



IJM

INTERNATIONAL JUSTICE MISSION

Justice Review

A Journal on
Protection and
Justice for the Poor

Justice Review: A Journal on Protection and Justice for the Poor

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Not all individuals pictured are actual victims; images taken with consent.

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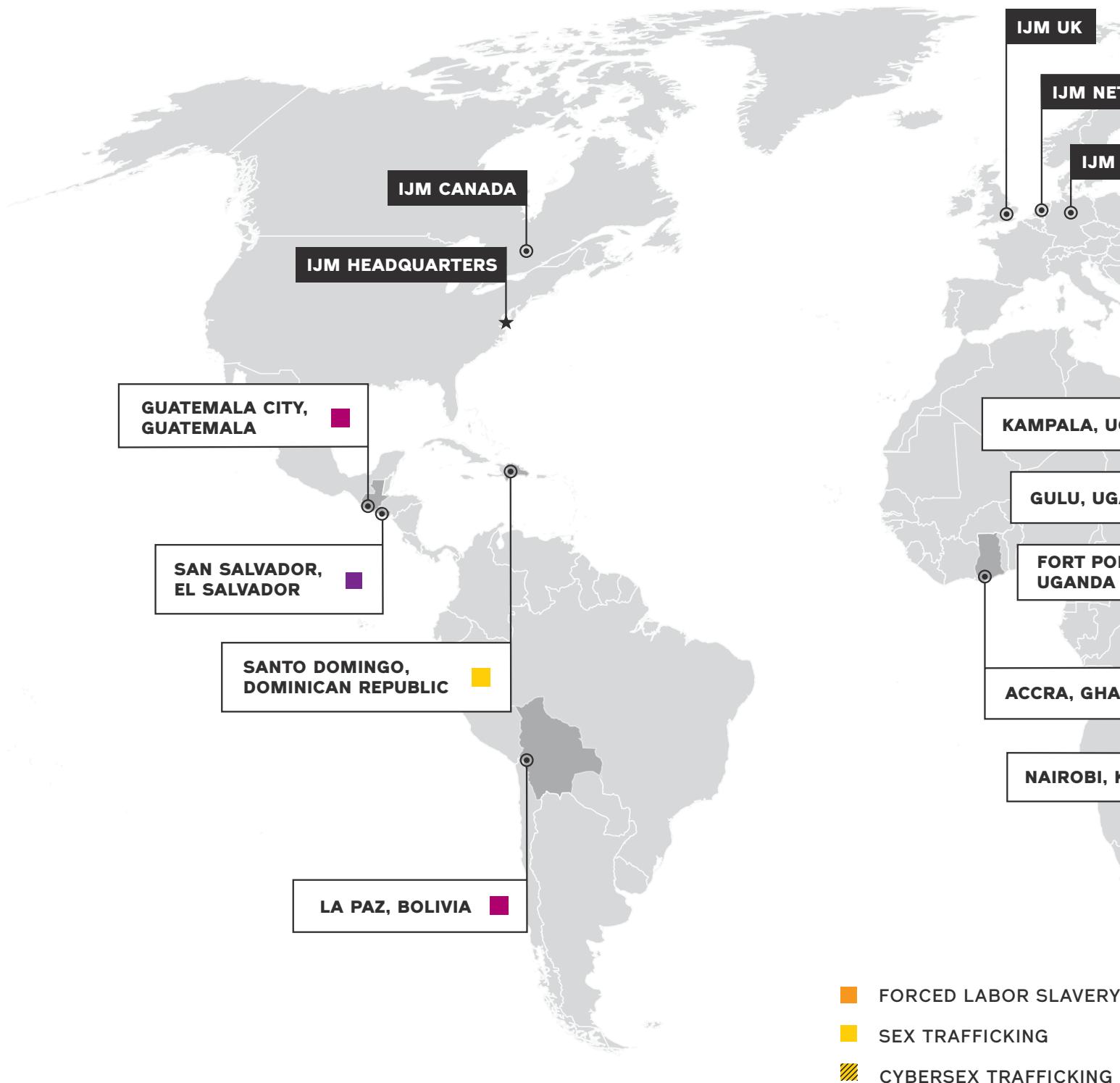
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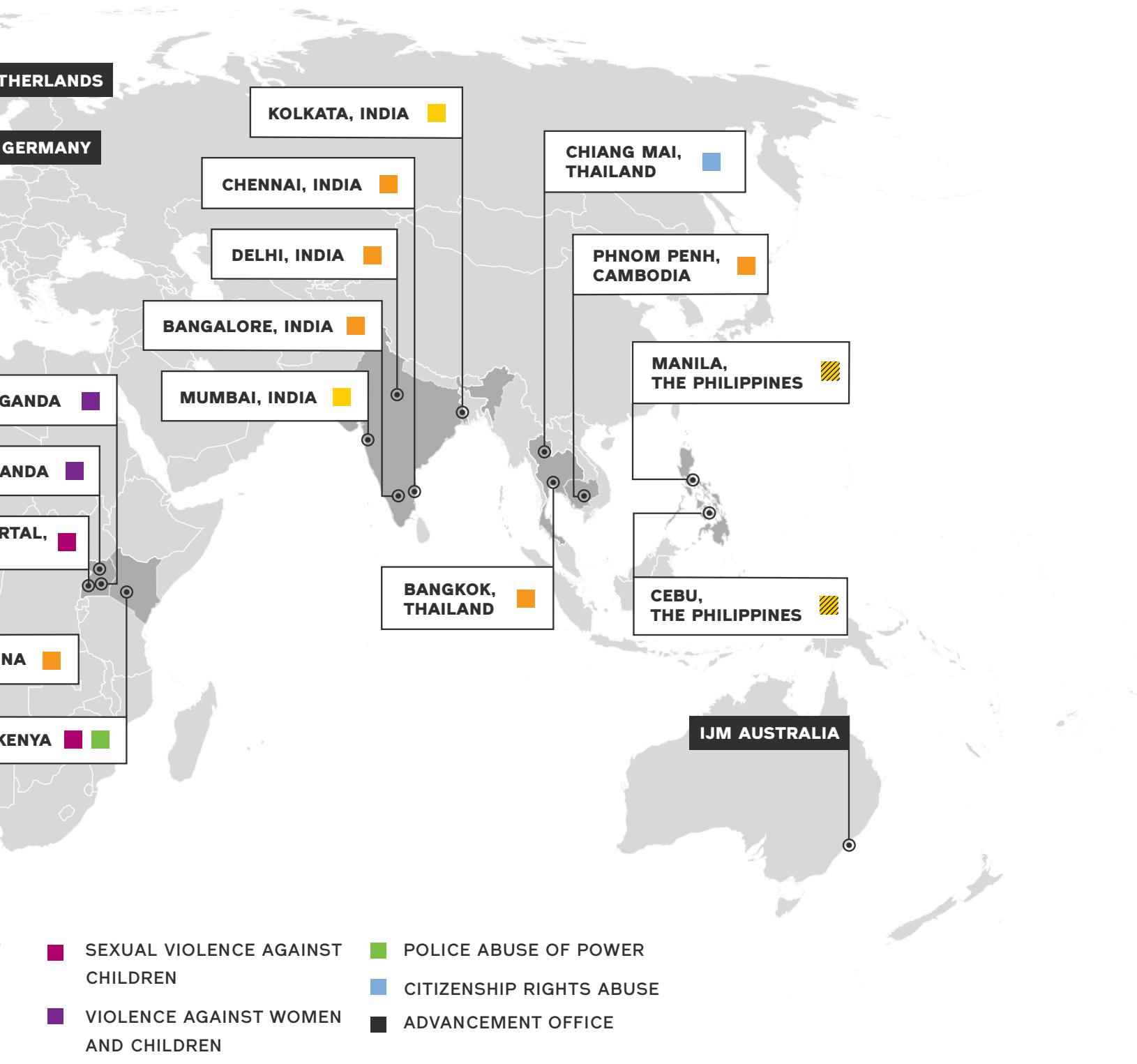
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PREFACE: LEARNINGS ON COMBATING VIOLENCE AGAINST WOMEN & CHILDREN

VIOLENCE AGAINST WOMEN AND GIRLS, long identified as a human rights issue, is now understood to be an impediment to international development as well; it undermines health, education and economic progress at the family, community and national levels. Significantly, the United Nations' Sustainable Development Goals, adopted in 2015 by their General Assembly, contain anti-violence targets, including Target 5.2 ("Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation") and Target 16.2 ("End abuse, exploitation, trafficking and all forms of violence against and torture of children").¹

Women and girls are subjected to many forms of violence, including forced marriage, genital cutting, and trafficking for sex and labor. Sexual assault and domestic abuse, including intimate partner violence, are ubiquitous. Global studies suggest that over 35% of women and girls experience sexual and physical violence in their lives,² and that over half of all children aged 2 to 17 years have experienced physical, sexual, or emotional violence or neglect in the past year.³ Many studies place the figure much higher in specific countries.

