

United Nations  Nations Unies

**United Nations Division for the Advancement of Women, now part of UN Women
United Nations Economic Commission for Latin America/ Subregional Headquarters for
the Caribbean**

**Expert Group Meeting on good practices in national action plans
on violence against women
United Nations Economic Commission for Latin America/ Subregional Headquarters for
the Caribbean**
Port-of-Spain, Trinidad and Tobago
13-15 September 2010

Discussion Notes Prepared by:

Mubarak Mabuya*
Principal Gender Officer
Ministry of Gender, Labour and Social Development
PO Box 7136
Kampala, Uganda
Email: dmbaraq@yahoo.co.uk

** The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations*

1.0 Introduction

The development of national action plans (NAPs) on elimination of violence against women (VAW) provides governments and other stakeholders with a clearly defined framework for essential, strategic, and coherent interventions to prevent and respond to the problem. NAPs also enhance government ownership and demonstrate political will to take requisite actions to end VAW. They enable systematic monitoring and evaluation as well as strengthen measures to ensure accountability.

These discussion notes have been prepared to inform the discourse on designing a model framework for NAPs on VAW to guide governments and other stakeholders in the development, implementation, monitoring and evaluation of such action plans. The discussion notes highlight key features of the Uganda National Action Plan on the UN Security Council Resolutions 1325 and 1820 and the Goma Declaration¹. Additional highlights cover Uganda's National Action Plan on Women². These are presented in text boxes.

The notes are structured into nine thematic areas outlined by the UN Division for Advancement of Women (now part of UN Women) as guidance to experts at the planned meeting organised by UN DAW and ECLAC due to take place from 13th – 15th September 2010 in Port of Spain, Trinidad and Tobago.

2.0 Snapshots of Uganda NAP

This section presents snapshots of Uganda's NAP on UNSCR 1325, 1820 and Goma Declaration. The areas are: (i) Guiding principles; (ii) Development and adoption of National Action Plans (NAPs) on violence against women (VAW); (iii) Legislation; (iv) Criminal justice system; (v) Prevention; (vi) Protection, support, and assistance to victims/ survivors; (vii) Training and capacity-building; (viii) Collection of statistical data, research and analysis; (ix) Implementation, including funding and monitoring and evaluation. Good practices and lessons learned in area are also highlighted in the discussion note.

(i) Guiding principles

a) Goals and objectives

¹ The International Conference of the Great Lakes Region (ICGLR) issued The Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region in June 2008. ICGLR is a sub-regional body with 11 State Parties (Angola, Burundi, the Central African Republic, Congo, the Democratic Republic of Congo, Kenya, Rwanda, Sudan, Uganda, Tanzania and Zambia) adopted the Pact on Peace, Stability and Development, with a specific Protocol on the Prevention and Suppression of Sexual Violence against Women and Children; and a model legislation on suppression of sexual violence against women and children

² The National Action Plan on Women (NAPW) was first developed in 1999 following the adoption of the 1995 Beijing Platform for Action (BPfA). It was revised in 2007. It defines Uganda's priorities in pursuing the outcomes of the BPfA.

- The overall goal of the Action Plan is to ensure the protection of women and girls from gender-based violence, particularly rape and other forms of sexual abuse and guarantee increased representation and participation of women at all levels of decision-making in conflict resolution and peace processes

Strategic Objectives

- Improved legal and policy environment in relation to enacting laws and policy making on GBV
- Improved performance of the different actors involved in combating GBV
- Increase access to appropriate health and psychosocial services for victims of SGBV and increased collaboration, linkages and joint initiatives among the various actors responding to SGBV health related issues
- Increase Women's Visibility, Representation and Participation in Leadership and Decision-Making in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict
- Build community and institutional capacity to ensure the prevention of GBV in society
- Increased financing to all sectors for implementation

The National Action Plan on Women (NAPW)

The goal of the NAPW is to achieve equal opportunities for all women in Uganda by empowering them to be active participants and beneficiaries of the social, economic and political developments in Uganda

