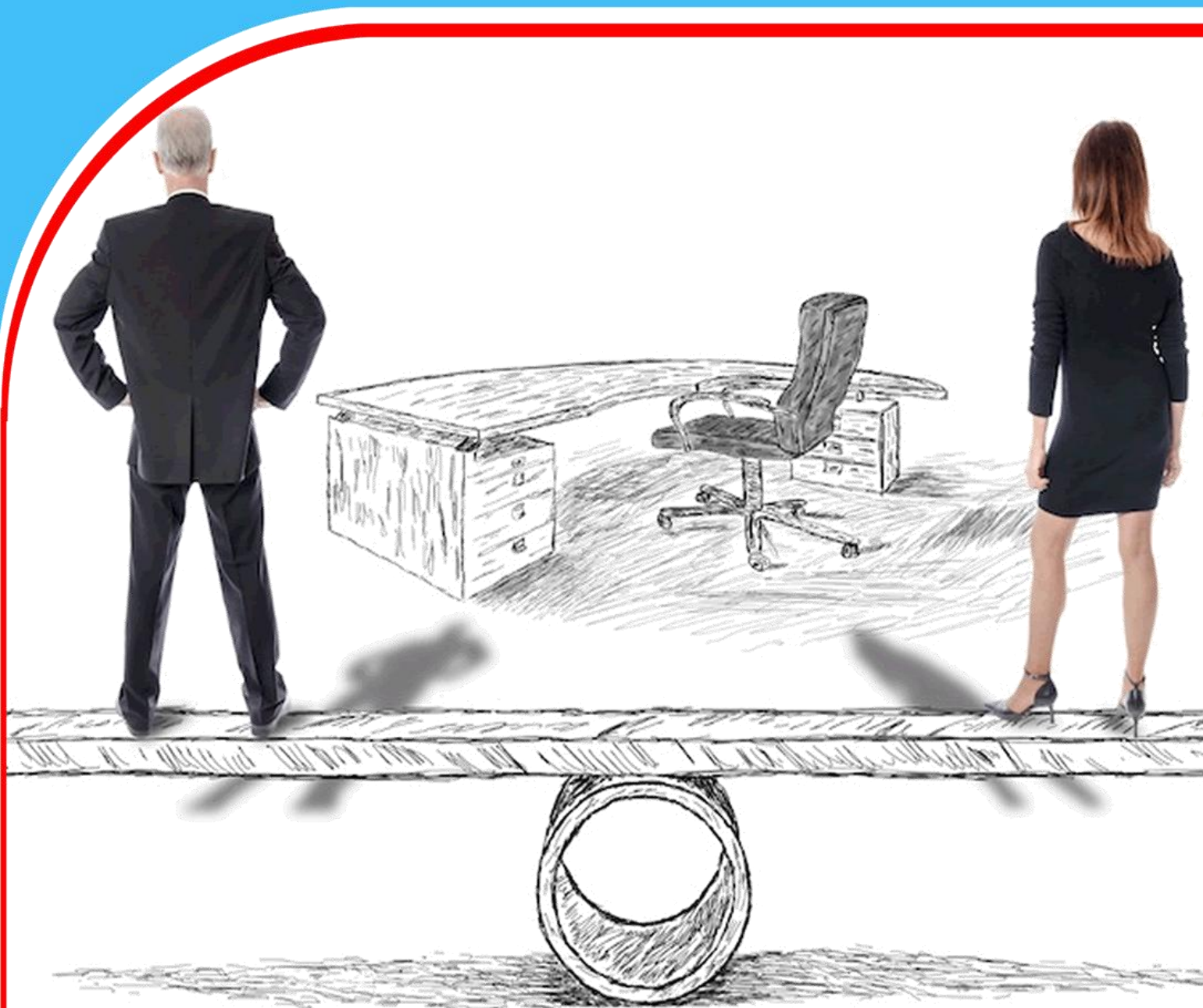


European Journal of Gender Studies (EJGS)



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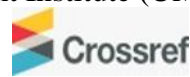
Institutionalization of Traditional Cultural Courts and Mitigation of Gender-Based Violence in Bundibugyo District in Uganda: An Examination of Cultural Norms and Justice Systems

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Article history

Submitted 28.11.2024 Revised Version Received 30.12.2024 Accepted 27.01.2025

Abstract

Purpose: The study examined the impact of the institutionalization of traditional cultural courts (ITCC) on mitigating gender-based violence (GBV) in Bundibugyo District, Uganda.

Materials and Methods: The study was grounded in a positivist paradigm and employed a correlation quantitative research design. Data were collected from 203 respondents, including district officers and representatives from NGOs, using structured questionnaires. The study adopted an explanatory linear regression analysis, a parametric test aimed at explaining the effect of the independent variable (ITCC) on the dependent variable (GBV mitigation). Conventional regression (p -value = 0.05) was used as a basis to interpret the findings, where a computed value was above the p -value which indicated an insignificant effect.

Findings: Statistical analysis revealed that the institutionalization of traditional cultural courts accounted for only 1.2% of the mitigation of GBV ($R^2 = .012$). The relationship was found to be statistically insignificant ($p = .553$; $p > 0.05$). Confirming the hypothesis that the contribution of traditional cultural courts to reducing GBV is minimal and not

substantial enough to be considered impactful. Additional findings highlighted critical barriers to the effectiveness of these courts, including a lack of legal awareness among court leaders, societal normalization of GBV, and fear of retribution. These findings align with literature on the limitations of traditional cultural courts, especially in rural settings.

Implications to Theory, Practice, and Policy: The study contributes to the discourse on legal pluralism and its application in GBV mitigation, emphasizing the need to bridge traditional and formal justice systems. Practical implications include enhancing the capacity of court leaders, integrating traditional justice with formal legal frameworks, and strengthening community education on GBV mitigation. Policy recommendations include adopting and contextualizing GBV mitigation frameworks for more effective interventions in rural communities.

Keywords: *Institutionalization, Traditional Cultural Courts, GBV Mitigation, Positivism, Quantitative Research, Bundibugyo District, Uganda*

JEL Code: K3

INTRODUCTION

Gender-based violence (GBV) remains a persistent global challenge that profoundly impacts individuals, families, and communities. It violates fundamental human rights and poses significant barriers to societal well-being and development (UN Women, 2022). The complexity of GBV lies in its deep roots within cultural, social, and economic structures that perpetuate gender inequalities (WHO, 2021). Globally, studies indicate that 80–90% of disputes are settled through informal mechanisms, particularly in regions like Latin America and Africa, where formal judicial systems may be inaccessible (Waters et al., 2016; Arango et al., 2014). Informal justice systems (IJS), including traditional cultural courts, are widely recognized as playing a pivotal role in mitigating GBV in countries such as Tanzania, Mozambique, Kenya, and South Africa (Odinga, 2019).

The concept of GBV has been a global concern since 1840, marked by the first women's conference in New York, which sought to demand civic, political, social, and religious rights for women (UNDP, 2018). Over time, various initiatives have been undertaken to address GBV, including the establishment of International Women's Day in 1911, celebrated annually on 8th March. This day has historically been used to highlight issues such as women's suffrage, labor rights, and opposition to war (UNDP, 2018). Another early milestone was the 1920 protests against Female Genital Mutilation (FGM) led by the Egyptian Society of Physicians, which was one of the first formalized efforts to combat this severe form of GBV. Since then, grassroots initiatives and civil society organizations have continued to advocate against FGM globally.

The late 20th century witnessed a significant shift in recognizing GBV as a human rights violation. Women's rights movements brought issues like domestic violence and sexual harassment into the public discourse (Russell et al., 2018; Sesay, 2019). During this period, international frameworks such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) laid the groundwork for global efforts to combat GBV. Advocacy campaigns like the 16 Days of Activism Against Gender-Based Violence further emphasized the importance of addressing GBV as a systemic issue (Van Baaren, 2018).

The advent of technology in the 21st century has introduced new forms of GBV, such as online harassment, cyberbullying, and revenge porn. These challenges have underscored the need for legal systems to adapt to the realities of the digital age (Clark-Parsons, 2021; Ceia et al., 2021). At the same time, there has been an increased focus on the intersectionality of GBV, recognizing that individuals may face violence based on overlapping factors such as gender, race, and socioeconomic status (Allen, 2018; Cameron & Tedds, 2020).