Physical and sexual violence contributes to girls dropping out of school, raises their likelihood of entering an early marriage, and greatly increases their exposure to HIV/AIDS. Violence against women in the home also has consequences for future generations; it normalizes the experience for girls and increases boys' likelihood of engaging in violence as adults.

There are individual, cultural and societal factors that affect the vulnerability of women and girls to abuse. Among the most important is the continued assumption that women and girls are inferior. That belief contributes to the near-total impunity enjoyed by men who abuse women and girls in many countries, even where well-crafted laws prohibiting assault and rape are on the books. Only a fraction of women and children who are abused ever report the crime to authorities, and even fewer attempt to secure assistance.⁴

U.N. agencies, national governments and NGOs are collaborating to document and measure global implementation of the anti-violence Sustainable Development Goals, and additional resources are becoming available to address this global epidemic of violence and suffering. More data is being gathered on crimes against women and children in civil society. Governments and international agencies are also sharing learnings about the roots of violence and how to address them.

For example, there is growing interest in confronting the cultural norms of violent masculinity and the perceived inferiority of women and girls. Community-based organizations such as Brazil's Promundo and Uganda's Raising Voices are demonstrating that firmly held beliefs can be changed, and a consensus has emerged that engaging men and boys directly on the issue of domestic violence is needed to make such shifts possible.

Simultaneously, governments are increasingly accountable to international expectations that laws prohibiting violence against women and children will be enacted and enforced. Over the past 30 years, most countries of the world have adopted some form of legislation criminalizing violence against women and children.

¹ <https://sustainabledevelopment.un.org/>

² WHO 2013

³ According to Hillis et al. (2016)

⁴ *Reporting and gender-based violence in developing countries.* Findings of the study demonstrate that the percentage of female gender-based violence survivors who report their experiences to any formal source (legal, medical or social services) is low (7% globally).

Global awareness of violence against women and children has increased and a body of standards, indicators and international goals has been developed to reduce violence. However, abuses against women and children remain pervasive and impunity for perpetrators of rape and violence continues to be normative. As a major World Bank study of gender-based violence noted, “[I]n many settings, law enforcement institutions are under-funded, inaccessible, incompetent or even corrupt, making it impossible for them to enforce criminal law more generally. Governments often fail to budget resources for implementing changes in law and policies. Police and judges are often unwilling or unable to enforce laws related to gender-based violence. And, in many settings, girls and women remain unaware of the law or face social and economic barriers that make it impossible for them to exercise their rights.”⁵

International Justice Mission (IJM), having assisted victims of gender-based violence for nearly two decades and collaborated with local authorities to prosecute perpetrators, is familiar with the challenges the World Bank study enumerated. IJM investigators, lawyers and social workers in Asia, Latin America and Africa assist police and prosecutors in hundreds of individual cases of rape, trafficking and property expropriation. This “collaborative casework” model provides a clear diagnosis of the impediments to women and children accessing the justice system, and of the frailty of criminal justice institutions.

But IJM’s work has also demonstrated that even justice systems with few resources can improve substantially. For example, IJM’s collaboration with the Guatemalan criminal justice system over the past 13 years has contributed to substantial changes in how the criminal justice system responds to cases of sexual violence against children.

When IJM first began representing Guatemalan child victims of rape in 2005, few law enforcement officials had experience in investigating and prosecuting such cases. Child victims were forced to repeat their testimony numerous times, and their experience in court was more likely to be re-traumatizing than healing.

However, today the situation is very different. A case review conducted by IJM revealed that officials employ trauma-informed, victim-friendly processes in almost 100% of child rape cases. There are 11 holistic care centers where women and child victims of sexual assault can report crimes and receive legal and health services. A designated unit of the Guatemalan National Police specializes in combating violence against women and children. Over the past four years, the number of arrests for child sexual assault has nearly tripled, and the number of convictions for the crime has quadrupled.

In Uganda, where IJM worked with the public justice system to address the violent seizure of property from widows and orphans, there has been substantial progress as well. Expropriation of widows’ property in Uganda (and most countries in sub-Saharan Africa) is common, notwithstanding laws granting inheritance rights to women. But the prevalence of the crime dropped by over 50% in IJM’s project area (Mukono County) after a four-year collaboration with local authorities to prosecute perpetrators and restore property to rightful owners.

This volume includes lessons learned in the field from IJM’s programs to combat violence against women and children, including research on the justice system’s capacity to address sexual violence against children in Bolivia; an endline prevalence study of property theft from widows in Uganda; and an endline review of child sexual assault cases in Guatemala. It also includes IJM’s learnings from its first collaboration with authorities to investigate and prosecute cases of intimate partner violence in Uganda.

⁵ “Preventing and responding to gender-based violence in middle and low-income countries: a global review and analysis.” World Bank Working Paper, 2005 <https://openknowledge.worldbank.org/bitstream/handle/10986/8210/wps3618.pdf?sequence=1&isAllowed=>

As national governments, international development institutions and civil society strive to make Sustainable Development Goal Targets 5.2 and 16.2 a reality, it is essential that there be sound data collection on the extent of violence against women and children, as well as on the capacity of justice systems to confront it. We have collected these recent IJM studies on several forms of violence against women and children in hopes of contributing to discussions among policy makers, international organizations and NGOs. A significant body of evidence is now emerging in support of our belief that functioning criminal justice systems are indispensable for the effective protection of women and children from violence. Our goal is to influence conversations about how laws prohibiting property theft, sexual assault and domestic violence can provide protection to vulnerable women and children. We also hope to help develop further protections by advocating for comprehensive services to victims, trauma-informed criminal justice processes, and deterrence of crimes through professional and predictable law enforcement.

We are eager to learn from the experiences of others and invite your feedback.

Sincerely,



A handwritten signature in black ink, appearing to read "Gary A. Haugen".

Gary A. Haugen
Founder and CEO
International Justice Mission



ADDRESSING VIOLENCE AGAINST CHILDREN

How International Justice Mission is working to solve a worldwide problem

INTERNATIONAL JUSTICE MISSION collaborates with local law enforcement to bring protection and justice to victims of violent abuse—including victims of sex trafficking, labor slavery and sexual assault—in 19 field offices located in Asia, Africa and Latin America.

In five of those offices, IJM's casework focus is sexual violence against children. Currently, IJM lawyers, investigators and social workers provide direct services to child victims of sexual assault in Uganda, Kenya, Thailand, Bolivia and Guatemala. In addition, IJM provided services to child sexual assault victims and assisted in prosecuting perpetrators of the crime

in Rwanda from 2007 to 2015 and in the Philippines from 2000 to 2016.

In its work to address sexual assault, IJM has served over 800 individual child victims by offering case management services and free legal assistance, and by securing trauma-informed psychosocial services for the survivors and their families. Simultaneously, IJM has assisted criminal justice officials in investigating and prosecuting suspected perpetrators, employing a “collaborative casework” approach. In this model, IJM experts assist local law enforcement officials on individual, real-time cases by providing them with tangible, hands-on support. IJM has assisted

in the prosecution and conviction of 585 perpetrators of child sexual assault in Asia, Africa and Latin America.

IJM’s collaborative casework model contributes to capacity development for local criminal justice authorities and brings relief and protection to individual child victims of sexual assault. In addition, collaboratively working cases through every stage of the judicial process provides a diagnosis of gaps and blockages in the criminal justice system. Once those weaknesses come to light, IJM and its local government partners begin to implement strategies to address them.



Sexual Violence Against Children in Guatemala

// An endline study on the criminal justice
system's response

GUATEMALA SUFFERS ONE OF THE HIGHEST RATES of violence in the world, and historically, its institutions have had a low level of effectiveness, particularly in the justice sector. Impunity has been common, and as a result, perpetrators remain at large and the majority of victims of violence do not obtain justice or protection from revictimization. Sexual violence against children is common; in 2018, of the 9,867 total reported cases of sexual violence, 6,443 were against children (65.3%).

Moreover, the crime is substantially under-reported. According to the National Report on Sexual Violence by the Guatemalan government's Secretariat Against Sexual Violence, Exploitation and Human Trafficking, for every reported complaint there are at least five that are unreported.

