Access to justice for women is a critical component of delivery of justice globally and at the national level. In Uganda, the Justice Law and Order Sector (JLOS) conducted an audit in May 2011 which revealed, among other factors, the limited capacity of the judiciary to deliver gender-sensitive justice to the general population of Uganda, and more specifically to women. Although a number of training sessions on gender
justice have been conducted for judicial officers, some of the court procedures and judgments clearly demonstrate their inability to translate the gender training into concrete benefits for women. The major reason identified for this gap is the lack of tools for the judiciary to make court processes and judgments more gender-sensitive.

In the JLOS work plan, under the Strategic Investment Plan (SIP) III (2011 - 2016), one of the key strategies identified for addressing this gender capacity gap in the judiciary was the development of gender bench briefs for judicial officers to use and refer to in adjudication of cases. The Gender Bench Book presents judicial officers with local and international best practices, including recommendations from treaty bodies such as the Committee on the Elimination of Discrimination against Women. It offers guidelines for use by court officials when determining cases where women’s rights are involved. It will also assist judicial officers in addressing procedural issues that impede access to justice.

**EXECUTIVE SUMMARY**

The Gender Bench Book (GBB) is aimed at enhancing the gender-responsiveness of the judicial system, ensuring that judgments in Uganda are increasingly gender-sensitive and improving access to justice for women. This Book is a tool for judicial officers to use and refer to in the adjudication of cases. It is intended to support and enhance the capacity of judicial officers to deliver gender-sensitive justice to the general population of Uganda. It is the first tool in Uganda available to assist the judiciary in making court processes and judgments more gender-sensitive. In addition to judicial officers, the Gender Bench Book will be useful to academics, social and legal researchers, civil society and non-government organizations working in the area of gender justice.

The GBB presents local and international best practices, including recommendations from treaty bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW Committee) on enhancing women’s access to justice. It discusses the right of all persons to access justice without discrimination, the duties of the state to promote women’s access to justice, and the role of judges, magistrates and other judicial officers to ensure equality between men and women, and to ensure that women can access justice. Judicial officers are urged to recognize the various gender-based economic, social and cultural hurdles that women face in seeking justice, and to accordingly improve women’s access to justice through their judgements and practices, among others.

The GBB focuses on gender-responsive provisions embedded in the 1995 Constitution (as amended) of the Republic of Uganda and the various international and regional legal instruments that Uganda has ratified. Hence, it is a resource for broadening and sharpening understanding of international standards
of women’s rights and gender equality, and how these are translated or integrated within the national context - both critical aspects of access to justice. Importantly, the GBB builds on Uganda’s other internationally-recognized milestones. Uganda has been applauded for having one of the most gender-sensitive constitutions in the world. The Constitution guarantees the right to equality and liberty of all persons and outlaws discrimination based on sex, colour, race and religion, among others. It requires that special measures be taken by the State to protect women and their rights, taking into account their unique status and natural maternal functions. The Constitution mandates the judiciary to interpret the law and protect the rights of all individuals.

In 2012, the Judiciary launched its own Gender Policy and Strategy with the overall objective of “ensure(ing) that there is gender sensitivity and responsiveness in the delivery of justice in Uganda”. Courts in Uganda have passed landmark cases in a bid to enhance women’s access to justice. This is in addition to reviewing laws, rules, policies and practices that are not gender-responsive, to align them to constitutional provisions, and to international and regional laws that promote justice for women. Special measures and procedures have also been established by the judiciary to specifically address women’s access to justice. These include, among others, gender-sensitivity training for judicial officers and law enforcement upon appointment; one-stop legal aid service centres; an amended form (Police Form 3A) to improve evidence collection in gender-based violence cases; and non-custodial sentences (such as community service), which help female offenders to continue to take care of their children. Despite this, numerous gender justice gaps remain, and a lot more needs to be done to close these gaps. Women face institutional barriers: from geographically distant justice service locations and technically complex justice procedures, to discriminatory attitudes based on deeply entrenched male bias at all levels of the legal process, insensitivity to women’s specific needs, and corruption. When compounded with the socio-cultural challenges that women face - such as lower literacy levels, poverty, access to resources, and strictly proscribed cultural norms that dictate their behaviour in society - women are altogether less likely to be aware of their rights, the remedies available to them, and the relevant justice mechanisms that should be accessed.

The Gender Bench Book discusses some of the international, regional and national landmark cases in which superior courts have dealt with barriers that women face in accessing justice, including relevant decisions of the Supreme Court. The GBB gives guidance on how the rights to equality, equal protection of the law and prohibition of discrimination may be interpreted to enhance women’s access to justice - including through the provision of examples of judgments that interpret the law to confront gender stereotypes and cultural biases that have perpetuated and continue to limit women’s access to justice.

The GBB is thematically organized to focus on specific core issues that affect women’s access to justice including family relations; sexual and gender-based violence; employment; property rights; and sexual and reproductive health rights. The book also discusses pertinent concepts related to women’s access to justice including the principles of equality and non-discrimination, affirmative action, intersectional discrimination and gender stereotyping. Especially vulnerable women, such as those affected and infected with HIV/AIDS, those with various forms of disabilities, and older women are also given attention in the book. The Gender Bench Book does not take anything about adjudicating for granted. Therefore, it discusses issues regarding the courts’ structure, mandate, composition, jurisdiction and quorum, administration of the law, as well as physical and legal access. Some of these issues may seem obvious, but misinterpretations and inadvertent errors have been made in the past,
ultimately impacting access to justice. Hence, the GBB deliberately chooses to err on the side of caution. Last but not least, the GBB makes recommendations on strategic best practices that should be adopted by various stakeholders in the justice delivery system to ensure women’s access to justice. Deliberate emphasis has been made throughout to condemn trivialization of gender issues, and highlight the importance of gender mainstreaming in the administration of justice.


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