Household and family relations, Promotion of Gender and Development and Women in Development approaches. This Policy's guiding principles are also in tandem with the Circular Standing Instructions No.2 of 2011 Guidelines for Gender mainstreaming in human resource management from the Ministry of Public Service which is informed by the principles of Equity, Affirmative Action, Gender Sensitive Practices and Empowerment.

The guiding principles for this policy are outlined below:

1. Administering justice requires judicial officers to be conscious and cognizant of the context whilst applying substantive law/procedure. Gender roles and responsibilities and the accompanying assumptions are a key part of the context. Gender roles affect the way women and men relate, affect the way women and men speak about specific issues, and also affect the assumptions that are made about causes of crimes.
2. Administering justice is about EQUAL justice for all. Equal justice means that people who are seeking justice from the courts should be given equal opportunity. Article 33 has a provision that focuses on providing affirmative action as a means of ensuring equal opportunity. Ultimately, progress in attaining equality is assessed by the actual outcomes of results that seek to promote equality. The use of judicial discretion is a key tool that judicial officers can use to ensure equal opportunity.
3. Addressing gender concerns in access and treatment by the Judiciary is not just about addressing vulnerability, but is about ensuring equal treatment. Women and men are not homogeneous, so whilst there are vulnerable women who need support, there are also women who know their rights and go to court to seek for justice. What is therefore required is for the Judiciary to ensure fair treatment based on the different needs and experiences of women and men. It should however

be noted that fair treatment may require that gender sensitive cases like sexual and gender based violence will be prioritized.

4. Mainstreaming gender into the Judiciary is not just about representation of women, but means that both female and male members of the Judiciary, and all Judicial staff have the responsibility to promote gender equality. This policy therefore goes beyond looking at women and men's representation and positions per se, and the specific facilities available to ensure their efficiency to also focuses on how the judicial officers and staff perceive their roles as catalysts of justice- this perception in turn influences the manner in which staff of the Judiciary relate to court users and how they 'listen' to them in court. Ultimately, judicial officers should apply gender analysis to the decisions they make, as well as the choice of procedures to use in order to provide justice.
5. Addressing gender inequalities requires judicial officers to be consistent in their position on gender equality and equity. Judicial officers should set the standard in judgments and in the proceedings by being clear about what they will allow to be said in their courts. They should therefore be strict on comments by advocates and for example disallow questions and language that is discriminatory during cross-examination in order to put forward a clear message. This Policy will therefore seek to promote attitudes, knowledge and practices that promote gender equality and access to justice for all.
6. Addressing gender equality requires collaboration through out the justice chain as well as working in partnership with Civil Society Organisations (CSOs). Women and men go through various parts of the justice chain before getting to the courts and these include the Police, Medical personnel, Lawyers, among others. It is therefore important that in order to ensure equal justice for women and men, gender barriers should be addressed along the whole chain.

5. Overall Strategies for Achieving Gender Equality in Access and Treatment by the Judiciary

The following is an overview of strategies that the Judiciary will apply in order to attain gender equality and equity in the delivery of justice. These strategies are informed by good practices from other jurisdictions, many of which can be found in the report "In Pursuit of Justice", the UN Women Report on Progress of the World's Women 2011-2012, some examples are provided in the Box below:

International best practices:

- In the UK, there are some child and women friendly rooms in court premises where children can play and rest, and mothers can breastfeed.
- Identification of Gender Champions in Uganda (JLOS audit). Gender Champions can provide advice and guidance to other judicial officers on how to identify and address gender issues.
- Following up the law with specific provisions and mandates for implementation for instance in Kyrgyzstan where there are provisions for comprehensive measures, including training and awareness raising for local officials in gender sensitivity
- Women's police stations (Delegacias Especialis de Atendimento a' Mulher- DEAM) and special courts in Brazil that were set up under the Maria da Penha Law on domestic and family violence.
- 'Jurisprudence on the Ground' is a programme of the International Association of Women Judges that brings together the Society for Women and AIDS in Africa-Tanzania (SWAA-T) and the Tanzania Women Judges Association (TWJA). They regularly share knowledge on issues of concern for women in the justice system and also train

women in rural communities to understand their rights and navigate the justice system