Notwithstanding major challenges within the justice system, Guatemala has made significant progress in addressing sexual violence against children in recent years. The government has adopted victim-friendly, trauma-informed processes for prosecuting cases of violence against children; has designated and deployed specialized prosecutors and police units for cases of gender-based violence; and has created holistic treatment (aka “one stop centers”) to receive reports from and provide services to adult and child victims. These reforms have contributed to a marked increase in reports of sexual assault of children, which signifies increased public trust in judicial institutions, and have led to larger numbers of arrests, prosecutions and convictions.

IJM'S WORK IN GUATEMALA

To address sexual violence against children in Guatemala, International Justice Mission established a project in 2005 that uses IJM's model of collaborating with local justice systems to assist victims of violence. The first phase of the project commenced with collaborative casework, in which IJM partnered with Guatemalan authorities on individual cases of sexual violence against children. IJM's multidisciplinary team of lawyers, investigators and aftercare providers collaborated with public justice officials to protect victims from situations of ongoing violence, to prosecute perpetrators of those crimes, and to rehabilitate survivors through a holistic set of services designed to support their physical and emotional healing, empowerment, and independent sustainable living. From 2005 to 2017, IJM provided rescue and relief to 299 child victims of sexual violence as well as their families and helped 226 survivors reach restoration to safety and well-being. In partnership with the Public Ministry (Guatemala's prosecution service) and the National Police, 278 individuals were arrested and accused, contributing to the achievement of convictions against 275 individuals in the project area.

In 2011, IJM added an additional team of subject-matter experts who, in close partnership with officials in Guatemala's public justice system, implemented several focused interventions and capacity-building activities aimed at increasing the capacity of public prosecutors and judges to prosecute and hear cases of sexual violence against children while also treating victims and their families in a sensitive manner.

BASELINE AND ENDLINE STUDIES

From 2012 to 2013, IJM conducted a baseline study of the performance of the Guatemalan criminal justice system with regard to cases of sexual violence against children and found that high numbers of victims and their cases did not receive adequate attention. While continuing its work with prosecutors and judges, IJM shifted attention and resources to the investigative stage of the case process, providing training and mentorship to the National Police and its specialized divisions and units; conducting targeted advocacy for the implementation of relevant legislation and policies; and increasing resources for the governmental response to sexual violence.

To measure changes within the performance of Guatemala's criminal justice system over the years of the program, IJM established indicators to identify the baseline performance in 2012 (the previously mentioned baseline study); performance monitoring indicators throughout the life of the system reform project; and a study to determine endline performance of the same system



in 2017. During the baseline study, IJM worked with the Public Ministry to obtain administrative data on cases of sexual violence against children that were filed between 2008 and 2012. IJM also collected information included in documents from 182 concluded cases filed from 2008 to 2010 in the provinces of Guatemala, Quetzaltenango and Alta Verapaz. Additionally, the organization interviewed key stakeholders about their perceptions of the criminal justice system's response to cases of sexual violence against children filed in those three provinces. The primary objective of this endline study was to replicate the methodology from the baseline study in order to compare key data points concerning the criminal justice system's performance. In making this comparison, IJM sought to determine if the justice system had changed both in how it processed cases of sexual violence against children and in how it treated victims and their families throughout that process. The data from this study could also be used to identify areas of the criminal justice system's performance that present opportunities for improvement.

For the endline study, IJM worked with the Public Ministry to obtain administrative data on cases of sexual violence against children that were filed from 2013 to 2017; collected information from a sample of 158 active cases filed from July 2016 to June 2017 in the same three provinces; and spoke with key stakeholders about their perceptions of the criminal justice system's response to cases of sexual violence against children in those provinces.

ENDLINE STUDY EXECUTIVE SUMMARY

This study analyzes the performance of Guatemala's criminal justice system in cases of sexual violence against children and, where appropriate, makes a comparison between baseline (2008-2012) and endline (2013-2017) study findings. The main goal of this study was to understand how the criminal justice system's performance has changed over the last five years, to acknowledge where improvements have been made and to support the system's efforts to improve its response to cases of sexual violence against children.

This study uses database reports from the Public Ministry's information control system (Sistema Informático del Control de la Investigación del Ministerio Público, or SICOMP) from 2013 to 2017. These reports include information about complaints filed, indictments, sentences, pretrial testimonies, victims and the status of cases at the national level. The study used this data to assess how the criminal justice system functioned when prosecuting cases of sexual violence against children between July 2016 and June 2017, looking at a sample of 158 cases currently in the trial process from the provinces of Quetzaltenango, Guatemala and Alta Verapaz. These provinces were studied in the baseline and are the three provinces within IJM's project area.

In addition to the quantitative data provided by SICOMP and current case files, 58 key informants were interviewed. These informants included representatives from non-governmental, community-based organizations and officials from the criminal justice system who intervene in cases of sexual violence against children. The interviews captured their perspectives on performance and coordination within the criminal justice system as well as their level of confidence in it. Additionally, the interviews captured both their thoughts on the treatment of victims of sexual violence and their perception of the crime's prevalence.

SUMMARY OF FINDINGS

The findings from the mixed-methods approach to the study demonstrate that over the last five years, there have been significant changes both in the Guatemalan criminal justice system's response to cases of sexual violence against children and in the public's perception of the justice system and victim reporting.

- The study found that victims filed more complaints of sexual violence to the criminal justice system compared with the previous five years. There was a 136% increase in the number of complaints about sexual violence against children filed when comparing baseline to endline. Many key informants attributed increased reporting to a more prevalent reporting culture and to more available information for victims and their families. Despite increased

reporting, criminal justice system officials and NGO stakeholders perceived that victims and other criminal justice system users have a mixed level of trust in the system, dependent on the specific case and government institution.

- The criminal justice system substantially increased its use of victim-sensitive practices when gathering victim testimony. Whereas the use of victim-friendly spaces for gathering victims' testimonies was uncommon at baseline (30% of cases), it became nearly universal at endline (98% of cases). The greatest improvement was seen in the use of "Gesell Chambers" (designated, trauma-informed facilities for victims to provide testimony outside the courtroom) which was non-existent (0% of cases) at baseline but commonplace (77% of cases) at endline.
- At endline, prosecutors requested the use of pretrial testimony (which spares the child victim from testifying in court in the presence of the alleged perpetrator) in 2.7 times more cases (23% of cases at baseline vs. 85% of cases at endline), and judges accepted that request in 4.7 times more cases (14% of cases at baseline vs. 80% of cases at endline). Because of this, minor victims testified in court in far fewer cases at endline (14% of cases) than at baseline (68% of cases). Key informants also reported that criminal justice system officials are now more aware of and sensitive to the unique needs of victims. However, there is still room for improvement in the use of victim-centered approaches, especially when it comes to the number of times victims are asked to share their testimony, whom they are asked to share it with, and the way victims and their families are protected during the legal process.
- Nationally, there was a large increase in the number of arrests being made in cases of sexual violence against children (1,068 at baseline vs. 2,900 at endline). However, a higher percentage of cases stalled out in the investigation phase (69.1% at baseline vs. 77.5% at endline).
- The volume of indictments increased by 157% (1,560 at baseline vs. 4,002 at endline), but because there was also a rise in victim reporting, this represented only a moderate increase in the percent of complaints reaching indictment (9.8% at baseline vs. 10.8% at endline).
- Similarly, the number of cases reaching verdict nearly tripled during the project period (980 cases at baseline vs. 2,912 cases at endline), but the percentage of complaints reaching verdict increased only moderately between baseline (6.3%) and endline (7.5%).
- The criminal justice system has improved the quality of investigations and prosecutions of sexual violence against children. At endline, 80% of indictments fulfilled all the requirements of the article of Guatemalan criminal code that outlines prosecution for these types of crimes (compared with 28% at baseline). Even though many justice system officials still see areas for improvement, the majority stated that they think the quality of investigations and prosecutions has improved in the last five years and that they trust agents from the specialized criminal investigation department known as Departamento de Delitos Sexuales (DIDS) to adequately investigate cases of sexual violence against children.
- For cases of violence against children in IJM's project area, there was minimal change in the median time to arrest between baseline (74 days) and endline (83 days). However, the median time from complaint to verdict increased by more than seven months. Key informants reported that backlogs inherited by the specialized courts were the primary reason for case delays.
- Further, the majority (71%) of key informants perceived that prevalence of sexual violence against children has either remained the same or increased over the last five years. Of the Public Ministry/DIDS informants, 87% thought coordination between the two institutions has improved, and the overall level of trust these informants feel in the criminal justice system has increased.

- Additional research is needed to understand what caused the observed changes in the Guatemalan criminal justice system's response to cases of sexual violence against children, as well as if or how the changes in the that system affected the crime's prevalence. Most key informants reported believing that the prevalence of sexual violence against children had remained the same or increased, but many conflated reporting with prevalence; since this is a hidden crime, no one knows for sure how common it is.