Strategic Objectives on VAW priority area

- *Influence change in attitudes and practices that affect the well-being and dignity of women*
- *Build community and institutional capacity to handle all forms of violence against women and girl children*
- *Support the involvement of women and girl children in peace building and conflict resolution processes*

b) Focus areas and targets

- The NAP is a broad framework- highlights five priority areas of action with a 'roll-call' of possible actions.
- It is not prescriptive but rather a guide from which sectors should identify actions to integrate within their mainstream programme documents.
- Compliments National Development policy frameworks. Acts as a planning tool/ reference source for sectors.
- Not directly implemented, but through Sector Wide Approaches (SWAp processes).
- Thus no inbuilt performance targets- but rather target groups and duty bearers.
- Five identified priority areas- Legal and Policy Framework; Access to health and psycho-social services for GBV victims; Women in Leadership and Decision Making; Prevention of GBV in society; and Budgetary allocations for the NAP

c) Values and principles outlined in the NAP.

- No specific mention of values and principles. However, conditions for successful implementation of the NAP are outlined. These are:
- MDAs to take responsibility for budgets under NAP interventions within their areas of mandate
- Appropriate political will
- Strengthened coordination of actors and interventions
- Appropriate capacity for implementation
- Effective and systematic M&E

d) International standards

- NAP highlights international as well as regional standards and frameworks.
- International: UDHR, CEDAW, BPfA, Rome Statute, DEVAW, CRC, the Palermo Protocol (2000), etc.
- Regional: Maputo Protocol (2003), EAC Treaty (2000), IGAD Gender Policy and Strategy (2004), AU Solemn Declaration on Gender Equality (2004) etc

e) Linkage between NAP and broader gender policy/ gender machinery

- NAP does not exist in a vacuum. It is built on the foundation of earlier national policy frameworks on gender equality and women's empowerment.
- It highlights the Uganda Gender Policy, National Action Plan on Women, and the Poverty Eradication Action Plan among others.
- The national women's/ gender machinery (MGLSD) spearheaded development of the NAP

f) Consistency of legal and policy frameworks that promote women's rights and elimination of violence against women

- The NAP seeks to establish a just and fair legislative environment, guaranteed under Article 21 of the Constitution (equality before the law and equal protection by the law; principle of non-discrimination).
- NAP also seeks to ensure that national laws reflect the spirit of SCR1325&1820 e.g. one strategic action under legal and policy framework is: Enact and where necessary amend laws to conform to the UNSCR 1325 & 1820 and Goma Declaration and protect women from gender-based violence and domesticate the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children by reforming the Penal Code to provide stiff punishment for crimes related to GBV

The planned interventions under NAPW and those under NAP on SCR 1325 & 1820 are not mutually exclusive but rather complimentary. The fundamental difference between the two NAPs however is that the NAPW is aligned to the BPfA priority areas of action under which VAW is one aspect. The NAPW has five priority areas of action viz- Legal, Policy Framework and Leadership; Social and Economic Empowerment of women; Reproductive Health, Rights and Responsibilities; The Girl Child and Education; Peace Building, Conflict Resolution and Freedom from Violence

- NAP outlines specific items for the legislative reform agenda: Domestic Violence Act, Sexual Offences Bill, Marriage and Divorce Bill, Administration of Muslim Personal Law Bill, Trafficking in Persons Bill, Penal Code Act Amendment, Amnesty Act amendment etc

g) Duration of the NAP

- Time-frame is not explicitly mentioned- but it is a 5 year framework in line with SWAP processes

h) Groups of women covered in the NAP and measures to address the needs of particular groups of women

- NAP is all inclusive. Specific targeting to be done at sectoral planning levels
- This calls for a strong follow up mechanisms to engage in the sectoral planning and budget process annually [data on target groups required to ‘convince’ sector decision makers on the need for special attention]
- However NAP identifies for special attention: children born out of rape; victims of sexual assaults, PWDs, refugees and ethnic minorities.
- Another special area of interest is women in the conflict affected northern region; a key entry-point for the NAP is the Peace Recovery and Development Plan for northern Uganda.