Traditional cultural courts in GBV mitigation have gained recognition since the late 20th century. These systems, rooted in local customs and traditions, have been acknowledged for their role in addressing GBV, particularly in contexts where formal legal systems may be inaccessible (Ngira, 2019; Murumba, 2021). Some countries have integrated informal mechanisms into their formal legal frameworks, emphasizing community participation and empowerment while striving to align these practices with human rights standards (Polavarapu, 2019; Blanco et al., 2022). However, concerns about potential discriminatory practices within informal systems remain, necessitating careful consideration of power dynamics and marginalized groups' rights (Beninger, 2023; Baird, 2023).

Organizations and NGOs have supported efforts to institutionalize traditional cultural courts for GBV mitigation by sharing best practices and fostering international collaborations (Daruwalla et al., 2019; Gaba, 2022). In Uganda, the 2021–2025 Inter-Agency GBV Strategy focuses on empowering communities to prevent GBV and ensure survivors access quality

services, particularly in humanitarian settings such as refugee camps (UNFPA, 2021). However, GBV remains prevalent in non-humanitarian contexts, posing challenges to achieving a GBV-free society.

Traditional cultural courts are increasingly recognized as key players in Uganda's efforts to combat GBV. Initiatives such as the Justice Law and Order Sector (JLOS) have sought to foster collaboration between traditional leaders and formal legal institutions to improve access to justice and address GBV effectively (JLOS, 2021). However, ensuring equitable outcomes for all individuals, especially vulnerable groups like women and girls, remains a significant challenge (Otiso, 2023).

Prevention strategies have become central to contemporary efforts to address GBV. Education and awareness programs aim to challenge harmful gender norms, promote consent, and address root causes of violence. Movements like #MeToo have brought widespread attention to the prevalence of GBV, encouraging survivors to share their experiences and hold perpetrators accountable (Storer & Rodriguez, 2020; Casey et al., 2018). These initiatives have contributed to increased public disclosure and policy attention.

Empirical evidence underscores the urgency of addressing GBV in Uganda. The Uganda Demographic Health Survey (UDHS, 2016) reported that 50% of women and men aged 15–49 experienced physical or sexual violence, with 11% of pregnant women enduring physical abuse. Emotional abuse, controlling behaviors, and societal acceptance of GBV further exacerbate the issue. Despite these challenges, Uganda has demonstrated a strong commitment to combating GBV through international protocols like the Sustainable Development Goals (SDGs) and domestic policies such as Vision 2040, the National Development Plan III, and legislation including the Domestic Violence Act (2010) (UNFPA, 2018).

In Uganda, where traditional and cultural norms significantly shape societal interactions, addressing GBV requires a nuanced approach that incorporates both formal and informal justice systems (Mugisha, 2023). Traditional cultural courts, a recognized and institutionalized form of informal justice system under the Ugandan Constitution and supported by frameworks such as Articles 173 and 174 and the Local Government Act, have historically been integral to administering justice, particularly in rural areas where formal systems are less accessible (Government of Uganda, 2018; JLOS, 2019). These courts, operating under customary law, are central to resolving disputes, including GBV cases, within many communities (Kato, 2022).

Article 246 of the Constitution, constituted in 2011, recognizes traditional institutions in accordance with the culture, customs, and traditions or wishes and aspirations of the people to whom it applies (Röder, 2013). Traditional institutions were allowed to carry out judicial tasks in minor civil and criminal matters. Generally, these institutions have systems of administration that are clan-based (JLOS, 2018).

Customary law plays a significant role in the resolution of disputes, including those related to GBV, within many Ugandan communities. While not codified in a single statute, customary law is recognized and applied by traditional leaders and local councils, particularly in rural areas. Customary and informal justice systems, including traditional councils and community elders, are recognized and respected in many Ugandan communities.

Bundibugyo District, identified in the National Survey on GBV in Uganda (GoU, 2020) as one of the 15 most affected regions, faces persistently high rates of gender-based violence (GBV), particularly among women and girls. Despite a marginal decline in reported cases between the financial years 2020–2021 and 2021–2022, the prevalence remains critically high. Data from the Bundibugyo District Local Government Probation Office for 2021–2022 revealed that

sexual violence and neglect were the most widespread forms of GBV, with 3,090 cases of sexual violence reported against girls and 1,066 against women. Bundibugyo's proximity to the Democratic Republic of Congo (DRC) and its culturally diverse population creates a unique socio-cultural and institutional context that exacerbates GBV vulnerability (UBOS, 2020). This setting makes the district a compelling case study for examining justice mechanisms, including the institutionalization of traditional cultural courts as an alternative to formal systems. While traditional courts have been actively utilized to address disputes, including GBV cases, their impact remains limited. For instance, high GBV rates persisted even during a period of focus between 2017 and 2022, despite a slight reduction in cases involving girls (a decrease of 1,093) and women (a decrease of 277) between 2020–2021 and 2021–2022. However, the total cases for girls and women in 2021–2022, at 3,090 and 1,066 respectively, underscore the insufficiency of current interventions. Previous research (Biribwa et al., 2020; Muwonge, 2019; Sethi, 2019) has explored GBV factors in Uganda, but data on the role of institutionalizing traditional cultural courts in mitigating GBV, particularly in Bundibugyo and western Uganda, remains sparse, highlighting the need for further investigation.

This study examines the institutionalization of traditional cultural courts as a mechanism for mitigating GBV in Bundibugyo District. The central hypothesis posited that there was no statistically significant effect of this institutionalization on the mitigation of GBV. By exploring the interplay between family dynamics, cultural norms, and justice systems, it aims to contribute to the development of more effective strategies for combating GBV (Kwesiga, 2022). Through a deeper understanding of the factors that drive GBV and the potential interventions that can be employed, this research seeks to inform policy and practice aimed at reducing the prevalence of GBV and promoting gender equality in Uganda (UN Women, 2023).

Problem Statement

Gender-based violence (GBV) remains a global concern, affecting both developed and developing nations, with significant implications for individuals, families, communities, economies, public health, and global development (Sethi, 2019; Waters et al., 2020; Arango et al., 2019). Various international efforts, such as Human Rights protocols, the Sustainable Development Goals (SDGs), and UNFPA initiatives, have been established to address diverse forms of GBV, including sexual assault, physical violence, neglect, and emotional abuse (Waters et al., 2020; Arango et al., 2019). In Uganda, national strategies like the Gender Policy of 2007 and the National Action Plan for the Elimination of GBV (2016–2020) have been implemented to combat GBV (Ocheme, Shajobi-Ibikunle, & Zuwena, 2020). Among these strategies is the institutionalization of traditional cultural courts, an informal justice mechanism aimed at improving access to justice for marginalized communities and reducing GBV prevalence (JLOS, 2018). These courts are seen as viable solutions due to their cultural relevance, accessibility, and ability to address cases in a timely and cost-effective manner compared to formal legal systems, which are often inaccessible or overburdened in rural settings.

Despite these interventions, GBV rates in Uganda remain alarmingly high, with a prevalence rate of 75% reported nationwide (Okethwangu & Kobusingye, 2020; Ocheme et al., 2020; UNFPA, 2020; UBOS, 2020). Bundibugyo District, identified as one of the 15 most affected regions in the National Survey on GBV in Uganda (GoU, 2020), exemplifies these challenges. Data from the Bundibugyo District Probation Office (2022) indicates that sexual violence and neglect are the most prominent forms of GBV, disproportionately affecting women and girls. Although traditional cultural courts have been institutionalized in the district to resolve

disputes, including GBV cases, the persistence of high GBV rates suggests gaps in their effectiveness. Victims often face trauma, disempowerment, humiliation, and barriers to rehabilitation, underscoring the limitations of current interventions (Bundibugyo DLG, Probation Office, 2022).