CONCLUSION

This study finds that the Guatemalan criminal justice system's response to cases of sexual violence against children has improved in many ways over the last five years, but that there are still some critical issues that need to be addressed. There was a 136% increase in the number of complaints concerning sexual violence against children that were filed between baseline and endline, and many key informants attributed this increase to improved access to information on how and what crimes to report, as well as to a culture that was more conducive to reporting. However, the majority of key informants also perceived that the prevalence of sexual violence against children has either remained the same or increased, and that this could have also led to the higher rate of reporting. Additionally, despite increased reporting, criminal justice system officials and NGO stakeholders perceived that victims and other criminal justice system users have mixed levels of trust in the system, dependent on the specific case and government institution.

Examining criminal justice system casework, there were some substantial gains in the total volume of cases being advanced through the system (arrests made, indictments filed and verdicts rendered). However, because reporting also increased, there was little change in the percentage of cases reaching arrests, indictments or verdicts. There was also minimal change in the speed at which cases progress. Key informants reported that backlogs inherited by the specialized courts were the primary reason for case delays.

However, the increased use of victim-sensitive approaches when taking victim statements and testimony protected many survivors from the stress of giving testimony in court. At the same time, the quality of investigations and prosecutions improved, and a higher number of cases ended in conviction of the perpetrator. Key informants felt that specialization of the police, prosecution and courts contributed strongly to these positive outcomes. Coordination and trust between criminal justice system actors also improved substantially during the project period. There was still room for improvement in the use of victim-centered approaches, regarding the number of times victims are asked to share their testimony, whom they are asked to share it with, and the way victims and their families are protected during the legal process.

Overall, this study finds that great strides have been made to improve the Guatemalan criminal justice system's response to cases of sexual violence over the last five years, but that there are still steps to be taken to improve the system's functioning.

In 2018, IJM contracted an independent, external evaluation of its program to combat sexual violence against children and adolescents in Guatemala for the period from 2005 through 2017. The evaluation was conducted by the Rome-based firm A.R.S. Progretti S.P.A. The full report may be found at <https://www.ijm.org/studies/>. The external evaluators concluded that IJM was able to make significant contributions to reducing impunity for crimes of sexual violence against children and adolescents. They cited improved criminal investigations by the police sexual assault unit and an increase in arrests and convictions of perpetrators. Evaluators made extensive recommendations for improvements in the program.



Property Grabbing as a Form of Violence Against Women in Uganda

// An endline study on prevalence and associated public justice system performance

At the outset of its project in 2012, IJM conducted a baseline household survey among widows in Mukono County, Uganda. The survey revealed that nearly one in three widows is a victim of property grabbing in her lifetime.

LAND THEFT (often referred to as “property grabbing”) is characterized by physical force, forgery, fraud, threats, intimidation, destruction, acts of violence and/or pressure from the local community. In Uganda, property grabbing from widows is widespread, as it is in many countries. Notwithstanding Ugandan law, which assures widows the right to inherit, it is very common for widows and their dependents to be removed from their property or homestead, or deprived of access to it. Prevailing gender norms favor adult men; accordingly, it is common for relatives, neighbors and persons of authority to seize the property that belonged to the deceased, even if the widow co-owned that property with her husband.

IJM'S WORK IN UGANDA

IJM started assisting Ugandan widows whose land had been taken in 2008, when the organization created a mentorship program for duty bearers on cases of property grabbing. These duty bearers included Local Council leaders, community leaders, police, prosecutors and judicial officers. Over the course of our work in Mukono County (a rural county outside of Kampala) from 2004-2018, IJM helped restore more than 1,200 widows, orphans and their family members to their land; trained more than 10,000 police, judges, officials, church leaders and other community members on property grabbing; and contributed to the arrest of more than 100 suspects for land theft-related offenses.

From 2012 to 2017, IJM collaborated with its criminal justice sector partners to develop and implement a comprehensive project to combat violent property grabbing from widows and orphans in Mukono County. The program focused on conducting collaborative (mentorship) casework with public justice system actors (police, prosecutors and judiciary); offering training and technical assistance; and leveraging the results of casework to address the cultural norms that support property grabbing in communities.

IJM also collaborates with the justice system and provides services to victims of property grabbing in Gulu, Amuru, and Omoro Districts in northern Uganda, and assists child victims of sexual assault in Kabarole and Kamwenge Districts in western Uganda.

BASELINE AND ENDLINE PREVALENCE STUDIES

To better understand changes over the life of its program, IJM conducted baseline and endline research to measure the prevalence of property grabbing and the effectiveness of the public justice system in addressing the crime. At the outset of its project in 2012, IJM conducted a baseline household survey among widows in Mukono County, Uganda. The survey revealed that nearly one in three widows is a victim of property grabbing in her lifetime. The endline survey was repeated in 2017. In addition, the research team reviewed police and court case files relating to property grabbing both at the start and at the end of the program, and conducted focus groups and key informant interviews with program stakeholders.

The following are highlights from the endline study results and include direct comparisons between the baseline and endline studies.¹

Three data collection methods achieved the studies' purpose and objectives:

- A county-wide household survey to determine the prevalence of property grabbing. The survey included widows in all the villages within half of the randomly selected parishes in all sub-counties of Mukono County. At baseline, the sample was 1,806 widows and at endline, 2,018 widows.
- A case file review, conducted with property-grabbing cases closed between the years of 2010 and 2012 for the baseline and between 2010 and 2017 for the endline. In total, 68 criminal case files of property grabbing-related offenses were reviewed at baseline; 156 case files were reviewed at endline. At baseline, 119 administration cause case files (in which applicants filed to administer a deceased person's estate) were reviewed; 96 were reviewed at endline.

- Focus Group Discussions and Key Informant Interviews were conducted with women and men in the targeted communities, as well as with local leaders and justice system officials.

SUMMARY OF FINDINGS

- Compared to the 2012-2013 baseline study, the 2017 endline study revealed a significant decrease (nearly 50%) in the prevalence of property grabbing in IJM's project area. (Both studies measured the experience of widows in the previous two years.) Additionally, the study revealed that the number of unsuccessful attempts of property grabbing had also reduced by over 50% from baseline to endline (again, measuring the experience of widows in the previous two years).
- Violent property grabbing was reduced by 37%. Non-violent forms of property grabbing (documentation fraud and intermeddling in estate administration) displaced more violent acts of property grabbing (charges of threatening violence, murder, arson, malicious damage, injury to an animal, etc.).
- Police knowledge of property grabbing-related offenses improved during the program, measured by an increase in properly framed property grabbing-related charges, greater accuracy in charging and increases in documentation needed for a case to be ultimately successful.
- Court performance had an overall positive trend of improvement. The number of property-grabbing criminal cases which reached final judgment increased by 30%, and the number of convictions (rather than failed cases of property grabbing—e.g., cases withdrawn by the prosecution or acquittals) increased from the baseline study, which found no convictions in the project area.
- An overwhelming majority of convictions captured in the endline study included jail time for criminal offenses. Further, the organization of case files had greatly improved from baseline to endline.
- The court file review revealed outstanding challenges. *Criminal* property-grabbing cases (as opposed to administrative cause-property grabbing cases) are still mediated by inappropriate parties (e.g., family members or local leaders) instead of legally recognized duty bearers. Police or other duty bearers discontinue investigations due to the complainant's "lack of follow-up," indicating that some of the burden of the investigation of these cases is still (wrongly) the victim's responsibility. Further, there were low levels of key documentation in some case files, indicating resource limitations, gaps in knowledge and a lack of will. All this suggests the need for a national training curriculum, especially as police officers were frequently transferred out of the project area. In addition, police sometimes still view criminal property grabbing as a "family matter" to be mediated at home, where widows and orphans are at a disadvantage due to social norm pressures.
- The criminal justice system's performance in actual reported cases of property grabbing was mixed. Overall, the process of locating the files for review improved from baseline to endline, indicating an improvement in organization and file system structure. Nearly three-quarters of the files were in the judiciary's Computerized Case Administration System, up from a little more than one-third in the baseline. A well-organized filing system with oversight and accountability measures is an important factor that may contribute to decreases in court delays, adjournments and opportunities for corruption.
- On the other hand, key case progression rates seem to have elongated, and officials continue to push for civil remedies over criminal charges.

Compared to the 2012-2013 baseline study, the 2017 endline study revealed a significant decrease (nearly 50%) in the prevalence of property grabbing in IJM's project area. (Both studies measured the experience of widows in the previous two years.)