h) Good practices

- Integration and linkage of related international instruments under one unifying framework (SCR 1325, 1820 and Goma Declaration)
- Reference to other international standards consolidates the NAP and strengthens legitimacy
- Multi-sectoral responsibility with clearly defined roles and identified actors (government, civil society, private sector and development partners)
- Focus on GBV as a societal problem not just a peace and security challenge. Thus having interventions for both conflict and non-conflict settings (using conflict context as an opportunity to address broader societal problems such as GBV/ VAW)
- Inclusion of prevention, response and support interventions
- Clear identification of goals and medium term objectives as well as priority areas of action to guide sectors on what needs to be done provides an objective basis for tracking progress and measuring impact
- Adoption/ inclusion of NAP actions into NDP ensures multi sectoral accountability at the higher levels
- A clear and concise results matrix that identifies a total of 15 indicators for all 5 strategic objectives, to help monitor implementation

- By integrating NAP interventions into on-going programmes that focus on peace building, post conflict , humanitarian and development programmes in all sectors as opposed to stand-alone projects, the prospects of sustainability are increased

(ii) Development and adoption of National Action Plans (NAPs) on violence against women (VAW)

a) Process, timeframe, actors, consultations and dissemination of NAP

- The NAP builds on the existing gender policy and women's empowerment frameworks (UGP and NAPW)
- Uganda Demographic and Health Survey (2006) showed that VAW was a nation-wide problem.
- Various agencies (local and international NGOs) working in the humanitarian settings in Northern Uganda conducted research documenting the exposure of women and girls to GBV
- UNSC and ICGLR adopted instruments on ending sexual violence against women and girls in situations of conflict
- MGLSD identified the need to develop specific NAP and led the process
- Process included stakeholder consultations- central and local governments, ministries, parliamentarians, civil society (ARC, UWONET, IRC, FIDA-U, CEDOVIP etc), development partners (UNIFEM, UNFPA, UNHCR, Irish Aid etc). Several workshops and technical/advisory group meetings held. Advisory group constituted MGLSD, MoFA, UNFPA and Civil Society Representatives)
- The Donor Coordination Group on Gender reviewed the NAP and made comments
- Funding provided by UNFPA through the GOU-UNFPA Country Programme.
- NAP was developed, finalized and approved by Cabinet within twelve months
- Cabinet approved underscoring the principle of implementation through a Multi-sectoral Approach. Directed the Ministry of Foreign Affairs (has mandate over international treaties) to distribute copies of the NAP and communicate Cabinet's decision to all Ministries, departments and agencies
- MGLSD in collaboration with MoFA arranged dissemination workshops for various stakeholders/ duty bearers.
- The NAP is accessible on the web.
- NAP was launched during 16days of activism campaign, by the Chief Justice of Uganda, who pledged to institute reforms and ensure gender justice during the launch ceremony.
- Sectoral dissemination on-going. So far, Uganda People's Defense Forces has been covered
- Technical Assistance from UN agencies (UNIFEM and UNFPA) to further refine the M&E indicators

b) Good practices in the development and adoption of NAPs

- Strong partnerships between government (NWM/MGLSD), MoFA, civil society and development partners in the development and popularization of the NAP

- Technical Assistance provision by UN agencies, particularly on indicator formulation to ensure not only systematic tracking of progress and results, but also promote accountability ('what is not measured never gets done')
- NWM pro-activeness. Did not wait for MoFA to take action on developing the NAP
- Sensitization of civil society organizations on the instruments, obligations of the different actors under the instruments and the role of civil society organizations and monitoring implementation of the NAP
- Approval by Cabinet gives legitimacy of the NAP and improves prospects for resources mobilization