Previous studies (Biribawa et al., 2020; Ocheme et al., 2020; Muluneh et al., 2020) have explored GBV in Uganda but have primarily focused on identifying and categorizing forms of violence rather than evaluating the effectiveness of mitigation strategies like traditional cultural courts. Moreover, much of the existing literature has concentrated on urban or national-level dynamics, neglecting rural settings such as Bundibugyo, where socio-cultural and institutional factors significantly influence GBV trends. This study seeks to bridge these gaps by assessing the effectiveness of traditional cultural courts in mitigating GBV in Bundibugyo District, while providing policy recommendations tailored to the district's unique socio-cultural context. Traditional cultural courts, when aligned with human rights principles and supported by formal legal frameworks, have the potential to address GBV more effectively by offering culturally sensitive, community-centered justice mechanisms that are both accessible and affordable.

Literature Review

This chapter focused on reviewing the theoretical framework, GBV management models, related literature, and the gaps identified in existing research. It presents relevant literature to the current study, aiming to enhance the understanding of existing research and debates related to the institutionalization of traditional cultural courts and the mitigation of Gender-Based Violence, as outlined below:

Theoretical Review

In this research, two theoretical frameworks were selected to offer an in-depth understanding of gender-based violence (GBV) within the context of traditional cultural courts in Bundibugyo District, Uganda. These frameworks include Bowen's Family Systems Theory (FST) from 1946 and the Theory of Legal Pluralism. Each theory provides distinct perspectives on the dynamics of GBV and family interactions with the legal system.

Bowen's Family Systems Theory (FST) 1946

Bowen's Family Systems Theory (FST), introduced in 1946, views families as emotional units where members' behaviors are interconnected. The theory suggests that negative interactions within a family can lead to issues such as gender-based violence (GBV). According to Correy (2001), FST proposes that a family member's problematic behavior may serve a purpose within the family system, stem from the family's dysfunction, or be a result of maladaptive patterns passed down through generations. FST emphasizes the importance of understanding family dynamics, such as the differentiation of self, emotional transmission, and multi-generational patterns, in addressing GBV (Correy, 2001). The theory also highlights the need for addressing family issues holistically rather than focusing on individual members, advocating for personal accountability and recognizing GBV as a multi-generational concern (Gladding, 2005; Correy, 2001). This approach is valuable in exploring the root causes of GBV and finding effective solutions within families and communities.

However, while FST offers valuable insights, it has notable limitations in addressing GBV in the context of Bundibugyo's traditional cultural courts. One significant concern is whether FST sufficiently accounts for cultural norms and practices that may perpetuate GBV. In Bundibugyo, cultural beliefs about gender roles and power dynamics within families often influence how GBV cases are perceived and addressed. Traditional cultural courts, deeply rooted in local customs, may reflect these norms, potentially limiting the application of a theory

like FST, which was developed in a Western context and may not fully align with the socio-cultural realities of rural Uganda.

Another limitation of FST is its family-centric focus, which, while holistic, can pose challenges in legal or judicial settings. Traditional cultural courts often require decisions to be made in line with communal values, legal principles, and human rights considerations. FST, with its emphasis on family dynamics and personal accountability, may not adequately address the external legal and institutional influences that shape GBV interventions. For instance, cultural courts may prioritize reconciliation and community harmony over individual justice, potentially conflicting with FST's focus on individual responsibility and systemic change.

Furthermore, applying FST to GBV cases in traditional legal settings may oversimplify the complex interplay between cultural, economic, and institutional factors driving GBV. The theory focuses on family systems but may overlook broader societal influences, such as poverty, lack of education, and inadequate access to formal justice systems, which are critical in understanding GBV in Bundibugyo. These gaps highlight the need to complement FST with other frameworks, such as the Theory of Legal Pluralism, which considers the coexistence of formal and informal justice systems, to develop more culturally responsive and comprehensive strategies for GBV mitigation.

The Legal Pluralism Theory by Gurvitch (1935),

The Theory of Legal Pluralism, proposed by Gurvitch (1935), provides a critical framework for understanding the coexistence and interaction of multiple legal systems within a society, such as state law, customary law, and community-based norms. In the context of Bundibugyo District, Uganda, this theory is particularly relevant for examining the role of traditional cultural courts in mitigating gender-based violence (GBV). Legal pluralism recognizes that individuals in Bundibugyo often navigate between formal state-imposed laws and informal justice systems rooted in local customs, allowing them to choose the legal framework that aligns best with their needs and social context (Benda-Beckmann & Turner, 2018). This duality offers flexibility in addressing disputes but also creates significant challenges, particularly in GBV cases, where cultural norms and state laws may conflict.

While traditional cultural courts offer accessible and culturally relevant platforms for dispute resolution, they are often influenced by patriarchal traditions that may undermine the protection of women's rights. For instance, in Bundibugyo, customary practices often emphasize family unity and community harmony over individual justice. As a result, GBV cases may be resolved through reconciliation rather than accountability, potentially perpetuating cycles of abuse and marginalizing survivors' voices. The prioritization of preserving familial and social cohesion can lead to outcomes that conflict with human rights principles and state laws designed to protect women and promote gender equality.

Legal pluralism highlights the coexistence of distinct legal orders, but this coexistence can lead to inconsistencies and conflicts that hinder the mitigation of GBV. For example, while Uganda's formal legal framework criminalizes acts such as domestic violence and marital rape, traditional cultural courts in Bundibugyo may not view these as violations if they align with culturally accepted gender roles. This divergence creates barriers for survivors seeking justice, as traditional courts may discourage reporting or penalize victims for defying social norms. Additionally, the informal nature of these courts can result in decisions that lack transparency, fairness, or alignment with state law, further marginalizing vulnerable groups like women and children.

The fragmentation of legal authority poses another significant limitation. Legal pluralism acknowledges the dynamic relationship between formal and informal systems, but integrating these frameworks remains a complex task. In Bundibugyo, efforts to institutionalize traditional cultural courts have faced challenges in ensuring coherence and fairness across legal orders. The dominance of state law may overshadow community-based norms, creating resistance among local leaders who view these interventions as undermining their authority. Conversely, the reliance on traditional courts can dilute the enforcement of state laws, weakening efforts to establish uniform standards for GBV mitigation.

Legal pluralism also raises concerns about cultural relativism, particularly when practices deemed acceptable within traditional systems violate universal human rights principles. For instance, traditional cultural courts may prioritize customs such as bride price negotiations or compensation for GBV survivors' families over justice for the survivor. While these practices are culturally significant, they may reinforce harmful gender norms and fail to address the root causes of GBV. This tension underscores the need for a balanced approach that respects cultural traditions while upholding fundamental human rights.

The Theory of Legal Pluralism provides valuable insights into the coexistence of formal and informal legal systems and their role in addressing GBV. However, its application in Bundibugyo highlights significant challenges, including power imbalances, conflicts between state laws and traditional norms, and difficulties in integrating multiple legal systems. Addressing these issues requires a nuanced approach that considers the cultural, social, and legal complexities of GBV cases in Bundibugyo. By complementing legal pluralism with other frameworks, such as Bowen's Family Systems Theory, and incorporating community engagement, capacity building, and legal reforms, it is possible to create a more effective and inclusive justice system that mitigates GBV while respecting local traditions.

Empirical Literature Review

Traditional, Cultural Courts and Mitigation of Gender-Based Violence

Traditional, cultural, or indigenous courts have been a significant part of justice systems in many societies, practiced by hereditary, cultural, and religious authorities since before colonial times (DANIDA, 2010). These courts vary significantly depending on contextual realities, but they are generally characterized by oral, flexible, and simple procedures. The standards of proof in these systems are often based on integrity, and the compliance of parties with decisions typically stems from their consent or the pressure of their community. The outcomes of traditional court rulings are usually restorative, involving actions such as the exchange of apologies or the resolution of underlying animosities (Ricken, 2012).

The effectiveness of traditional, cultural, or indigenous justice systems plays a crucial role in mitigating gender-based violence (GBV) in communities, especially in developing countries like Uganda. The formal judicial system is often overburdened, making informal justice systems an important option for addressing GBV and other forms of injustice (MoJCA, 2019). However, there is limited research on how the institutionalization of these informal justice systems contributes to the reduction of GBV. While various studies (Erickson et al., 2018; Ogujiuba & Jumare, 2012; Namubiru, 2021; Bouhours & Broadhurst, 2015) have examined GBV and the roles of justice systems, many have not explored the specific contribution of traditional cultural courts.