- There was general improvement in the perceptions of and confidence in the police trained in property grabbing-related crimes. Community members, widows, other justice officials and police themselves pointed to challenges around finding resources for proper investigations, which continue to inhibit reporting, trust and case progress. Trained police officers now have greater knowledge and confidence in their ability to respond to property grabbing. Further, they reported a changed view of property grabbing from being familial to criminal in nature.
- There was a statistically significant increase from baseline to endline studies in widows' stated intention to seek help on inheritance or property-grabbing issues from authorities in the formal justice system over the informal system.² Almost no widows stated an intention to report to police previously, but at the endline, this stated intention significantly increased to 21%. Among victims of property grabbing in the last two years, 32.4% of widows reported the crime to an authority, with the majority reporting to their Local Council leader.
- There has been significant knowledge gain among widows surrounding the existence of laws on inheritance and women's right to land ownership. They now show an adequate understanding of their rights in their own relationships and of protective factors against property grabbing (such as formalizing marriage and writing wills). However, cultural and gender norms still prevail in widows' understanding of and experiences with inheritance practices.
- Community members have experienced the formal justice system as providing final, equitable and fair justice in property-grabbing cases. However, tensions between the customary and formal justice system exist due to persistent cultural norms and performance issues in the formal justice system. The majority of marriages are not formalized, and cohabiting relationships are not well protected under law. Thus, the majority of women remain vulnerable to property grabbing. The formal justice system remains inaccessible to many victims of property grabbing due to costs, corruption, lengthy case time frames and language barriers.

In 2018, IJM commissioned an independent, external evaluation of its Uganda program. The study was performed by an Amsterdam-based consultancy, Aidenvironment. A link to the full study can be found here: <https://www.ijm.org/studies>. Evaluators found that the program had a clear focus and theory of change, and that its activities and outputs were consistent with the intended outcomes and impact. They also found that the prevalence of property grabbing decreased in the project area as a result of IJM's work, but they raised concerns about the sustainability of the interventions and included a number of recommendations for future programming.

¹ Both studies can be found at <https://www.ijm.org/studies>.

² The informal justice system incorporates pathways to justice that do not include government-mandated duty bearers (e.g., investigations conducted by police, involvement of public prosecutors and formal courts, etc.). Such pathways could include cultural or tribal courts and councils, mediation by clan leaders, etc.



Intimate Partner Violence in Uganda

// Learnings from a pilot project in northern Uganda

Two-thirds
of women in
Northern Uganda
have experienced
intimate partner
violence in their
lifetimes.

INTRODUCTION

The United Nations estimates that 35% of women globally have experienced either intimate partner violence (IPV) or sexual violence by a non-partner; in some countries, up to 70% of women have experienced physical violence, sexual violence or both from an intimate partner in their lifetime.¹ International Justice Mission has worked to combat many forms of violence against vulnerable people, including sexual abuse of children, sex trafficking, labor trafficking, and forced labor of adults and children. IJM's approach to such casework is to collaborate with local justice authorities in countries across Asia, Latin America and Africa to investigate and prosecute individual cases of violence and to provide restoration services to survivors. However, IJM had not addressed IPV until implementing a pilot project in northern Uganda from January through December 2018. The project was designed to combat IPV within the Pece division of the Gulu municipality. IJM has worked in Gulu and the surrounding region since 2012 to combat land theft from widows and orphans, crimes that are rooted in the same gender inequalities as domestic violence against women.

IPV is a pandemic in Northern Uganda. In 2013, the Uganda Bureau of Statistics found that approximately 70% of women between the ages of 15 and 49 experience some form of violence by their spouse.² According to OECD's 2015 SIGI data, one in two women within Uganda have experienced spousal abuse; even higher prevalence rates were reported in Northern Uganda, with two-thirds of women experiencing intimate partner violence within their lifetime. This abuse is perpetuated, in part, by the social norms, beliefs and practices that encourage and validate IPV. A U.S. State Department survey found that 60% of men and 70% of women in Uganda condone "wife beating."⁴ The prevalence of this attitude is also supported by statistics published by the United Nations Children's Fund (UNICEF) in its 2008 report, which indicated that 77% of women aged 15 to 49 years feel that spousal violence is justified for a variety of reasons, such as if the woman burns food or refuses sexual relations.⁵ Similarly, a 2016 World Bank report found that social acceptance of domestic violence was highest in Uganda out of all African countries (77% acceptance); the study also found that acceptance and incidence of domestic violence were correlated.⁶ The Coalition Against Gender Violence conducted research indicating that wifebeating, in some ethnic groups, is symbolic for expressing commitment and instilling discipline.⁷

IJM's purpose in conducting the pilot project was to assess the nature, scale and forms of intimate partner violence in the Gulu area in order to ascertain whether IJM's approach to combating violence by collaborating with the justice system to protect victims and bring perpetrators to justice was applicable to IPV, and to contribute learnings from our clients and partners to others in the field.

The following is condensed from an internal IJM study of learnings from the IPV pilot project in northern Uganda.

PROJECT ACTIVITIES AND RESULTS

Two key areas of project activities were implemented throughout the duration of the pilot project—collaborative casework and community engagement.

Community Engagement

- IJM engaged community leaders both prior to the initiation of the pilot project and throughout the duration of the project. Prior to the project launch, IJM engaged key leaders in the Pece area of Gulu in order to learn about the frequency and forms of IPV reported in their community. IJM also sought to gather perspectives from those leaders about effective responses to IPV crimes, and to inform them about and gain their input on the organization's project plan. IJM's engagement with these leaders laid foundations for dialogue and trust. Throughout the duration of the project, IJM had frequent meetings with Local Council leaders, religious leaders, the Gulu mayor and other key community leaders with three main goals: to inform

them about the progress of the project, to build further collaboration toward referring IPV cases to police, and to engage the support of community leaders for survivors of IPV.

Collaborative Casework

- IJM also strategically engaged justice system officials, both prior to the launch of the project and throughout its implementation, to begin assessing gap areas in response to IPV cases, to offer training and expertise, and, where possible, to provide resources toward more effective, multi-disciplinary responses to IPV cases. IJM investigators worked closely with Local Council leaders and law enforcement officials to ensure referrals of cases to the appropriate response actors, to collaboratively support thorough investigations, to develop care plans for survivors and to facilitate the transfer of files to the Resident State Attorney for charging where appropriate. IJM investigators were not directly involved in evidence collection (whether scene-of-crime or testimonial evidence), but worked with police to build investigative strategy and skills to ensure sufficient evidence had been gathered and victims consulted before prosecutions were initiated. Through national agreements for partnership, IJM legal teams worked closely with the Resident State Attorney and the regional Department of Public Prosecutions to ensure that cases continued to move through the court system. IJM's aftercare team was the most directly involved in casework due to the lack of clear mandate of government agencies to provide social services to survivors of intimate partner violence. IJM's security team also had direct involvement with clients and duty bearers to conduct security assessments and to advise on how best to decrease risk.
- IJM's first case for the pilot project was received on March 28, 2018 and the final case was received on Dec. 4, 2018, for a total of 10 cases accepted. Of the 10 cases, four suspects were charged with Assault Occasioning Bodily Harm (Penal Code Act c/s 236) (one additional suspect will likely be charged with the same) and four suspects were charged with Doing Grievous Harm (Penal Code Act c/s 219). One case involved femicide, and though no arrest or formal charge has yet been made in this case, the likely charge will be murder (Penal Code Act c/s 188).

Violence is perpetuated by social norms, beliefs, and practices that encourage and validate intimate partner violence.

PROJECT RESULTS

INDICATORS	ACHIEVED	TARGET	% OF TARGET	NOTES
Number of Cases Accepted	10	10	100%	
Victim Relief	13	10	130%	8 adults, 5 children
Suspects Charged	8	8	100%	Arrest and charge in all but 2 cases
Perpetrators Convicted	2 ⁸	1	200%	Perpetrators pled guilty in 2 cases and were convicted
Perpetrators Restrained	7	5	140%	All restrained through remand; no custodial sentencing to date
Survivors Restored ⁹	0	0	--	Two survivors were near readiness for restoration by the end of project; will achieve restoration in Q1 2019

a b c d e f g h

apple

K

the boy

U



PROJECT LEARNINGS

Project learnings, as reflected below, were captured by IJM team members through two key methods:

1. **Online Data Entry:** At the start of the project, a learning framework was established (Appendix C), with a structure for capturing learnings and inputting them into an online database. A total of 175 learning entries were inputted into the database for analysis.
2. **Facilitated Learning Sessions:** Using the learning framework, team members engaged in a series of facilitated learning sessions during the week of Nov. 5-9, 2018, one month before the completion of the pilot project.