(iii) **Legislation**

- The Constitution prohibits VAW through explicit provisions on human rights of women (e.g. Art. 33 – all cultures, customs and traditions which undermine the welfare, dignity or interest of women are prohibited by the Constitution; Article 21 prohibits discrimination on the grounds of sex)
- The national objectives and directive principles of state policy in the Constitution commit government to promote gender balance and recognize the important role of women in society
- Although not specifically mentioned in a specific law, the NAP is implicitly mandated by national laws, especially the Constitution (guarantees affirmative action measures - Article 32; and commits the state to protect women and their rights, taking into account their unique status and natural maternal functions in society- Art. 33[3])
- Additionally there are various legislations that deal with VAW e.g. DVA, FGM/C Act, TIP Act, PCA etc
- The NAP includes enactment of new legislations as well as reforming existing laws in line with the constitutional principle of non-discrimination on grounds of sex.
- Given that the NAP is buttressed by efforts of various actors (government and non-governmental), this approach has yielded good results. Within less than two years of adopting the NAP, three prioritized Bills were enacted into law viz the TIP Act, the DVA and FGM/C Act
- MGLSD and Civil Society Organizations as well as the Donor Coordination Group on Gender monitor progress in this area
- The NAP includes M&E indicators for the different priority areas and interventions including legislation. The indicators have been refined through support from UNIFEM and UNFPA.
- However, no systematic evaluation has been done by government yet but CEWIGO recently assessed progress of implementation from a civil society perspective.

Good practices in NAPs in reference to legislation.

- Dealing with both legal and policy framework. Strong legislation is necessary but not a sufficient condition to end VAW. Supportive policies that address extra-legislative root causes and contributing factors are equally essential

- In-building strategies to increase access to justice in VAW cases e.g. focusing on enforcement mechanisms that are accessible to women (e.g. Magistrates Courts, LC Courts)
- NAP as entry point for addressing bottlenecks in the administration of law and access to medico legal services (e.g. PF3 discussions and need for stronger legal aid programmes for women and children heightened due to concerns highlighted in NAP)

(iv) Criminal justice system

a) Measures to strengthen the judicial system and actions to assist victims/survivors in reporting cases of VAW

- Training of actors in the criminal justice system (police, prosecutors, judiciary, lawyers etc) on VAW and the relevant instruments/ standards
- Strengthening systems for gathering and use of medical-legal (forensic) evidence
- Strengthening juvenile justice systems (equipping rehabilitation centers)
- The NAP includes community mobilization and sensitization as the main means of encouraging victims/survivors to report VAW

b) Investigations, prosecution, rights of survivors and sentencing

- The NAP includes training of actors in the criminal justice system (police, prosecutors, and the judiciary on good practices including survivor centered approaches as the main vehicle for improving investigations, prosecution and conviction
- Provision of free legal aid services for poor/ disadvantaged victims/survivors of VAW is included as a means to support victims/ survivors of VAW
- Provision of psycho-social support to victims of VAW
- NAP also includes recommendations for speedier conclusion of criminal matters, addressing bottlenecks in the delivery of police and justice systems and increasing conviction rates, all aimed at ending impunity for GBV

b) Good practices in NAPs in reference to the criminal justice system.

- Training actors in the criminal justice system in survivor centered approaches
- Provision of free legal aid services for poor/ disadvantaged victims/ survivors

(v) Prevention

- Prevention of GBV/VAW in society is one of the priority areas of focus under the NAP
- Special focus on women in post-conflict situations
- Working with the media is a prevention strategy under the NAP- including training media about VAW
- Targeting education curricula and working with both boys and girls is another prevention strategy
- Strengthening community capacity to prevent GBV/VAW
- NAP includes broad gender mainstreaming interventions targeting sector programmes to empower women and advance gender equality

- NAP also includes interventions to strengthen women's participation in leadership and decision making
- Provision of PEP and ECP to survivors of GBV/VAW (secondary prevention)
- Programmes to rehabilitate perpetrators of sexual violence and foster behavioral change (including psycho-social support and approaches suitable for child offenders)

Good practices in NAPs on prevention measures.

- Working with/ through the media
- Targeting boys/ young men
- Dealing with root causes through mainstream government programmes
- Inclusion of both primary and secondary prevention measures
- Behavior change interventions for perpetrators of VAW/GBV

(vi) Protection, support, and assistance to victims/survivors

- NAP includes introduction of a reparation fund and a Commission to support victims/survivors
- Improved access to health and psycho-social services is one of the priority areas under the NAP. Includes recruitment and deployment of health workers and equipping them with skills to comprehensively manage GBV
- Provision of PEP and ECP to survivors of GBV/VAW is a key element of the NAP
- Shelters and hot-lines are not explicitly mentioned in the NAP but there is scope for highlighting them under sector specific advocacy messages
- Special focus on abducted/rescued women, returnees and 'sex slaves' of combatants
- No specific protection orders within the NAP but these are provided for under the Domestic Violence Act