- Ensuring representation of women in traditional justice institutions like in Burundi where women are now part of the Bashingantahe customary justice institution. Through their participation, they have gained respect of male leaders, and have convinced the male leaders to support a campaign for inheritance rights for women and girls.
- Association of Women Judges and the Indian NGO Shikshi provide women and men judges with specialised training and space to discuss the challenges that they face in order to build understanding of and commitment to gender equality. They also monitor and review some judicial decisions because they are aware that even when gender sensitive laws are in place, not all judges may apply them fairly.
- The UN Women study found that in order to ensure that Governments are meeting their international commitments to put in place a legal framework that guarantees women's rights and a functioning justice system, the Governments must allocate specific resources towards this.
- The study also emphasizes the importance of ensuring representation of women at all levels in the Judiciary.

The Uganda Judiciary will adopt strategies to mainstream gender under the following five pillars:²⁴

1. Ensure Equal Access to the Judiciary by Women and Men
2. Ensure Timely and Responsive Administration of Justice for Women and Men
3. Develop Capacity and Skills for both Judicial officers and Non-judicial staff in Gender and Justice
4. Strengthen Research and Data Collection on Gender and Access to Justice
5. Address Gender Issues in Organisational Management and Development

(i) Ensure Equal Access to the Judiciary by Women and Men

Under this pillar, the Judiciary will take steps to project the image of an accessible, responsive and gender sensitive institution by addressing the physical barriers and negative public perceptions

Specific interventions in this regard are as follows:

- Make information about the Judiciary easily available to the public and in this information, emphasize the Judiciary's commitment to gender equality and equity. There should also be efforts to ensure that this information is also disseminated to people who are illiterate.
- As part of making information available, establish information/reception areas at all court premises. The staff who sit at these points should be trained and regularly monitored in order to ensure that they are respectful, courteous, provide correct and up dated information to court users and the public, and are gender sensitive.

²⁴ These strategies will be further elaborated in a Gender strategy that accompanies this Policy (in Annex), which seeks to integrate gender in the Judiciary Strategic Investment Plan 2011/12-2015/16.

- Strengthen and replicate the role of the Justice Centers in other parts of the country because they currently provide a source of information and guidance to court users. The Justice Centers should also pilot having a women counseling point in the Justice Center office. This role could be carried out by the existing counselor (who may need extra training). Justice Centers currently offer "holistic approach" where clients not only get legal advice and support, but also receive psychosocial counseling that is critical for healing and reconciliation.
- Provide guidelines on how to make court proceedings more gender sensitive for example by encouraging the use of simpler language during court proceedings in order to enable court users, especially those who are illiterate (the majority of whom are women) understand court proceedings. The guidelines will pay special attention to the treatment of victims of sexual and gender based violence.
- Continue to actively recruit women in the Judiciary. This has been found to not only be a matter of equality and fairness, but is also important for maintaining public confidence in the justice system.²⁵

(ii) Ensure Timely and Responsive Administration of Justice for Women and Men

The process of ensuring justice should be responsive, gender sensitive and dignified. This means among others that cases should be resolved in the shortest time possible in order to ensure that justice delayed is not justice denied, there should also be efforts to make the environment at the court premises more conducive to mothers with small children, pregnant and breastfeeding mothers.

²⁵ In Pursuit of Justice *ibid*

Specific interventions under this strategic area are:

- Encourage the fast tracking of cases in which the court users are pregnant or breast feeding mothers.
- Create a space to make the family and children's court premises more conducive for mothers and children. For instance, have a room where mothers can breastfeed and children can play.
- Support JLOS to train the LCCs in matters of the law and gender in order to ensure that they are able to provide fair hearing and rulings that recognize gender issues and/or barriers.

(iii) Develop Capacity and Skills amongst Judicial Officers and non-Judicial staff in Gender and Justice

The Judiciary has been carrying out training for judicial officers in Gender through the Justice and Equality project, as well as through the Judicial Studies Institute (JSI) and the recently piloted training course in Gender and the law. The course combines theory with practice and seeks to address questions of HOW to apply gender in the work of judicial officers.