Intimate Partner Violence Manifestation in Gulu

The team gathered limited information related to the nature, scale and forms of IPV within the Gulu District, with the exception of the chart below of reported cases to the Gulu District's Child and Family Protection Unit (CFPU). It is widely recognized that reported cases represent only a small fraction of the actual daily instances of abuse.

GULU DISTRICT CFPU, 2018 DOMESTIC VIOLENCE CASES

MONTH	# OF REPORTED CASES
January	9
February	37
March	38
April	30
May	56
June	27
July	60
TOTAL	257

Anecdotally, Local Council leaders noted to the IJM team that they received an average of five to 10 reports of IPV each week, which was similarly affirmed by the Officer-in-Charge of the Aywee Police Post.

Criminal Justice System Response to Intimate Partner Violence

Prior to launching the pilot project, a key question about the feasibility of conducting casework was whether or not the criminal justice system would investigate and prosecute cases of IPV. In early preparatory meetings, Local Council leaders, police and prosecutors identified IPV crimes as “family matters” that need to be settled through mediation, advising that the goal of an IPV case should be to work toward reconciliation between the victim and her assailant. While these attitudes remained unchanged among some criminal justice system officials throughout the project, the team noted a shift in attitude among other key criminal justice system officials—Local Council leaders, police, prosecutors and judges or magistrates—who were responsive to the investigation and adjudication of IPV complaints.

Local council leaders and police are more likely to move forward with cases if the violence is grievous, the abuse recurrent and the victim is cooperative with filing a case.

Significant gaps in investigative skills undermine the likelihood of successful prosecution; key gaps include statement-taking, scene-of-crime evidence collection and forensic medical examination.

Receipt of Intimate Partner Violence Criminal Complaints:

The two justice system entities most likely to receive an IPV complaint are Local Council leaders and police. Both groups of officials tend to be more willing to move forward with cases if one or more of the following conditions is true: the violence is grievous, the abuse is recurrent, the victim is cooperative, the victim's family demands action or if the perpetrator has violated terms of previous mediation. Factors that may dissuade Local Council leaders and police from moving cases forward include bribery, the lack of victim or familial cooperation, offender promises of reform, first offenses and victim financial dependence on the accused. Cases involving families with children are typically referred for mediation in an effort to keep the family together.

Local Council leaders and police indicated their view that IPV survivors should have the choice of how to proceed with a case—whether through mediation or prosecution. This stance provided a point of alignment for IJM collaboration by affirming survivor self-determination, assisting IJM in urging officials to ensure that survivors know their options and feel empowered to choose either prosecution or mediation without pressure to choose the alternative. The stance also created an environment in which IJM could support officials in delivering professional and effective services to the survivor.

Criminal Investigations:

The team observed that once an IPV complaint is referred to the police, officers are typically motivated to move toward arrest, unless the victim indicates an unwillingness to continue her involvement and cooperation. However, significant gaps in investigative skills undermine the likelihood of successful prosecution. Key gaps in law enforcement capacity observed during the IPV pilot project include:

1. Statement-taking (victim/witness/suspect): IPV investigations are mostly, if not entirely, dependent on the testimonial evidence of victims, suspects and witnesses, but police lack skills in recording written statements with sufficient detail, do not clarify discrepancies of testimony and do not collect testimonial evidence in a trauma-informed manner.
2. Scene-of-crime evidence collection: Many crime scenes are either not examined in a timely matter or are not examined at all. Thus, investigating officers frequently conduct investigations without the contextual knowledge afforded by a crime scene examination. Fearing public aggression, police do not respond to the scenes of IPV crimes during hours of darkness, which significantly contributes to the loss or degradation of physical evidence.
3. Forensic medical examination: Forensic medical exams are a key source of physical evidence in IPV cases. However, police at times fail to provide victims with the proper forms; victims are not afforded priority treatment, are extorted for payment or both; and evidence is often not properly collected.

When insufficient evidence exists, the Resident State Attorney may send a case back to the police for further investigation, though this requires a proactive approach by that attorney.

Criminal Prosecution:

The team observed that many prosecutors, magistrates and judges prefer the mediation of IPV cases to adjudication in criminal court. This is attributed to the hesitancy of some prosecutors and judges to recognize IPV as a crime. However, others take a strong position in the informed choice of survivors in case proceedings, and if a survivor desires to move forward with the adjudication of cases, these officials are engaged and responsive. Key gaps in the prosecution of IPV cases included lack of sufficient preparation by the prosecutor; court hearings being cancelled or continued without prior notice, impacting the victim's willingness to remain engaged; and failure on the part of prosecutors or court officials to prepare victims for court or to treat them in a trauma-informed manner.

Criminal Accountability and Restraint:

Of the eight suspects arrested during the course of the pilot project, all but one suspect was

remanded and held in custody for a range of 10 days to six months (three suspects currently remain in remand). Two perpetrators were convicted of crimes under the Penal Code. In each of these convictions, the perpetrator pled guilty and was thus convicted and sentenced. Neither were given a custodial sentence; one was sentenced to two weeks of community service, and the second received a caution and was ordered to pay monthly financial support to the survivor.¹⁰ In both cases, the sentencing was agreeable to the survivor as an adequate sentence. The team noted, however, that the court did not fulfill its mandate to ensure that financial support is actually paid.

While the pilot project was too limited in scope to provide insight into the deterrent impacts on further perpetration of the crime, the team observed that the criminal accountability that occurred through arrest, remand and conviction (for the two cases in which conviction took place) have impacted the behaviors of the suspects involved in the cases. Several survivors reported that the attitude of their partners toward the acceptability of abuse had shifted and, for survivors who were still living with their partners, that no further abuse had been perpetrated to date.

Survivor Response to Intimate Partner Violence

As noted above, the criminal justice response to IPV crimes is heavily influenced by the survivor's decisions; whether or not she reports the crime, participates in the investigation or seeks criminal accountability for her abuser will influence a case's likelihood of moving forward. If the survivor drops the case at any point, the justice system often follows suit.

Survivor's view of abuse:

A key influencing factor in a survivor's decision-making is the view of what constitutes a "crime." Most survivors are unfamiliar with what the law considers to be criminally abusive, and social norms dictate that violence toward a spouse is normative. Survivors tend to view acts as abusive if a severe injury was incurred, whereas simple assaults of being hit, slapped or kicked are not viewed as abusive. Factors influencing a survivor's view of abuse include the survivor's level of education and socioeconomic status (those with higher education or wealth are more likely to view violent acts as abusive); exposure to training about domestic violence; and whether the survivor has social supports who view violent acts as abusive.

Decision to report abuse:

Each of the women served within the project had experienced violence at the hands of their partners (husband or cohabiting partner) throughout the duration of their relationships, so the team was interested in what factors motivated a survivor to report violence as a crime. Factors included escalation in the severity or frequency of violence, fear of death, and the withholding of economic support. Factors dissuading women from reporting a case included concern of loss of income from an abusive partner; community stigma regarding bringing a case forward; fear of further violence if the abuser was aware of the report; dissuasion by family members to file a report; and concern that reporting would incur a cost that the survivor or her family could not afford. Because the first report of abuse is typically made to Local Council leaders due to their proximity within the community, the decision of whether or not to move to case forward to a report to the police was influenced both by the sensitivity of the Local Council leader's response and whether the leader encouraged a police report or a mediation between the victim and abusive partner.

Decision to follow case through prosecution:

Throughout the course of a case investigation and legal proceedings, the team found that many survivors questioned whether to continue pursuing the case or to withdraw the complaint against the suspect and discontinue participation in case proceedings. Survivors' decisions to drop their cases were often influenced by pressure from family members to do so; stigma from the community regarding prosecution of one's partner; cost of pursuing criminal proceedings; lack of understanding of police or court processes; lack of knowledge concerning what options were available within the justice system; length of time for the case to move forward; or overt pressure

Factors influencing the decision to report violence included escalation in the frequency and severity of violence, fear of death, and the withholding of economic support.





Survivors chose to continue pursuing a criminal case if they had diminished economic reliance on their abusive partner and if a legal support person was available to accompany the survivor throughout the criminal justice process.

Local Council leaders are typically the first point of contact for complaints and are a key driver of whether or not a case moves forward to criminal investigation.

from justice system officials to withdraw the complaint. Conversely, survivors chose to continue pursuing a case if one or both of the following conditions was true: the survivors had diminished economic reliance on their abusive partners (usually through economic empowerment services or job placement) or a legal support person was available to accompany the survivor throughout the process.