Good practices on measures to protect and support victims/survivors, included in the NAP

- Building on sub-regional mechanisms for better coordination of efforts and protection of victims/ survivors (The Great Lakes Region- consultative forum for security personnel)
- Proposes formation of a national committee on protection of women and girls
- Integration of HIV and RH perspectives within the NAP

(vii) Training and capacity-building

- The NAP emphasizes training of duty bearers in all sectors to be able to play their roles effectively in combating VAW
- NAP includes development of relevant gender training tools and guides for the duty bearers, to complement existing tools (avoid duplication). Review and improvement of existing tools is also included in the NAP
- NAP does not include creation of specialized Courts (due to feasibility of resources) but rather influencing and reforming institutional practices to ensure gender justice

Good practices in NAPS on measures for training and capacity building for public officials and other actors.

- Using existing materials/ resources for gender training
- Developing new tools/ materials to address gaps in existing ones
- Training is linked to improvement in performance with regard to preventing and responding to VAW in all relevant sectors especially police, judiciary and health

(viii) Collection of statistical data, research and analysis

- The NAP neither mentions specific surveys nor standardizes data collection tools
- Emphasizes disaggregation of data by sex
- Places responsibility on the National Bureau of Statistics for impact and outcome level indicators whereas process and output indicators are to be reported on by various sectors (duty bearers- including police, health, gender, judiciary, prisons national army, etc) through their service statistics and administrative records
- No specific benchmarks or timelines due to the approach through which the NAP is to be implemented.
- MGLSD takes leadership in ensuring that monitoring mechanisms for the NAP are complementary of government effort and do not establish parallel systems

Good practices in NAPs on measures for collection of data, research and analysis.

- Requirement for sex disaggregation of data
- Multi-sectoral responsibility for the collection of data to monitor the NAP

(ix) Implementation

- The NAP is a broad framework and not a directly implementable programme
- It is not costed. Overall timeframe is 5 years in line with SWAPs.
- Costing is through sector specific annual BFPs. This requires strong advocacy
- Activities under the NAP supported through project support (e.g. GOU-UNFPA Country Programme) and funding to CSOs e.g. CEWIGO particularly for monitoring
- Involvement of key duty bearers in formulating indicators and benchmarks is critical for ownership
- NAP does not include specific protocols to facilitate implementation. It is a framework to support advocacy efforts in influencing sectors to capture and integrate strategic actions in their sector plans and budgets
- Resource mobilization is one of the priority areas of the NAP
- The approach requires rigorous follow up mechanisms
- Tracking implementation requires working through entry-points in the SWAP process (sector working group meetings, annual budget process, sector review and m/e processes, public expenditure reviews)

- The role of civil society in monitoring is critical
- MGLSD and MoFA play a key role as government machineries in monitoring implementation of the plan. This role is supplemented by other government ministries, departments and agencies
- Role of regional and international organs (CGLR, EAC, UN SC) in monitoring implementation is critical
- Role of Parliament in monitoring of NAP is important
- Need for clear, relevant, efficient, accurate and measurable indicators. These should be based on obtainable data

Good practices

- Indicators of NAP integrated in M&E framework for the National Development Plan (work in progress)
- Review of indicators to make them 'monitored'. Through TA from UNIFEM and UNFPA, indicators have been reduced from over 400 (vague indicators) to 15 priority indicators (CREAM/SMART)
- Integrating data needs for the NAP into national surveys e.g. DHS and sector MIS
- Collaborating with CSO (CEWIGO) in establishing mechanisms for monitoring various programmes and projects contributing to NAP.

The National Action Plan on Women (NAPW)

Strategic Actions on M&E

1. Review and update existing monitoring tools and indicators to enable the MGLSD to systematically assess progress and impact of interventions of the various key actors.
2. Build the monitoring and evaluation capacities of the key actors involved in the implementation of NAPW.
3. Promote a culture of information sharing among the key actors on work done to achieve women's empowerment.

END