Gender-based violence is a multifaceted issue, and many studies have focused on understanding its different forms and impacts. For example, studies by Biribawa et al. (2020), Ocheme et al. (2020), and Muluneh et al. (2020) have categorized various types of GBV,

including physical, sexual, emotional, economic violence, and neglect. These studies have also investigated structural factors that perpetuate GBV, such as socio-economic conditions and cultural norms. However, these works have not critically evaluated the role of traditional cultural courts in mitigating GBV or the outcomes of interventions provided by these informal justice systems. Moreover, research by Muluneh et al. (2020) and Baldasare & Ph (2012) has largely focused on urban or national-level perspectives, which often overlook rural contexts where traditional courts are more prevalent and where informal justice systems play a larger role in resolving disputes, including cases of GBV. Furthermore, while Bouhours & Broadhurst (2015) and Namubiru (2021) have acknowledged the existence of traditional cultural courts, they have not sufficiently assessed their effectiveness in addressing GBV.

This gap in the literature underscores the need for more research on how traditional cultural courts contribute to GBV mitigation, particularly in rural settings. Previous studies on GBV, such as those by Ogujiuba & Jumare (2012), have often looked at its broader societal implications, such as its links to hunger and under-development. These studies have highlighted how women's lack of education and unequal participation in decision-making can exacerbate GBV. However, there has been little focus on evaluating the impact of informal justice systems, particularly traditional courts, on reducing GBV. For instance, the United Nations (2011) emphasized the importance of creating an enabling environment for women's access to justice, which includes both formal and informal legal systems. Yet, this focus has not been extensively applied to traditional cultural courts.

While traditional cultural courts have been credited for their flexibility and ability to provide quick resolutions, they are not without criticism. Kotter (2015) pointed out that these courts often reinforce male dominance, leading to unfair outcomes for women, especially in patriarchal societies. Similar criticisms were found in studies conducted in Pakistan and Afghanistan, where traditional courts were seen as oppressive to women's rights (Ullah, 2018). In Somalia, the Center for Humanitarian Dialogue (2015) found that traditional courts sometimes forced women to marry their abusers, further complicating the justice process and undermining the victim's rights. These findings suggest that the impact of traditional courts on GBV is mixed and often depends on the specific cultural and gender dynamics at play.

The literature on traditional cultural courts and GBV mitigation highlights their potential for restorative outcomes and their flexible, integrity-based approach (Ricken, 2012). However, many of these studies fail to critically engage with gender and power imbalances within these systems (Kotter, 2015; Ullah, 2018). Furthermore, while studies in Pakistan, Somalia, and Indonesia (Ullah, 2018; LeSage, 2015; Zitelmann, 2016) have examined traditional courts, their findings may not be directly applicable to Uganda due to differing cultural and legal contexts. Additionally, the predominance of qualitative methodologies in these studies has overlooked the potential benefits of using quantitative designs to evaluate the effectiveness of GBV mitigation strategies.

While studies like those by Biribawa et al. (2020), Ocheme et al. (2020), and Muluneh et al. (2020) have contributed valuable insights into the categorization of GBV and the general factors contributing to its persistence, there remains a significant gap in understanding the specific role of traditional cultural courts in mitigating GBV. These studies often focus on categorizing violence or identifying broader societal causes, without delving into the outcomes of interventions such as those offered by traditional courts. Additionally, much of the existing literature, including the work of Muluneh et al. (2020) and Baldasare & Ph (2012), focuses on urban or national-level perspectives, leaving a gap in understanding the dynamics of GBV in

rural contexts. This study aims to fill this gap by exploring the role of traditional cultural courts in the reduction of GBV, a critical area that has been underexplored in existing research.

Traditional cultural courts in Bundibugyo, Uganda, often operate within patriarchal frameworks that impact the outcomes of gender-based violence (GBV) cases. While these courts are valued for their flexibility and community-centered approaches, they tend to reinforce gender imbalances that undermine the protection of women's rights. In cases of GBV, traditional courts may prioritize social harmony and family unity over the safety and justice of women, sometimes pressuring victims into reconciliation with their abusers or minimizing the severity of the violence. This approach stands in contrast to formal legal systems, which typically focus on victim protection and holding perpetrators accountable through legal sanctions.

However, while traditional courts share some goals with formal legal systems, such as resolving disputes and promoting justice, their reliance on patriarchal values often leads to unjust outcomes for female survivors of GBV. Women may be coerced into accepting decisions that favor male perpetrators or maintain family unity at the expense of their individual rights to safety. These contradictions highlight the need for reforms within traditional court systems to better align with formal legal frameworks, ensuring the protection of women's rights and the accountability of offenders.

In conclusion, while the traditional cultural courts are recognized for their flexibility and restorative outcomes, more empirical research is needed to evaluate their effectiveness in GBV mitigation. Studies like those by Kotter (2015), Ullah (2018), and others have raised important issues regarding gender and power imbalances in these systems, but a comprehensive, localized study is necessary to understand how these courts function within the Ugandan context and their impact on GBV reduction. This study sought to address these gaps by applying a quantitative approach and the legal pluralism theory to assess the effectiveness of traditional cultural courts in mitigating GBV in Uganda.

MATERIALS AND METHODS

Philosophical Underpinning, Research Paradigm, Research Approach & Research Design

This study was based on the philosophical foundation of positivism, which shaped the research paradigm, approach, design, and methods used. Positivism assumes that reality is objective, observable, and measurable, emphasizing the importance of empirical data for testing hypotheses and identifying patterns and relationships (Bryman, 2016; Creswell, 2014). Accordingly, the study employed a quantitative research approach, using structured methods such as surveys to gather measurable data (Fellows & Liu, 2021). The research design employed a quantitative correlational design to explore the relationship between the Institutionalization of TCC and the mitigation of GBV in Bundibugyo District. This design facilitated the measurement of variables and the identification of trends within the target population. The study focused on the role of traditional cultural courts in GBV mitigation, enabling insights into the effectiveness of these informal justice systems in addressing GBV within the community (Neuman, 2014). The study adopted an explanatory linear regression analysis, a parametric test aimed at explaining the effect of the independent variable (ITCC) on the dependent variable (GBV mitigation). Conventional regression (p -value = 0.05) was used as a basis to interpret the findings, where a computed value was below the p -value which indicated an insignificant effect.

Study Population, Sample Size, Sample Selection, Sampling Techniques, and Unit of Analysis

The study population comprised individuals knowledgeable about the institutionalized traditional cultural court systems and their role in addressing Gender-Based Violence (GBV). This group included officers from various sectors, such as the District Community Department (30), Family and Child Protection Unit (19), Justice Center Bundibugyo (10), the Resident State Attorney's Office (5), Sub-County/Town Council staff (103), and representatives from Non-Governmental Organizations (NGOs) involved in GBV mitigation efforts (36), all of whom formed the unit of analysis. The sample size was determined using the Slovin (1967) formula, targeting a population of 246 individuals, from which a final sample of 203 participants was chosen. The study utilized both simple random sampling and census sampling techniques. For larger groups, such as officers from the District Community Department, Family and Child Protection Unit, Sub-County/Town Council staff, and NGOs engaged in GBV mitigation, a simple random sampling technique was applied. This approach ensured equal chances of selection for each member of these groups, enhancing the validity and applicability of the results while reducing selection bias (Fowler, 2013). Conversely, for smaller groups, such as officers from the Justice Center Bundibugyo and the Resident State Attorney (RSA) office, a census sampling method was used. Given the limited number of individuals in these groups, it was practical to include all members, ensuring comprehensive data collection without sampling errors (Fowler, 2013). The unit of analysis for the study focused on individuals with expertise in the institutionalized traditional cultural courts and their role in mitigating GBV, incorporating a wide range of perspectives from stakeholders in Bundibugyo District. By combining simple random sampling and census sampling, the study gathered detailed insights while ensuring the reliability and generalizability of the data. Data collection was conducted using self-administered questionnaires (SAQs), a cost-effective and efficient method for obtaining standardized data from a large number of respondents, promoting participant anonymity and encouraging high response rates (Bryman, 2016; Saunders et al., 2009). The structured questionnaires included pre-coded Likert scale items and some open-ended questions, enabling the collection of both quantitative and qualitative data essential for evaluating the role of traditional cultural courts in mitigating GBV.