Specific interventions in this regard:

- Continue to have a session on Gender and the Law as a key part of induction training.
- Encourage judicial officers to attend the JSI course in Gender and the law. The JSI should also be provided with adequate resources to monitor the extent to which trainees apply the knowledge and skills from the training, including the courses on gender.
- Training in gender awareness, discrimination and sensitivity should also be provided to non-judicial staff because the non-judicial staff are the first point of contact for court users and they should be sensitive about how gender and the context influences the way people behave and communicate.
- Develop a bench book with guidance on how to ensure that judgments are gender sensitive. This bench book should have clear guidelines on possible gender issues, and some examples of gender sensitive judgments.

- Hold regular practice dialogues at the District Coordination Committees (DCCs) and where possible at national level during which judicial officers can share their experiences of addressing gender in their work. These forums will serve as a forum for learning, and could include testimonies from court users as well as input from experts.
- Have a specific mentoring programme for new judicial officers, during which the new judicial officers will be mentored and supported by more experienced judicial officers to understand how the context (especially gender) influences their work.
- Where resources allow, have a specific internship/placement for new judicial officers to judges for at least six months, to enable them learn the practical aspects of their work including how to be gender sensitive during proceedings, as well as when making judicial rulings.

(iv) Strengthen Research and Data Collection on Gender and Access to Justice

A key gap in both JLOS, and in the Judiciary in particular is lack of regularly and systematically collected data on gender and access to justice. Having a regularly updated source of information will enable the Judiciary develop more targeted interventions, contribute to the content of training courses and practice dialogues, allocate resources to address gender inequalities more efficiently, monitor progress and identify good practices. The Registry of Planning and Development should have a specific M&E/research department that could do this, however, the Registry does not have adequate resources.

Specific interventions in this regard:

- Compile an Annual report on Gender, Access and Treatment by the Judiciary. This annual report can provide baseline data on the status quo, as well as highlight and progress made. This report should draw on the work of other stakeholders like UN agencies and CSOs.²⁶
- Regularly review sample judgments and assess the extent to which they consider gender. This review is part of learning and can contribute to the Annual report.

²⁶ This was also recommended in 2003 draft Gender strategy *ibid*

- Any gender gaps identified during the review of judgments should be brought to the attention of the Attorney General, the Uganda Law Reform Commission and the Speaker of Parliament for expeditious redress.
- Develop a method of systematically tracking judicial decisions/cases at national level in order to provide accountability to women seeking justice and to enable civil society and the Government monitor the performance of the courts on women's rights. This method can build on already existing processes where judicial officers are expected to regularly report on cases determined.
- Conduct a gender analysis of case backlog in order to develop concrete actions to address these.
- Regularly provide judicial officers with information on gender analysis, sex disaggregated data and research on gender and justice. This information can be provided through a common data base that should be accessible to all judicial officers.

(v) Address Gender Issues in Organisational Management and Development

Ensuring gender mainstreaming in the Judiciary will also require specific interventions in organisational management and development. Specifically,

- Continue to deploy both female and male magistrates in all magisterial districts. Rotation should be regular and with adequate notice. Judicial officers posted in remote areas have sufficient resources and support to perform their tasks.
- Deliberately seek to attain a balance in representation (50/50) amongst judicial officers and non-judicial staff in the Judiciary at all levels.
- Identify a gender focal point, who according to a recommendation of the Participatory JLOS Gender Audit should be provided with authority, time, financial resources and tools to provide the requisite technical and advisory support to the Judiciary.
- Make the names of judicial officers with special expertise in gender

(Gender Champions) available to all judicial officers for consultation. This list should be regularly updated.

- Develop a procedure through which complaints of sexual harassment can be made and addressed. It should be noted that the process of developing this procedure should be participatory in order to allow ownership and develop a common understanding about what constitutes sexual harassment and its consequences.
- Regularly network with other JLOS institutions, CSOs, development partners and other key stakeholders in the implementation of this gender policy.

