

DUTY BEARERS' ROLES AND RESPONSIBILITIES TOWARDS ACCESS TO JUSTICE FOR SURVIVORS OF VAW

LOCAL COUNCIL COURTS

Hear the matter >> Make an Order >> Refer to Police

In other instances, they can make the following orders for the victim:

- Caution to the perpetrator
- Apology to the victim
- Counsel the victim
- Reconciliation between the victim and the perpetrator



POLICE

The Child and Family Protection Units (CFPU) handle cases of domestic violence at the Police. Their roles revolve around:

- Record the statement(s)
- Investigate the case(s)
- Collect evidence (ensure victim(s) undergo medical examination and assistance)
- Inform victim(s) of options available within the judicial system
- Testify in court
- Advise/ Assist the victims identify safe shelters if available
- Community service
- Compensate the victim - **Fine not exceeding twenty-five currency points. In Uganda 1 currency point is equivalent to UGX: 20,000. (This means 25 x 20,000 = 500,000 as fine)**



MEDICAL PERSONNEL

- Offer medical assistance to victim(s)
- Inform victim(s) of options available in the judicial system
- Offer examination and treatment
- Document medical examination and treatment
- Testify in court in regards to the court where necessary



MAGISTRATES COURTS (Also known as family courts)

- Issue summons
- Hear and determine the case of Domestic Violence
- Issue protection order where necessary
- May impose punishment or fine
- Offer arbitration where necessary



PROBATION & WELFARE SOCIAL OFFICERS

- Where a complaint is made and a child is involved; take necessary action regarding the welfare of the Child in accordance with the provisions of the Children Act



DID YOU KNOW THAT:

- The Magistrate Court is the family and children court; it may determine matters of domestic violence whether or not it involves a child
- The consent of the victim shall not be a defense to a charge of domestic violence
- A victim or the representative of the victim may apply to a magistrate court for a protection order
- Courts shall treat all cases of violence as matter of urgency and shall hear the cases as soon as possible

ALTERNATIVE MEANS TO ACCESSING JUSTICE (INFORMAL REFERRALS)

CIVIL SOCIETY ORGANISATIONS

- Facilitate users to access the formal justice system through the provision of free or subsidized legal representation for the poor and indigent men, women and children.
- Educate the public about their rights, which is key to accessing justice.

Examples of such organisations include: the Association of Women Lawyers (FIDA-U), the Legal Aid Project of the Uganda Law Society (LAP), the Legal Aid Clinic (LAC) and the Public Defenders Association.

THE UGANDA HUMAN RIGHTS COMMISSION

- Investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right, including domestic violence
- Establish a continuing programme of research, education and information to enhance respect of human rights.
- Create and sustain within society the awareness of the provisions of the Ugandan constitution as the fundamental law of the people of Uganda.
- Educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation.

CENTRE FOR ARBITRATION AND DISPUTE RESOLUTION (CADRE)

- Present another avenue for accessing justice particularly in commercial disputes.
- Expedite access to justice by reducing delays incase civil cases take long in the formal system

Other informal referrals can be made to the following:

COMMUNITY/FAMILY ELDERS, RELIGIOUS AND CULTURAL LEADERS; AS WELL AS DISTRICT GENDER OFFICERS

These offer:

- Counsel
- Reconcile the victim and the perpetrator
- Give victim(s) options available within the judicial systems
- Avail themselves to testify in courts of law regarding the case where necessary

Note: Criminal cases related to sexual violence should be reported to the Police, Local Council or Magistrates courts and not handled through reconciliation.