Validity and Reliability, Data Processing, and Analysis

Ensuring high data quality is essential for drawing accurate and dependable conclusions in research, as it minimizes measurement errors, boosts the credibility of the study, and enhances the generalizability of the findings (Fellows & Liu, 2021). To achieve this, the data collection tools underwent tests for validity and reliability before being utilized. Validity was ensured through face validity and content validity. Face validity, assessed by two Ph.D. students from Uganda Management Institute (UMI), involved a subjective evaluation of whether the questionnaire effectively measured the intended concepts (Marees et al., 2018). Content validity was confirmed by experts who verified that the questionnaire items were relevant, representative, and comprehensive, resulting in a Content Validity Index (CVI) of 0.823, indicating good validity (Roebianto et al., 2023). Reliability was assessed using the test-retest method during the pilot phase. The questionnaire was administered twice within a three-week period, and the results were analyzed using Cronbach's Alpha, yielding a value of 0.791 for the traditional cultural courts, suggesting good reliability (Rozali et al., 2022; Park et al., 2018). These methods ensured that the data collected were accurate, reliable, and unbiased, providing a strong foundation for evaluating the impact of traditional cultural courts on mitigating gender-based violence (GBV).

Data processing involved transforming raw data into meaningful information. Items in the self-administered questionnaire (SAQ) were measured using an ordinal scale and a 4-point Likert scale (Strongly Disagree = 1, Disagree = 2, Agree = 3, Strongly Agree = 4), aligned with the constructs of the traditional cultural courts and GBV mitigation. The SAQ was divided into three sections: demographic information, the traditional cultural court system, and GBV mitigation efforts. For data analysis, both descriptive and inferential statistics were applied. Descriptive statistics, including frequencies, means, and standard deviations, were computed using SPSS. Inferential statistics involved linear and multiple regressions, testing hypotheses and building predictive models to examine relationships between independent variables and the dependent variable in GBV mitigation. Explanatory regression, a parametric test, was used to analyze the effect of independent variables on GBV mitigation, with a significance threshold of 0.05 for the p-value. If the computed p-value was below this threshold, the variable was considered significant in influencing GBV mitigation; otherwise, it was deemed insignificant. This thorough approach to data processing and analysis provided a robust basis for assessing the role of traditional cultural courts in mitigating GBV in Bundibugyo District.

Ethical Guidelines

Ethical considerations were fundamental to maintaining the integrity and accountability of this study. The researcher adhered to the ethical guidelines established by Uganda Management Institute (UMI), the Uganda National Council for Science and Technology (UNCST), and the Research and Ethics Committee (REC), which provided the necessary documentation, including an ethics form, ensuring that the research complied with ethical standards throughout the process. A key ethical principle was securing informed and voluntary consent from participants, with both the principal investigator and the research assistant taking responsibility for clearly explaining the study's aims, methodology, potential risks, and the use of the findings. In instances where data collection spanned an extended period, participants were notified in advance. Confidentiality was prioritized, with participants assured of their anonymity and the protection of sensitive information. This was ensured by using coded labels for interview audio recordings, with access to these codes strictly controlled. Moreover, the researcher took steps to guarantee that participants were not exposed to harm, discomfort, or risks during the study, upholding anonymity and confidentiality throughout. The study findings were shared in a way that respected participants' rights and welfare, and the researcher maintained impartiality, ensuring proper citation of sources and conducting the research process without personal bias.

FINDINGS

Response Rate and Demographic Data of Respondents

Reporting the response rate in a study is essential as it offers valuable insights into the dependability and credibility of the gathered data. The response rate, also known as the return rate, represents the percentage of individuals who took part in the study compared to the total number of individuals in the sample (Aday, 1996). This study utilized a quantitative approach with self-administered questionnaires. Of the 203 respondents targeted, all 203 submitted completed questionnaires, resulting in a 100.0% response rate. A high response rate like this contributes to the precision of the study's findings (Aday, 1996; Babbie, 1990; Rea & Parker, 1997), signifying strong participant engagement and a representative sample. The demographic profile of the respondents is crucial for contextualizing the study's outcomes. The gathered data included details on respondents' gender, age groups, and educational background, allowing for a thorough demographic analysis. The sample included both male and female technical personnel from the community-based office in Bundibugyo District, with 115 (56.7%) males

and 88 (43.3%) females, representing a gender ratio of roughly 3:2. Age-wise, 81.3% were between 35 and 44 years old, 15.3% were between 25 and 34 years old, and 3.4% were between 45 and 55 years old, indicating an experienced workforce in their prime professional years. In terms of education, 64.0% held master's degrees, 33.0% held bachelor's degrees, and 3.0% held diplomas, reflecting a well-educated respondent group capable of offering credible and informed input relevant to the study's focus on community development and technical assistance in Bundibugyo District

Empirical Findings on Institutionalization of Traditional Cultural Courts and Mitigation of Gender-Based Violence in Bundibugyo District.

Descriptive Statistics on Mitigation of Gender-Based Violence in Bundibugyo District.

The self-administered questionnaires distributed to respondents contained 14 items related to the mitigation of gender-based violence in Bundibugyo District. Respondents were asked to indicate their opinion on each item by selecting one of the following options: strongly disagree (SD), disagree (D), agree (A), or strongly agree (SA). The data from the completed questionnaires were entered into SPSS (version 20). After processing the data in SPSS, the descriptive statistics obtained were presented in Table 1.

Table 1 Descriptive Statistics on Mitigation of Gender-Based Violence

Items on Mitigation of Gender-Based Violence	Mean	Std. Dev
Use of institutionalized traditional cultural courts (TCC) has enabled community members to reject normalization of violence against women/girls'/children.	1.56	1.147
Use of institutionalized traditional cultural courts has enabled members of the communities in Bundibugyo to disregard gender stereotype/roles	1.38	.975
Use of institutionalized traditional cultural courts has enabled the community members to condemn GBV	1.39	.976
Use of institutionalized traditional cultural courts has enabled community members in Bundibugyo to reject the sexist jokes/remarks about women.	1.00	.000
Use of institutionalized traditional cultural courts has helped communities to promote feminist activism in Bundibugyo district.	1.00	.000
Use of institutionalized traditional cultural courts has enabled victims of GBV to speak out about their rights.	1.00	.000
Use of institutionalized traditional cultural courts has enabled women leaders in Bundibugyo to condemn sexual harassment	2.70	1.398
Condemning masculinity (aggression, strength, control) is not possible because of use institutionalized of traditional cultural courts in handling GBV cases.	3.87	.340
Women in Bundibugyo are now demanding funding of women organizations	3.57	.777
Women in Bundibugyo are now calling for better responses/services towards GBV in the communities	3.75	.653
Women in Bundibugyo are now pushing for stronger laws to minimize or completely eliminate incidence of GBV	3.24	1.021
Women in Bundibugyo are now demanding more understanding of issues GBV to enable young girls fight for their plight.	2.30	1.305
The institutionalised traditional cultural courts have provided support for women in leadership positions to exercise their mandate in fighting GBV in the district.	2.30	1.305
Women in Bundibugyo district have built solidarity with other movements	3.42	.866
Overall Mean	2.32	

Source: Primary data (2024)

Legend: 0.0 - 1.0 = Mitigation of GBV poorly done; 1.1 - 2.0 = Mitigation of GBV fairly done; 2.1 - 3.0 = Mitigation of GBV well done; and 3.1 - 4.0 = Mitigation of GBV excellently done

The results show that the effectiveness of institutionalized traditional cultural courts in Bundibugyo is perceived positively in several key areas. The highest mean scores, 3.87 and

3.75, highlight that informal justice systems are considered highly effective in condemning masculinity-related aggression and ensuring better responses to GBV cases. These areas of mitigation are seen as excellently addressed, according to community perceptions. Similarly, the demand for funding for women's organizations and calls for stronger laws to minimize GBV scored well, with mean values ranging from 3.24 to 3.42, indicating that these efforts are seen as well-executed by the community. However, areas such as the empowerment of women leaders to condemn sexual harassment and enabling victims of GBV to speak out received lower mean scores (2.30), signaling areas that need improvement in the ongoing efforts to mitigate GBV. The overall mean score of 2.32 suggests that while progress has been made, GBV mitigation is still seen as "fairly done" by the community.