6. Institutional Framework for Policy Implementation

Institutional framework for Policy implementation will lie with various departments and/or committees of the Judiciary. However, a specific Gender Focal point will be identified in order to coordinate the implementation of the policy, as well as be the Judiciary's representative to JLOS on issues related to gender mainstreaming. The roles and responsibilities for oversight and implementation of the policy are as follows:

(i) Oversight for Policy Implementation: This will be carried out by the Senior Management Committee that may appoint a sub-committee for further support.

(ii) The Gender Focal Point: This Gender Focal Point will liaise with other staff and prepare an annual report that will be presented and discussed at the Annual Judges and Magistrates' conference.

(iii) Specific Responsibilities: Specific responsibilities for implementation of different aspects of the Policy will be allocated by the Senior Management Committee.

(iv) Allocation of Resources for Implementation of the Gender Policy and Strategy

Resources should be allocated for implementation of the Gender policy during the annual Judiciary planning and budgeting process. This Policy is accompanied by a strategy that fits within the overall Judiciary SIP III (2011/12-2015/16), which will make the process of mainstreaming gender into the already existing planning framework easier.

7. Monitoring and Evaluation

Responsibility for monitoring and evaluating the implementation of this policy will lie with the Senior management team that oversees the implementation of all policies in the Judiciary.

However, M&E should to the extent possible be integrated in the wider M&E framework of the Judiciary SIP III (2011/12-2015/16) that is currently being developed. Furthermore, other monitoring interventions through the JSI and the Inspectorate of courts should also be seen as an opportunity to monitor the implementation of the policy.

Specific indicators for the M&E framework are contained in the Strategic framework (2011/12-2015/16) for this policy.

Annex

The Judiciary of the Republic of Uganda

Strategic Framework (2011/12-2015/16)

For

The Gender Policy:

'Attaining Gender Equality in Access and Treatment by the
Judiciary'

December, 2012

Introduction

The Judiciary Strategic Investment Plan (2011/12-2015/16) seeks to continue the pursuit of the Judiciary's vision, "Justice for All".

The Judiciary's mission is "An independent, competent, trusted and accountable Judiciary that administers justice to all."

The above vision and mission is further expounded in the Gender policy titled "Attaining Gender Equality in Access and Treatment by the Judiciary", whose overall objective is to ensure that there is gender sensitivity and responsiveness in the delivery of justice in Uganda. The Judiciary SIP III (2011/12-2015/16) also articulates core values, one of which is Equality and Respect. The Plan specifically states that "The Judiciary will continue to uphold the principles of equality, equal opportunities and affirmative action in respect to gender and other disadvantaged groups."

The Gender Policy has four specific objectives:

- (v) Ensure access to justice for women and men in Uganda.
- (vi) To create institutional awareness and commitment to gender equality amongst judicial officers and staff of the Judiciary
- (vii) To address gender obstacles in the delivery of justice by the Judiciary;
- (viii) To establish systems and mechanisms for mainstreaming gender and ensuring accountability for gender mainstreaming in the Judiciary

The Policy intends to attain these objectives through the following five intervention pillars: (i) Ensure Equal Access to the Judiciary by Women and Men (ii) Ensure Timely and Responsive Administration of Justice for Women and Men (iii) Develop Capacity and Skills for judicial officers and non-judicial staff in Gender and Justice (iv) Strengthen Research and Data Collection on Gender and Access to Justice (v) Address Gender Issues in Organisational Management and Development.

This Strategic framework for the Gender policy seeks to articulate gender specific objectives and outputs within the framework of the Judiciary SIP III (2011/12-2015/16). The Judiciary SIP III (2011/12-2015/16) has four

specific key result areas/outcomes:

- Outcome 1: Legal and Regulatory framework strengthened
- Outcome 2: Access to Justice enhanced
- Outcome 3: Public trust in the Judiciary improved
- Outcome 4: Institutional capacity enhanced

This strategic framework is presented in line with the above result areas/outcomes.

Specific Gender Outputs under each SIP III Outcome Area

OUTCOME 1: LEGAL AND REGULATORY FRAMEWORK STRENGTHENED

Gender specific output:

Gender is mainstreamed into proposed legislation and internal regulations to improve the administration of justice.