Desired case outcomes:

For many survivors, the ultimate desire for the case was reconciliation with their abusive partner. However, most survivors expressed interest in having their partners detained for at least a short period of time, which was often viewed as a way of naming the abusive behaviors as wrong. While the hope for survivors was for abusive partners to change their behavior, the desired change of behavior was more frequently tied to economic support than to ending abusive behaviors. Additionally, for many survivors, the key concern was the wellbeing of their children. If financially reliant on the perpetrator, as most survivors are, protection from violence was viewed as a secondary concern to renewed financial support. Long prison sentences were thus viewed as counterproductive because they often resulted in a loss of the primary source of income. Therefore, survivors sought solutions that both kept them safe and maintained their economic provision.

Community Response to Intimate Partner Violence

Key within the survivor's motivation is also the community response to IPV. Pressure from family and community leaders to either move forward with a case or to drop it are critical to a survivor's engagement.

Community Leaders

Local Council leaders are typically the first point of contact for a complaint regarding IPV; accordingly, they are often a key driver of whether or not cases move forward to criminal investigation. In early engagements with community leaders, the team observed that the leaders were resistant to the idea of an IPV project with a criminal prosecution approach. This largely stemmed from the view of community leaders that IPV is a "family issue" and from the concern that pursuing criminal prosecution would separate families. Important discussions to gain alignment with local community leaders included educating leaders on both Uganda's Domestic Violence Act (passed in 2010) and on the basic dynamics of IPV. These discussions emphasized the survivor's choice in pursuing a criminal investigation. Additionally, they allowed IJM to learn from community leaders about their approach to supporting survivors of IPV who sought their help and about gaps that prevent those leaders from helping more fully. The discussions also addressed specific concerns of the leaders, such as how to create options for balance between mediation and prosecution.

Cultural Leaders

Chiefs in the Acholi clan have mostly encouraged their clan members to engage in mediation for the resolution of IPV complaints, as they believe that household matters are best settled within the family rather than within the justice system. However, traditional culture leaders have also indicated to the IJM team that they do not condone violence against women and that there is some openness to using the traditional means of responding to IPV cases in conjunction with justice processes, so this should be explored in future programming.

Religious Leaders

The team also engaged religious leaders throughout the course of the pilot project but has not yet received any referrals from religious leaders. Religious leaders have been resistant to the idea of engaging on issues of IPV and of referring cases to police. Stated concerns include beliefs that forgiveness should be given to perpetrators of violence and that criminal prosecution brings about separation and disrupts marriages, both of which are viewed as being antithetical

to church teachings. Despite these concerns, the team continues to view religious leaders as a key engagement partners if IPV programming continues in the future, as religious leaders have significant influence in the community.

Survivor Recovery

Throughout the duration of the project, the team assessed key aftercare services required to ensure that survivors were empowered toward recovery and safety within the community. IJM terms this empowerment as restoration. The team noted that survivors' key stated needs include economic empowerment and ensuring that daily living needs (e.g. food) are met for themselves and children. The aftercare team additionally assessed the critical need of legal empowerment services for survivors. Other key supports are noted below.

Critical Service Needs:

1. **Crisis intervention services:** One of the most crucial periods of support and service provision is immediately after the report of the crime has been made. During this period, survivors needed stabilization from emotional distress, assessment of emergency needs, medical treatment (for those with injuries) and assessment of risks to children.
2. **Safety planning:** By the time IJM was referred cases, most survivors were already in a safe place, such as with a relative or neighbors. Only two survivors needed identification of and placement within emergency safe shelter. IJM conducted a safety assessment for all survivors and supported survivors in the development of a personal safety plan for remaining in the community, engaging family members within the safety planning process. This was particularly pertinent for one survivor who decided to remain in her home (to which her abusive partner had access, as they had formerly cohabited). This survivor felt that she was most safe in her current environment and with the support of her neighbors and community. Though the Domestic Violence Act makes provision for the issuance of protection orders through the courts, the means for enforcement are limited, and thus protection orders are not commonly applied for or issued. However, this strategy should be further explored in future programming.
3. **Economic empowerment:** Economic empowerment is the highest stated priority of survivors. The team observed that most survivors were dependent on their abusive partner. While some had jobs before filing a complaint, most did not have a livable wage nor a financial safety net. Additionally, the majority of survivors served in the project were unskilled and illiterate, limiting the availability of employment options.
4. **Legal empowerment:** Legal empowerment services included providing awareness of basic rights, including what constitutes abuse and what the law says about domestic violence and the rights of victims. Services also covered accompaniment to court, as well as support in engagement with police and prosecutors. Having a key support person to walk through the justice system process alongside the survivor was also found to be a key need, as survivors receive pressure from many conflicting voices on how to proceed with their case, particularly pressure to withdraw their complaints, and are greatly empowered by having someone they feel they can trust to stand alongside them in the process.
5. **Social support:** Some survivors had strong family supports, but others had family members actively persuading them to withdraw their complaint of abuse. Some also experienced stigma in the community due to their decision to report the case to police. Survivors who were employed tended to have stronger support systems (one survivor had a small business in a market, while another received assistance from IJM in obtaining a job at a local business). Survivors tended to rely on IJM as a key source of emotional support.
6. **Trauma recovery:** IJM staff conducted basic trauma assessments, noting that trauma symptoms impacted the physical, emotional and mental wellbeing of survivors. For a few survivors, counseling services were provided through a contract counselor.
7. **Services for children:** Children of IPV survivors are directly impacted by the abuse themselves, whether because they have personally endured physical violence (while

Key service needs for survivors include crisis intervention, safety planning, economic and legal empowerment, social support, trauma recovery, and services for children.

defending their mother from abuse or from other direct violence by the perpetrator) or through the trauma incurred by witnessing the violence. Services to child survivors included healthcare, counselling and legal support where applicable.

The team utilized IJM's Assessment of Survivor Outcomes tool¹¹ for measuring the baseline needs as well as progress toward restoration. The team questioned whether it is possible for a survivor to both reconcile with her abusive partner and be restored to safety and wellbeing. The team believes that reduced risk to re-victimization is possible in the context of reconciliation if the following factors are in place: (1) both the perpetrator and survivor acknowledge the abuse as abuse, (2) the survivor is empowered to know her rights, and (3) the survivor has a plan for responding to unsafe situations. If a survivor returns to her abuser but neither the survivor nor perpetrator views the abuse as abuse, the survivor is deemed still vulnerable to re-victimization.

CONCLUSION

Intimate partner violence is so normative and pervasive globally, and justice systems are so poorly equipped to address it, that many in the human rights and development fields have all but ruled out the idea that perpetrators might be restrained, victims protected and the crime deterred through a criminal justice response. Though limited in scope, IJM's pilot project suggests that community leaders and law enforcement officials are willing and able to effectively respond to IPV as a matter of criminal justice. Survivors' economic dependence on abusive partners and the normative nature of IPV informed IJM clients' decisions in most cases to oppose a prison sentence and to stay with their partners. At the same time, survivors of IPV saw value in a justice system response that would discourage further abuse and encourage their partners to provide better support to their children.

¹ <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

² https://www.ubos.org/wp-content/uploads/publications/o4_2018Uganda_Facts_and_Figures_on_Gender_2013.pdf

³ OECD (2015), Uganda Social Institutions and Gender Index, <http://stats.oecd.org>.

⁴ UNICEF, Hidden in Plain Sight, 2014 https://www.unicef.org/publications/index_74865.html

⁵ UN Dec. 2007, 147; see also The New Vision 28 Sept. 2007

⁶ Similarly, the Development Assistance Committee for the Organization for Economic Cooperation and Development ranked Uganda 115th out of 152 countries based on measures of gender inequality.

⁷ <http://www.loc.gov/law/foreign-news/article/uganda-women-judges-voice-concern-over-domestic-violence>

⁸ In January and February 2019, three more perpetrators within pilot project cases were convicted of IPV crimes in the Gulu District Court.

⁹ IJM defines "restoration" as a survivor functioning in the community at low vulnerability to re-victimization, as measured by a holistic, validated measurement tool called the Assessment of Survivor Outcomes.

¹⁰ In January and February 2019, three additional perpetrators were convicted. Of these, two perpetrators received custodial sentences (one for six months, one for two years).

¹¹ More can be learned about the Assessment of Survivor Outcomes tool at www.ijm.org/aso.



A Performance Study of the Public Justice System in Bolivia

Key findings from an analysis of data from 244 case files revealed that 47% of the initiated child sexual violence cases were rejected by the prosecutor and only 2.5% of cases reached a verdict.

THE BOLIVIAN JUDICIAL SYSTEM has structural problems and a lack of technical capacity, both of which affect its integrity and its ability to protect the human rights of the country's most vulnerable populations. The high percentage of suspended hearings (which prevent timely public trials) disproportionately affects the poor, who cannot afford legal representation to ensure their cases are properly handled by the judicial system. The inability to conclude a trial not only affects poor victims, but also leaves detainees in pre-trial detention.