The standard deviations reveal significant variation in perceptions across the different aspects of GBV mitigation. The item on women leaders condemning sexual harassment had the highest standard deviation (1.398), indicating considerable disagreement among respondents about the success of this initiative. Conversely, some items, such as rejecting sexist jokes and promoting feminist activism, had a standard deviation of 0.000, suggesting complete consensus on their success in the community. The standard deviations for other areas, like women's demand for funding and stronger laws, ranged between 0.340 and 1.021, reflecting a moderate level of agreement, though still showing some variation in individual perceptions. These findings imply that while there is strong support for certain GBV mitigation efforts, there are areas with greater uncertainty and divergence in opinions, indicating where more targeted interventions may be necessary to ensure a more unified and consistent response.

Descriptive statistics on Institutionalization of Traditional Cultural Courts in Bundibugyo District

The self-administered questionnaires provided to respondents contained 13 items on the use of institutionalized traditional cultural courts in Bundibugyo District. The data collected from these questionnaires were entered into SPSS (Version 20), and descriptive statistics were generated. The results are presented in Table 2 below;

Table 2 Descriptive statistics on institutionalized traditional cultural courts

Items on Institutionalization of Traditional Cultural Courts	Mean	Std. Dev
All those involved in the administration of institutionalized traditional cultural courts in Budibugyo are knowledgeable of the subject matter relating to GBV	3.06	1.348
The administrators of the institutionalized traditional cultural courts in the district effectively use their knowledge about GBV to resolve such cases filed in the traditional courts	2.13	1.287
The administrators in the institutionalized traditional cultural courts in Bundibugyo have the requisite skills to deal with cases of GBV because they are part of the administration system in the district	1.98	1.366
Institutionalized Traditional cultural courts are accessible anywhere to victims of GBV in Bundibugyo District	1.56	1.147
The institutionalized traditional cultural courts in district are flexible enough for the matter to be considered	1.38	.975
The matters in the institutionalized traditional cultural courts in Bundibugyo district are resolved amicably in a short period of time	1.39	.976
Resolving of matters of GBV in the institutionalized traditional cultural courts in Bundibugyo is done efficiently (with minimum cost)	1.00	.000
Matters of GBV are resolved within a period of one week of their lodging	1.00	.000
In resolving GBV cases in the institutionalized traditional cultural courts in Bundibugyo, reconciliation is promoted for communal good/harmony	1.00	.000
The institutionalized traditional cultural court system in Bundibugyo District lacks enforcement mechanisms of their judgments/orders	2.70	1.398
Any person appearing before an institutionalized traditional cultural court is entitled in full equality to a fair hearing for effective administration of justice.	3.87	.340
The institutionalized traditional cultural court system ensures that no person is treated in a degrading/inhuman manner	3.57	.777
The institutionalized Traditional cultural courts in Bundibugyo ensure that no person in any situation whatsoever is intimidated, manipulated, threatened or denigrated.	3.75	.653
Overall Mean	2.18	

Source: Primary data (2024)

Legend: 0.0 - 1.0 = ITC not operating well; 1.1 - 2.0 = ITC operating moderately well; 2.1 - 3.0 = ITC operating well; and 3.1 - 4.0 = ITC operating very well

From table 2 above the highest mean score (3.87) indicates strong agreement that individuals appearing before the institutionalized traditional cultural courts are entitled to a fair hearing, followed by high scores for non-intimidation (3.75) and non-degrading treatment (3.57). Moderate agreement was observed for knowledgeability about GBV (3.06) and inadequate enforcement mechanisms (2.70). However, the lowest mean scores (1.00) reflect complete disagreement regarding efficiency, timeliness, and reconciliation in resolving GBV cases. These results suggest that while fairness and dignity are upheld, critical gaps exist in efficiency, accessibility, and enforcement. These results imply that institutionalized traditional cultural courts in Bundibugyo District are perceived as upholding key justice principles such as fairness, dignity, and non-intimidation, which are crucial for fostering trust and respect in the community. The overall mean for all the items was 2.18, and according to the legend at the bottom of Table 12, this indicates that the institutionalized traditional cultural courts were operating well. However, significant weaknesses in operational aspects, including efficiency, timeliness, reconciliation, accessibility, and enforcement mechanisms, undermine their overall effectiveness in addressing GBV cases. Addressing these gaps is essential to enhance their functionality and reliability as a justice system for vulnerable populations.

The highest standard deviation (1.398) indicates varying perceptions about the lack of enforcement mechanisms, followed by knowledgeability about GBV (1.348) and requisite

skills (1.366). Lower standard deviations for fairness (0.340), non-intimidation (0.653), and non-degrading treatment (0.777) suggest greater consensus on these positive attributes. Notably, a standard deviation of 0.000 for the lowest mean scores highlights unanimous agreement on deficiencies in efficiency, timeliness, and reconciliation. This demonstrates that stakeholders consistently recognize specific weaknesses while holding. Generally, this implies that while there is strong consensus on certain aspects, such as fairness, dignity, and the inefficiencies of the institutionalized traditional cultural courts in resolving GBV cases, there is considerable variability in perceptions of other areas, such as enforcement mechanisms, knowledgeable, and requisite skills of court administrators. The unanimous agreement on deficiencies in critical operational aspects highlights systemic issues that need urgent attention, while the mixed perceptions on other elements indicate areas where improvements can foster greater alignment among stakeholders. Addressing these issues holistically would enhance the credibility and effectiveness of the institutionalized traditional cultural courts in Bundibugyo District.

Inferential Statistics from Descriptive Statistics

To assess the effect of institutionalized traditional cultural courts on GBV mitigation in Bundibugyo communities, inferential statistics were generated from the overall means of traditional courts (2.18 in Table 2) and GBV mitigation (2.32 in Table 1). However, before considering the effect of one variable on another, it was important to first establish their relatedness.

The Relationship between Institutionalization of Traditional Cultural Courts and the Mitigation of Gender Based Violence in Bundibugyo

Before evaluating their effect, linear regression coefficients were used to examine the relationship between the independent and dependent variables. The results in Table 3 highlight the relationship between respondents' data on the institutionalized traditional cultural courts and mitigation of GBV in Bundibugyo.

Table 3 Linear Regression Coefficients on the Relationship between Institutionalization of Traditional Cultural Courts and Mitigation of Gender Based Violence in Bundibugyo District.

	Model	Unstandardized Coefficients		Standardized Coefficients Beta	t	Sig.
		B	Std. Error			
1	(Constant)	2.063	.525		3.925	.000
	Institutionalization of Traditional Cultural Courts	.125	.208	.109	.601	.553

a. Dependent Variable: Mitigation of Gender-Based Violence

The results in Table 3 showed a significance value (Sig) of 0.553, indicating that, according to data from the respondent technical staff in the district, the institutionalization of traditional cultural courts was insignificantly related to the mitigation of GBV in Bundibugyo District.

Establishing the Magnitude of the Effect of Institutionalization of Traditional Cultural Courts on the Mitigation of Gender-Based Violence in Bundibugyo District.

To determine the effect of the institutionalization of traditional cultural courts on mitigation of GBV in Bundibugyo communities, a linear regression was conducted using the transformed overall means from the institutionalization of traditional cultural courts data in Table 2 (2.18) and the mitigation of GBV data in Table 1 (2.32). The magnitude of the effect of one variable on the other, as measured by the regression model summary, is presented in Table 4 below;

Table 4 Linear Regression Model Summary of the Magnitude of the Effect of Institutionalization of Traditional Cultural Courts on the Mitigation of Gender-Based Violence in Bundibugyo District.