Specific Strategy:

Research on and analysis of laws and regulations and their implications on women and men.

OUTCOME 2: ACCESS TO JUSTICE ENHANCED

Gender specific output:

Timely and responsive administration of justice for women and men increased.

Specific Strategy:

Address systems, structures and procedures that enhance discrimination and inequalities.

OUTCOME 3: PUBLIC TRUST IN THE JUDICIARY IMPROVED

Gender specific output:

Perceptions of transparency and gender responsiveness of the Judiciary improved.

Specific Strategy:

Make the Judiciary more gender responsive in word and action.

OUTCOME 4: INSTITUTIONAL CAPACITY ENHANCED

Gender specific output:

Established capacity for judicial officers and staff to be gender responsive and regularly track progress in this regard.

Specific Strategies:

Strengthen capacity and skills development of judicial officers and staff in gender and justice.

Strengthen research and data collection on gender and access to justice.

Outcome 1: Legal and Regulatory Framework Strengthened

The Judiciary SIP III identifies that the Constitutional provisions that relate to administration of justice by the Judiciary have not been translated into national legislation. Proposed legislation, the Judiciary Administration Bill has been drafted, however not much progress has been made. This Bill seeks to increase the independence of the Judiciary and de-link it from the Ministry of Public Service. The absence of such legislation leaves a lacuna in which practices that negatively affect judicial service delivery can thrive. The SIP III also identifies the need to internalize and fully apply internal policies and regulations for effective service delivery as gaps in the operations of the Judiciary.

Gender specific output

Gender is Mainstreamed into Proposed legislation and Internal Regulations to Improve the Administration of Justice : All proposed regulations analysed for gender implications and revised to ensure that there are specific provisions that address discrimination and inequalities between women and men when accessing justice.

Specific Strategy: Research and Analysis of Laws and Regulations and their implications on women and men

Proposed Activities

- Contract gender specialists to carry out analysis of the proposed laws and legislation
- Hold meetings/discussions to create awareness amongst Judicial officers about the findings above

Indicators

- Gender policy developed for the Judiciary
- Reports of gender analysis of proposed legislation and regulations
- New laws and regulations have specific provisions to address discrimination and inequalities

Outcome 2: Access to Justice Enhanced

The second outcome in the Judiciary SIP III seeks to ensure that barriers and obstacles to timely and affordable access to justice are addressed. The Plan specifically identifies the need to 'increase the breadth of users including the poor and marginalized...'. Specific outputs under this outcome are physical deconcentration continued, case disposal time reduced as well as services for special needs groups including women and children improved. This outcome also identifies the development of a Gender policy as important.

Gender specific output

Timely and responsive administration of justice for women and men increased: Specific activities should be planned and implemented to address physical barriers that make access to justice by women and men particularly difficult, as well as obstacles that unnecessarily lengthen the time in which women and men can obtain justice.

Specific Strategy: Address systems, structures and procedures that enhance discrimination and inequalities.

Proposed Activities

- Fast track cases in which the court users are pregnant or breast feeding mothers
- Allocate space in the Family and Children's court premises where mothers can breastfeed and children can play.
- Work with the JLOS secretariat to train the LCCs in matters of the law, and gender in order to ensure that they are able to provide fair hearing and rulings that recognize gender issues and/or barriers.

Indicators

- A system to guide prioritization of cases on gender basis
- Specific space and resources allocated for a 'mother and child

friendly' room in the family and children's court

- The JLOS curriculum to train LCCs include a specific sessions on gender and access to justice.

Outcome 3: Public Trust in the Judiciary Improved

The Judiciary SIP III (2011/12-2015/16) also identifies the low level of public trust in the Judiciary and makes reference to National User Survey that rates the Judiciary as one of the top most five corrupt institutions in the country. The plan seeks to increase the level of confidence that the public has in the Judiciary through improving and streamlining the way in which the Judiciary interacts with the public with a key focus on improving communication and information sharing. The Judiciary will also strengthen strategic partnerships with various stakeholders so as to improve collaboration for greater efficiency and effectiveness. The plan will also promote ethics and integrity in the Judiciary through a specific strategy, as well as promote public evaluation of Judiciary services.