INTERNATIONAL JUSTICE MISSION'S WORK IN BOLIVIA

Since its founding in 2006, IJM Bolivia has provided legal and social services to hundreds of children survivors of sexual violence. More than 170 child victims have been rescued or received relief and 218 survivors reached restoration to health and wholeness in La Paz and El Alto. In both cities, IJM has assisted local law enforcement in investigating efforts that have resulted in 145 convictions of perpetrators. In addition to assisting in the investigation and prosecution of individual cases of sexual violence against children, IJM has worked closely with judges to improve the management of courts and judicial offices. Between February 2017 and May 2018, IJM collaborated with the Magistrates Council and the Departmental Tribunal Justice of La Paz to select seven pilot offices with the purpose of providing judges, secretaries and clerks from these offices with various trainings and workshops. A baseline study of these seven select courts was conducted to identify the administrative challenges for managing criminal cases of violence. Additionally, a protocol of best practices was prepared in collaboration with the seven pilot offices to improve the management of cases in criminal proceedings, and judges and judicial support staff were trained on the effective implementation of the protocol.

In 2017, IJM collaborated with the Bolivian Magistrate's Council and the Departmental Tribunal Justice of La Paz to conduct an in-depth analysis of registered child sexual violence cases in La Paz over the past ten years.¹ A primary dissemination event of the study took place on April 20, 2018 in La Paz, Bolivia. The participants included members of the Magistrate's Council, the Departmental Tribunal of Justice, the Public Prosecutor's Office, the Public Ministry of Justice, the Police Department, the Defensoría de la Niñez y Adolescencia (Child Welfare Agencies) and nonprofit organizations.

SUMMARY OF FINDINGS

The study revealed significant bottlenecks that limit access to justice for child victims of sexual violence. Key findings from an analysis of data from 244 case files revealed that 47% of the initiated child sexual violence cases were rejected by the prosecutor, and only 2.5% of cases reached a verdict. Case management and court administration is so convoluted that 48% of child sexual violence case files could not be found in their respective courts or tribunals. Nearly a third of child sexual violence cases in La Paz over the past ten years have not advanced past an initial investigation and are for all practical purposes permanently stalled. The average time to reach a verdict of the small number of cases that completed the trial stage (2.5% of 244 cases in the case file review) was 3.3 years.

These findings shed light on the alarmingly high rate of child sexual violence cases that either do not move forward to trial or do not reach a final verdict and instead accumulate in the early stages of the criminal process. This reality is causing a prolonged path to justice for families, authorities who are burdened with an ever-increasing workload and a public justice system that fails to hold perpetrators accountable. The lack of progress in so many cases is not solely attributable to the judiciary; the problem and potential solutions are multifaceted and include all actors in the public justice system including police, prosecutors and child welfare agencies.

METHODOLOGY

In order to analyze data about the efficiency of the public justice system in processing cases of child sexual violence during the last 10 years in La Paz, the study team utilized a mixed-methods approach to answer the following general research questions:

- What is the average time to process a case of child sexual violence from start to finish?
- What is the performance of the judiciary in each stage of the criminal process for cases of child sexual violence?
- How does the public justice system treat victims during prosecution of child sexual violence cases, and how does it work to minimize re-traumatization during that process?
- How is the prosecution of child sexual violence cases prioritized in the public justice system of La Paz?

Three main sources for the data collection were identified: (1) the digital public database IANUS (Sistema de Seguimiento de Causas Penales or “Tracking System for Criminal Cases”), which was later changed to SIREJ (Sistema Integrado de Registro Judicial or “Integrated Judicial Registration System”); (2) the review of judicial control case files (“case files”); and (3) interviews with officials within the public justice system. The team developed key findings with a convergent design, collecting all data at the same time to compare and triangulate the final results.

The research team determined that there were a total of 4,303 cases of sexual violence against children that entered the judicial system over the past 10 years. A representative, random sample of 353 and a reserve sample of 177 additional cases for a total of 530 cases were selected for review. (For a discussion of study design, sampling strategy and limitations, see the full study.)

KEY FINDINGS

Missing files: When they attempted to draw a sample of case files, researchers found that hundreds of files were missing. In total, 254 case files or 48% of the total of 530 original and reserve samples were missing. The team consulted the IANUS/SIREJ system to locate where each missing case had last been registered, reviewing the registry books with office personnel and searching through all shelves and present case files. No physical documentation was found to provide further information about the outcome or advancement of these 254 cases.

Trauma-informed process: A “Gesell Chamber” was utilized to document the victim’s testimony in 24% of cases. Gesell Chambers are locations where a child victim can provide their testimony in a private setting without having to appear in court with the alleged perpetrator. The use of Gesell Chambers, combined with the presenting of recorded testimony, is viewed as a best practice in prosecuting cases of violence against children. The use of Gesell Chambers in almost a quarter of all cases is a strength of the Bolivian justice system.

Judicial workload: The case file review showed a 7.8% increase over the past 10 years in the total number of child sexual assault cases taken up by the public justice system. The enactment of Law No. 348 in 2013 created specialized courts and tribunals to handle cases of violence against women. According to the study, 21% of the cases of child sexual violence are currently managed by one of these specialized courts. The remaining 79% of cases are managed by a non-specialized court. Even in the specialized courts, training for judicial officials is extremely limited; most officials interviewed for the study felt that available training was inadequate to equip them in properly applying the law.

Stuck cases: The study sought to analyze public justice system performance in each stage of the criminal process from start to finish. Of the cases reviewed, 29% remain in the preliminary stage of the criminal process, with only an initiation of investigations that do not proceed. This overwhelming accumulation of cases implies a disproportionate workload for the pre-trial courts, where a large part of the workload from the past 10 years is still located.

The use of
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Rejected/abandoned cases: Of the total number of complaints and police proceedings in the sample, 47% were rejected by prosecutors. Of these dropped cases, 62% were rejected due to the abandonment of the process by the victim or complainant. The reasons for case abandonment are directly related to re-traumatization, as well as to lengthy delays and adjournments.

Lack of specialized attention: Specialized courts have handled only 21% of cases over the last 10 years. During interviews, authorities report limited training on the treatment of victims of sexual violence, as well as their own general discomfort during direct interactions with victims.

Suspensions: In cases of sexual violence against children, there is an average of 20 suspensions (adjournments) in the trial. The highest percentage of suspensions can be attributed to the absence of the prosecutor (45.2%).

Access to justice: Only 2.5% of the cases studied reach a verdict via the common criminal procedure. Of the total cases studied, 45% were resolved through a plea bargain as an alternative resolution.

RECOMMENDATIONS

Analysis of 10 years of child sexual assault cases indicates that there is much to be done to improve the Bolivian justice system.

Professional development for public officials is perhaps the greatest need. IJM recommends that the Government adopt regular and ongoing training for all public officials involved in the administration of child sexual violence cases, including not only judges but also non-judicial personnel such as secretaries, assistants, prosecutors, lawyers, police, social workers, psychologists and physicians.

IJM recommends that management and administration procedures within judicial offices be standardized, including transitioning from paper-based files to digital systems. With digital systems where updated data is recorded and maintained, a variety of technological tools could be introduced to increase efficiency. A series of standardized checkpoints could ensure the efficient movement of case files between offices and provide notification for cases reaching a deadline. Use of video recordings in court is also a much-needed approach. IJM helped pilot courts with video-recording equipment in the seven pilot offices and provided technical training to staff. The savings in time for administrative staff were considerable.

The public justice system is limited in its capacity to prioritize child sexual violence cases. This is due to a lack of resources within the judicial offices and the Public Ministry. IJM recommends that the Bolivian Government create formal agreements with universities and incorporate student interns to support administrative tasks within judicial offices, and to work with nongovernmental organizations to form a victim advocates program to support families in the criminal process.

¹ The complete study, “A Performance Study of the Bolivian Public Justice System,” can be found here: <https://www.ijm.org/documents/studies/IJM-A-Performance-Study-of-the-Bolivian-Public-Justice-System.pdf>.









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INTERNATIONAL JUSTICE MISSION is a global organization that protects the poor from violence throughout the developing world. IJM partners with local authorities to rescue victims of violence, bring criminals to justice, restore survivors and strengthen justice systems.

Highlighted as one of 10 nonprofits "making a difference" by *U.S. News and World Report*, IJM's effective model has been recognized by the U.S. State Department, the World Economic Forum and leaders around the globe, as well as featured by *Foreign Affairs*, *Forbes*, *The Guardian*, *The New York Times*, *The Times of India*, *The Phnom Penh Post*, National Public Radio and CNN, among many other outlets.

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