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.109 ^a	.012	-.021	1.349

a. Predictors: (Constant), Institutionalization of Traditional Cultural Courts

In interpreting the results in Table 4, the R-squared value, or coefficient of determination, is crucial as it represents the magnitude by which a change in the independent variable affects the dependent variable. The R-squared value in Table 4 was .012, which can be converted to a percentage (0.012×100), equaling 1.2%. This indicates that, according to the respondent technical staff from Bundibugyo District, the institutionalization of traditional cultural courts accounts for only 1.2% of the mitigation of GBV in Bundibugyo communities. In other words, for every unit improvement in the institutionalization of traditional cultural courts, there was only a small improvement of 1.2% in mitigation of GBV. To assess whether this effect is statistically significant, the ANOVA results in Table 5 were considered.

ANOVA Results for Testing the Statistical Significance of the Effect of Institutionalization of Traditional Cultural Courts on Mitigation of Gender-Based Violence in Bundibugyo District

This section presents the results of an ANOVA (Analysis of Variance) conducted to assess the statistical significance of the effect of institutionalization traditional cultural courts on the mitigation of gender-based violence (GBV) in Bundibugyo District. The analysis aims to determine whether the institutionalization of these courts has had a measurable impact on reducing GBV cases in the region.

Table 5 ANOVA Results for Testing the Statistical Significance of the Effect of Institutionalization of Traditional Cultural Courts on Mitigation of Gender-Based Violence in Bundibugyo District.

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.656	1	.656	.361	.553 ^b
	Residual	54.563	30	1.819		
	Total	55.219	31			

a. Dependent Variable: Mitigation of Gender-Based Violence
 b. Predictors: (Constant), Institutionalization of Traditional Cultural Courts

The data in Table 5 revealed that the significance (Sig) value from the respondent technical staff in the district was .553, which is greater than 0.05 (the p-value threshold). Therefore, with .012 and at $p = .553 > .05$, the data indicates that the institutionalization of traditional cultural courts had an insignificant effect on the mitigation of GBV in Bundibugyo District. This suggests that the effect of institutionalizing traditional cultural courts on mitigation of GBV is marginal. Consequently, *the original hypothesis stating that 'there is no statistically significant effect of institutionalization of traditional cultural courts on the mitigation of Gender-Based Violence in Bundibugyo District' was upheld as true.*

Summary of Major Findings

The study's findings revealed that the institutionalization of traditional cultural courts accounted for only 1.2% of GBV mitigation in Bundibugyo District. This indicates that for every unit improvement in the institutionalization of traditional cultural courts, there was a minimal increase of 1.2% in mitigation of gender-based violence. The results, with $R^2 = 0.012$ and $p = 0.553$ ($p > 0.05$), suggest that the institutionalization of traditional cultural courts had

an insignificant effect on GBV mitigation, according to data from the respondent technical staff. This highlights the marginal impact of institutionalizing traditional cultural courts on addressing GBV in the district.

Discussion of Findings

The study revealed that the institutionalization of traditional cultural courts accounted for only 1.2% of mitigation of GBV in Bundibugyo communities, indicating a minimal effect. This underscores the insignificant role of institutionalization of traditional cultural courts in addressing GBV within the district. The findings also highlight the challenges of legal pluralism, where both traditional and formal legal systems coexist. Specifically, the ineffectiveness of traditional cultural courts exemplifies how plural legal systems can falter due to a lack of coherence between informal justice mechanisms and formal legal frameworks. The limited knowledge of national GBV laws and constitutional provisions among traditional court administrators further reflects this disconnect. Legal pluralism theory emphasizes the need for mutual integration and respect between legal systems for effective functionality. However, the failure of institutionalized traditional cultural courts to align with or support formal legal norms illustrates a critical limitation in this framework.

Considering the composition of the individuals who administer the institutionalized traditional cultural courts, not only in Bundibugyo but also in other districts in Uganda, most of them lack knowledge of laws regarding GBV and the constitutional provisions of Uganda. Even in cases where some are aware of these laws, they fail to apply them effectively. The findings of this study align closely with those of Namubiru (2021), who noted that GBV case management remains a persistent challenge. Similarly, Wondimu (2022) found that traditional courts in southwest Ethiopia were inadequate in managing GBV cases due to socio-cultural limitations.

Legal pluralism provides a framework for understanding why institutionalized traditional courts struggle with GBV case management. The theory posits that tensions can arise when traditional legal systems coexist with formal legal frameworks, particularly if the informal systems lack the capacity or willingness to align with formal legal standards. These findings emphasize the inadequacy of traditional courts in both Bundibugyo and Ethiopia, where institutionalization has not translated into effective management of GBV cases. Legal pluralism highlights the need for stronger integration between formal legal provisions and traditional practices to ensure that informal systems operate in a way that supports and enforces national laws on GBV.

The findings of this study align with those of Erickson et al. (2018), Ogujiuba and Jumare (2012), and Bouhours and Broadhurst (2015), who highlighted the contentious role of institutionalized informal justice in mitigating GBV. Erickson et al. (2018) observed that traditional justice administrators often have limited education, which hinders their ability to effectively address GBV cases. Similarly, Woolford and Ratner (2017) noted that while traditional cultural courts are flexible, they lack sufficient knowledge of national laws, undermining their effectiveness in handling GBV cases. Woolford et al. (2017) further explained that the choice to rely on the traditional cultural courts, is influenced by its adherence to three key principles that gain acceptance and support from the formal system, with flexibility being a notable attribute. Unlike formal judicial systems bound by strict laws and constitutions, traditional courts operate with adaptable norms.

However, this flexibility often leads to a disregard for established legal provisions, as Woolford et al. (2017) pointed out. Consequently, if justice is measured by the fairness of the law, traditional courts seldom deliver justice to victims. Legal pluralism is central to these findings, as it emphasizes the inherent flexibility of traditional courts. Yet, when this flexibility is not

checked against formal legal standards, it results in outcomes that may conflict with national laws. This tension between informal legal systems, like traditional courts, and the formal legal framework underscores a significant issue in plural legal systems. The inability of traditional courts to uphold formal legal principles particularly regarding GBV reflects their failure to align with fundamental values such as gender equality and human rights, which are enshrined in formal legal systems.

The findings also corroborated those of Kotter (2015), who credited traditional courts for being flexible and quick but criticized them for their weakness in communities that continue to uphold male dominance. This implies that although institutionalized traditional cultural courts may be flexible, they have not provided adequate justice to victims. Kotter (2015) further noted that when the victim is female and the abuser male, the law is often biased against women due to entrenched male dominance and violations of human rights. Kotter (2017) observed similar patterns in Pakistan and Afghanistan, where male dominance heavily influences informal justice systems (IJS). For instance, in a study in northwest Pakistan, an 11-year-old girl was forced to marry her offender by a traditional court, blatantly violating her rights (Ullah, 2018).

These findings highlight that institutionalized traditional cultural courts have failed to effectively mitigate GBV cases, not only in Bundibugyo but also in other parts of the world. This critique of legal pluralism emphasizes how informal justice systems can reinforce existing power imbalances. In communities where male domination persists, traditional courts often fail to deliver justice, especially for female victims. Legal pluralism suggests that the coexistence of multiple legal systems within a society does not inherently ensure fairness. Instead, it may perpetuate inequalities when informal systems are not aligned with formal systems that protect human rights. The findings in Bundibugyo reflect this dynamic, as the traditional court system, despite its flexibility, fails to offer justice to women due to entrenched social hierarchies. This is consistent with findings from Pakistan and Afghanistan, where traditional courts often exacerbate gender inequality (Kotter, 2017), illustrating how legal pluralism can lead to unjust outcomes for vulnerable groups.

Zitelmann (2016) reported in a study conducted in Indonesia that the relatively weaker party in a disagreement was often compelled to accept rulings favoring the more powerful party. Similarly, Roberts (2014) found that, in some cases, weaker parties were coerced into accepting decisions to maintain community cohesion or protect others from the influence of the powerful particularly when the weaker party was a woman or belonged to a minority family or clan.

Legal pluralism highlights how informal legal systems can be coercive, especially when they disproportionately favor the powerful. In Bundibugyo, as in Indonesia and other regions, weaker parties often women may feel pressured to accept decisions made by traditional courts to preserve social harmony or avoid conflict. This underscores how informal justice systems can enforce community norms that perpetuate inequalities rather than safeguarding individual rights. The findings demonstrate this dynamic, with traditional cultural courts frequently making decisions that favor the powerful, thereby undermining justice for the less powerful, especially women.