Gender specific output: Perceptions of transparency and gender responsiveness of the Judiciary improved: The Judiciary will take steps to project the image of an accessible, responsive and gender sensitive institution by addressing the physical barriers and negative public perceptions.

Specific Strategy: Make the Judiciary more gender responsive in word and action.

Proposed Activities

- Set up reception areas/information points at all court premises.
- Print brochures in different languages that provide basic information about the judicial system. These brochures should emphasise how the Judiciary pays special attention to gender issues.
- Have radio spots on different radio stations throughout the country that provide key information about the judicial system and emphasise how the Judiciary pays special attention to gender issues.
- Pilot having a women counseling point in the Justice Center offices.

- Specifically review court proceedings and develop guidelines to ensure more gender sensitive court proceedings.
- Continue to actively recruit women in the Judiciary.

Indicators

- Number of reception areas/information points established
- Guidelines to make court proceedings more gender sensitive developed
- Number of activities carried out to create awareness about the Judiciary
- Integrity surveys indicate increased public trust in the Judiciary

Outcome 4: Institutional Capacity Enhanced

The Judiciary SIP III identifies five key areas for intervention in order to enhance the institutional capacity of the Judiciary. These areas are: (i) Leadership (ii) Addressing staffing challenges (iii) Systems development with an emphasis on results orientation (iv) ICT strategies and (v) Financial management.

Gender specific output: Capacity for Judicial officers and staff to be gender responsive and regularly track progress in this regard developed. In addition to the areas for capacity strengthening identified in the Judiciary SIP III, this strategic framework places emphasis on the need to develop specific skills and capacities of judicial officers and staff to be gender sensitive and responsive whilst interacting with court users, and while considering cases and making rulings.

Specific strategies: The framework proposes two strategies (i) Strengthen capacity and skills development of judicial officers and staff in Gender and Justice (ii) Strengthen Research and Data Collection on Gender and Access to Justice

(i) Proposed activities to strengthen capacity and skills development in Gender and Justice

The Judiciary is already carrying out training for judicial officers in Gender and the JSI recently piloted a training course in Gender and the law. The course combines theory with practice and seeks to address questions of HOW to apply gender in the work of judicial officers.

Specific interventions in this regard:

- Continue to have a session on Gender and the Law as a key part of induction training.
- Promote the JSI course in Gender and the law and provide adequate resources for the Institute to monitor the extent to which trainees apply the knowledge and skills from the course.
- Train non-judicial staff in gender and enable them appreciate and understand the need for them to be gender sensitive.
- Develop a bench book with guidance on how to ensure that judgments are gender sensitive. This bench book should have clear guidelines on possible gender issues, and some examples of gender sensitive judgments.
- Hold regular practice dialogues at the DCCs and where possible at national level during which judicial officers can share their experiences in building capacity to deal with gender issues.
- Have a specific mentoring programme for new judicial officers, during which the new judicial officers will be mentored and supported by more experienced judicial officers to understand how the context (especially gender) influences their work.
- Where resources allow, have a specific internship/placement for new judicial officers to judges for at least six months, to enable them learn the practical aspects of their work including how to be gender sensitive during proceedings, as well as when making judicial rulings.

(ii) Proposed activities to strengthen research and data collection on gender and Access to Justice

A key gap in both JLOS, and in the Judiciary in particular is lack of regularly and systematically collected data on gender and access to justice. Having a regularly updated source of information will enable the Judiciary develop more targeted interventions, contribute to the content of training courses and practice dialogues, allocate resources to address gender inequalities more efficiently, monitor progress and identify good practices. The Registry of Planning and Development should have a specific M&E department that could do this, however, the department does not have adequate resources.²⁷

Specific interventions in this regard:

- Compile an Annual report on Gender, Access and Treatment by the Judiciary.²⁸ This annual report can provide baseline data on the status quo, as well as highlight the progress made. This report should draw on the work of other stakeholders like UN agencies and CSOs.
- Regularly review sample judgments and assess the extent to which they consider gender. This review is part of learning and can contribute to the Annual report.
- Prepare a brief with the identified gender gaps and hold meetings to bring these gaps to the attention of the Attorney General, the Uganda Law Reform Commission and the Speaker of Parliament for expeditious redress.
- Develop a method of systematically tracking judicial decisions/cases at national level in order to provide accountability to women seeking justice and to enable civil society and the Government monitor the performance of the courts on women's rights.
- Conduct annual gender analysis of case backlog in order to develop concrete actions to address these.
- Regularly provide judicial officers with information on gender analysis, sex disaggregated data and research on gender and justice. This information can be provided through a common database that should be accessible to all judicial officers.

²⁷ Interview with the Director of JSI

²⁸ This was also recommended in 2003 draft Gender strategy ibid

(iii) Addressing Gender Issues related to Organizational Management within the Judiciary.

Ensuring gender mainstreaming in the Judiciary will also require specific interventions in organisational management. Specifically,

- Continue to deploy both female and male magistrates in all magisterial districts. Rotation should be regular and with adequate notice.
- Appoint a Gender focal point.
- Circulate a list of judicial officers with special expertise in gender (Gender Champions) to all judicial officers.
- Develop a procedure through which complaints of sexual harassment can be made and addressed. This procedure should be developed through a consultative process, and once it is developed, resources should be provided to ensure that all judicial officers and non-judicial staff understand how to utilize it.
- Regularly network with other JLOS institutions, CSOs, development partners and other key stakeholders in the implementation of this gender policy.

Indicators

- Number of judicial officers and non-judicial staff trained in gender related issues, and applying this knowledge and skills in their work.
- A sexual harassment procedure is developed through a participatory process
- The Annual report on Gender, Access and Treatment by the Judiciary indicates improvements in the Judiciary's capacity to address gender issues

Proposed Activities in each of the 5 Pillars

Pillar 1: Ensure Equal Access to the Judiciary by Women and Men	Pillar 2: Ensure Timely and Responsive Administration of Justice for Women and Men	Pillar 3: Develop Capacity and Skills amongst Judicial Officers and non-Judicial staff in Gender and Justice	Pillar 4: Strengthen Research and Data Collection on Gender and Access to Justice	Pillar 5: Address Gender Issues in Organisational Management and Development
▪ Provide public information about the Judiciary and its commitment to gender equality. ▪ Set up information/reception areas at all court premises Pilot having a women counseling point in the Justice Center offices. ▪ Develop Guidelines on how to make court proceedings more gender sensitive ▪ Actively recruit women in the Judiciary.	▪ Fast track cases in which the court users are pregnant or breast feeding mothers ▪ Create a space to make the family and children's court premises more conducive for mothers and children. ▪ Support JLOS to train the LCCs in matters of the law and gender.	▪ Encourage judicial officers to attend the JSI course in Gender and the law. ▪ Train non-judicial staff in gender awareness, discrimination and sensitivity. ▪ Develop a bench book with guidance on how to ensure that judgments are gender sensitive. ▪ Hold regular gender practice dialogues at the District Chainlink Committees (DCCs) ▪ A mentoring and/or internship programme for new judicial officers to focus among others, on skills and experience in gender and the law.	▪ Compile an Annual report on Gender, Access and Treatment by the Judiciary. ▪ Regularly review sample judgments for gender sensitivity. ▪ Systematically track judicial decisions/cases at national level and enable civil society and Government monitor performance of courts on women's rights. Conduct a gender analysis of case backlog. ▪ Regularly provide judicial officers with gender analysis & research on gender and justice.	▪ Deploy both female and male magistrates in all magisterial districts. ▪ Deliberately work towards a balance in representation (50/50) amongst judicial officers and non-judicial staff. ▪ Identify a gender focal point for the Judiciary. ▪ Circulate names of judicial officers with special expertise in gender (Gender Champions) to all judicial officers for consultation. ▪ Develop a procedure for complaints of sexual harassment. ▪ Regularly network with other stakeholders.