In Somalia, a report by the Center for Humanitarian Dialogue (2015) revealed that women are often directed by traditional or cultural courts to marry their offenders or abusers (rapists, defilers). According to the report, such decisions are intended to establish peace among and across clans or tribes. However, the offender or abuser is required to pay the full bride price to the victim's clan. This marriage arrangement is believed to restore the woman's honor while strengthening the bond between the two clans. Unfortunately, this practice blatantly undermines the woman's right to seek justice and have the abuser punished (LeSage, 2015).

The discussion above justifies the findings on the effect of institutionalized traditional cultural courts in the mitigation of GBV in Bundibugyo District. The findings are consistent with studies conducted in other regions, such as Pakistan, Ethiopia, Somalia, and parts of Asia. Therefore, they are considered reliable and support the conclusion that institutionalized traditional cultural courts in Bundibugyo District have not been effective in mitigating GBV cases. This explains why the prevalence of GBV remains high despite the institutionalization of these courts.

The Somali example underscores the limitations of legal pluralism, particularly when informal justice systems like traditional courts prioritize community cohesion over individual rights. Legal pluralism recognizes the potential for informal systems to undermine formal legal principles, especially when traditional practices such as coerced marriage or forced reconciliation with an abuser conflict with the human rights protections enshrined in formal law. The findings in Bundibugyo align with this critique, highlighting how traditional cultural courts, despite their institutionalization, fail to protect women's rights adequately. This underscores the need for a more integrated approach that harmonizes formal.

In conclusion, the findings of this study emphasize the limited effectiveness of institutionalized traditional cultural courts in mitigating gender-based violence (GBV) in Bundibugyo District. Despite their formal recognition, they have proven inadequate in addressing GBV cases, primarily due to the lack of legal knowledge among traditional court administrators and the persistence of societal norms that undermine women's rights. The results align with global findings from other regions, such as Pakistan, Afghanistan, and Somalia, where traditional courts, while flexible, often perpetuate gender inequality and fail to protect vulnerable individuals.

From the findings, the study also concludes that Legal pluralism, as a theoretical framework, highlights the challenges inherent in the coexistence of formal and informal legal systems. Although institutionalized traditional cultural courts provide accessible and flexible forms of justice, they frequently fail to align with formal legal standards that protect human rights and promote gender equality. The disconnect between these courts and formal legal provisions on GBV underscores the need for better integration between these systems.

Despite the institutionalization of traditional courts, the persistent prevalence of GBV cases underscores their ineffectiveness in fully addressing the issue, highlighting the need for greater efforts to harmonize these systems with national legal frameworks. This would require enhancing the legal knowledge of traditional court administrators, promoting gender-sensitive practices, and ensuring that both legal systems work cohesively to uphold justice and human rights. Such measures would enable legal pluralism to be more effectively leveraged to protect the rights and dignity of all individuals, particularly women, in communities within Bundibugyo and beyond.

CONCLUSION AND RECOMMENDATION

Conclusions

The study concludes that the institutionalization of traditional cultural courts accounts for only a minimal proportion of the mitigation of GBV in the communities of Bundibugyo district. The use of institutionalized traditional cultural courts mitigates only a small portion of GBV in these communities. Therefore, the study concluded that the institutionalization of traditional cultural courts had an insignificant effect on the mitigation of GBV in the communities of Bundibugyo district.

Theoretical Implication

A key theoretical implication of this study, which examines the institutionalization of Traditional Cultural Courts and their role in mitigating Gender-Based Violence (GBV) in Bundibugyo District, Uganda, through the lens of Legal Pluralism Theory, is the opportunity to gain a deeper understanding of how multiple, coexisting legal systems influence social norms and legal practices. The study emphasizes the importance of integrating both formal and informal justice systems, such as Traditional Cultural Courts, into the broader legal framework to effectively address GBV. Legal Pluralism Theory provides valuable insights into the coexistence of these systems, highlighting that while traditional courts and formal state laws can function together to resolve disputes, their interaction and impact on community perceptions of justice and gender norms still require further investigation. By focusing on the institutionalization of Traditional Cultural Courts, the study contributes to the theoretical debate on the role of indigenous justice systems in formal legal contexts. It underscores how these systems, although not always effective in mitigating GBV, continue to shape cultural norms and practices related to gender roles, power dynamics, and dispute resolution. Additionally, it offers critical reflections on how such systems can be aligned or reformed to complement formal legal structures, enhancing their capacity to address GBV in a culturally sensitive manner. This theoretical implication also invites scholars to reconsider the boundaries of legal pluralism by emphasizing how informal, culturally embedded legal mechanisms like Traditional Cultural Courts can be more effectively integrated into national frameworks for GBV prevention, thereby fostering a more inclusive and locally adapted approach to legal empowerment and gender justice.

Policy Implications

The policy implication of this study on the institutionalization of Traditional Cultural Courts and the mitigation of Gender-Based Violence (GBV) in Bundibugyo District, Uganda, is that policymakers should consider integrating traditional justice mechanisms into national and local GBV response frameworks, while carefully considering their limitations and effectiveness. Given the findings that the institutionalization of Traditional Cultural Courts had an insignificant effect on mitigation of GBV, it is essential for policymakers to reassess how these courts are structured, regulated, and supported within the legal system. There is a need for policies that enhance the accountability and transparency of Traditional Cultural Courts, ensuring that they align with human rights standards and effectively contribute to the prevention and reduction of GBV. Additionally, policies should focus on strengthening collaboration between traditional courts and formal justice systems to create a more integrated, multi-layered response to GBV. This can include the establishment of referral mechanisms, where cases that cannot be appropriately addressed in traditional courts are transferred to formal judicial systems for further action. Furthermore, there is a need for policies that support training and capacity-building for traditional leaders, ensuring they are equipped with knowledge of GBV issues, legal rights, and survivor support services. This would help improve the responsiveness of traditional courts to GBV cases and encourage a shift in cultural norms that perpetuate gender-based violence. Finally, policies should emphasize the importance of community engagement, education, and gender-awareness programs to address harmful cultural norms that contribute to GBV, ensuring that both men and women are involved in changing these norms and promoting a culture of gender equality. By developing policies that recognize the role of traditional courts in addressing GBV; while strengthening their capacity and aligning them with formal legal frameworks, Uganda can create a more comprehensive, culturally sensitive, and effective approach to GBV mitigation.

Gender based violence mitigation Implications

The findings of this study suggest that the institutionalization of traditional cultural courts in Bundibugyo District has had limited success in mitigating gender-based violence (GBV). To improve GBV mitigation, efforts should focus on enhancing the effectiveness of these courts by aligning them with national legal frameworks and human rights standards. Additionally, implementing mechanisms for timely detection, early reporting, responsive investigation, prompt intervention, and attitude change would provide a comprehensive framework for addressing GBV. This includes offering training for traditional court administrators on GBV issues, strengthening accountability and transparency, and fostering collaboration between traditional and formal legal systems. Furthermore, engaging communities in raising awareness about GBV, challenging harmful cultural norms, and promoting gender equality is essential. It is particularly important to involve men in campaigning for GBV mitigation, as their active participation can help challenge patriarchal attitudes and foster a more inclusive approach to gender equality. Through these collective efforts, the role of traditional cultural courts in GBV prevention can be maximized, leading to a more robust and effective response to GBV.

Recommendations

Based on the study's findings, it is recommended that administrators of traditional courts in Bundibugyo receive training on gender-based violence (GBV), legal rights, and human rights to better address GBV cases. There should be concerted efforts to integrate traditional courts with formal justice systems through referral mechanisms for cases that fall outside their scope. Additionally, policies should be introduced to ensure transparency and accountability within traditional courts, ensuring their alignment with national human rights standards. Promoting gender-sensitive practices and launching community engagement programs will help challenge harmful cultural norms and encourage collective action to change attitudes towards GBV. Strengthening the collaboration between traditional and formal legal systems and reforming the structure and regulation of traditional courts will improve their capacity to handle GBV cases, ensuring alignment with both human rights protections and the broader legal framework.

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