

UGANDA HUMAN RIGHTS COMMISSION



THE 26TH ANNUAL REPORT ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA IN 2023

SUBMITTED TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA

THE 26TH ANNUAL REPORT ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA IN 2023

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SUBMITTED TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA

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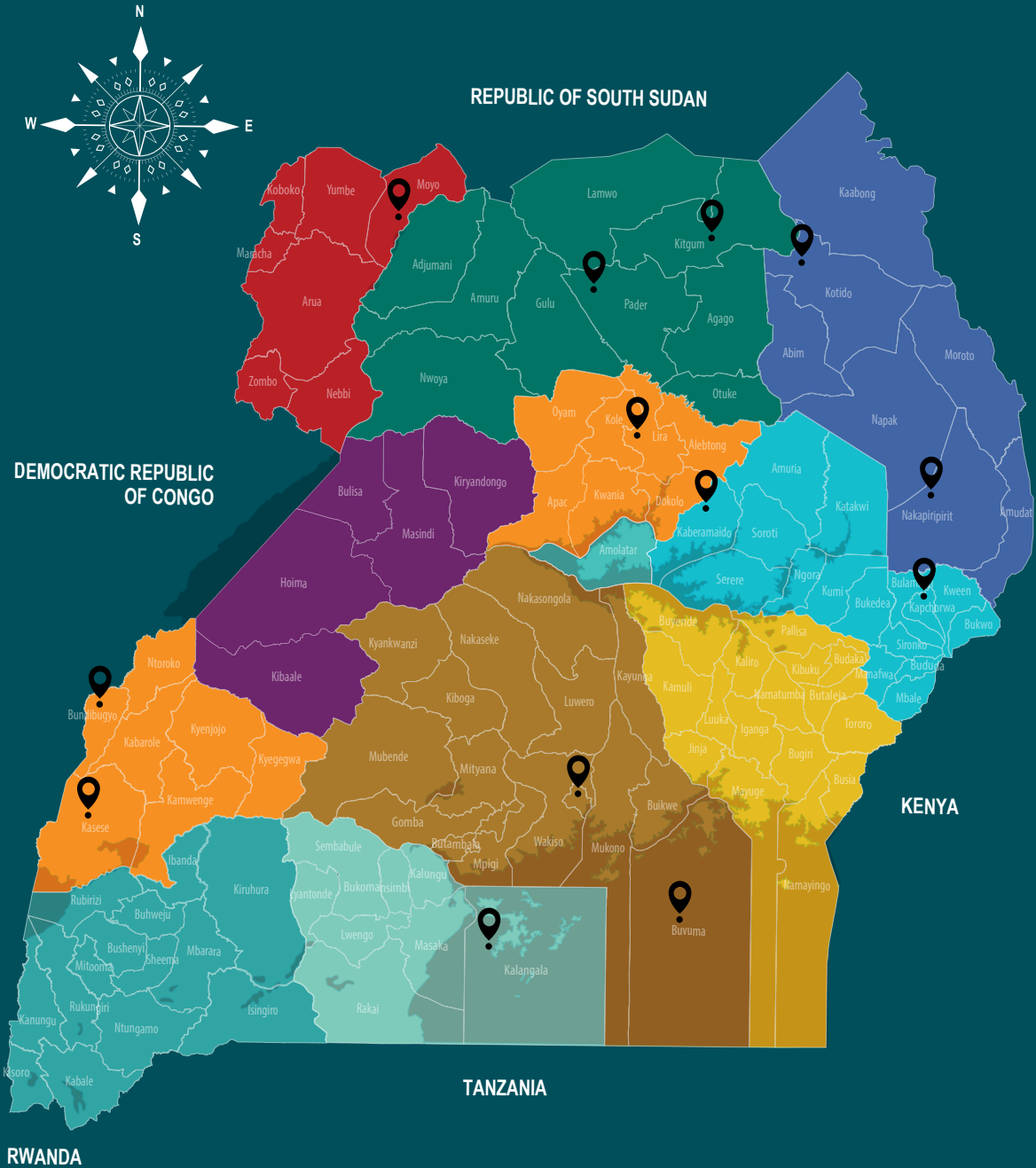
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MAP OF UGANDA SHOWING LOCATION OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES



- | | | | |
|---|---|--|---|
| ■ Arua | ■ Gulu | ■ Kabale | ■ Mbarara |
| ■ Central | ■ Hoima | ■ Lira | ■ Moroto |
| ■ Fort Portal | ■ Jinja | ■ Masaka | ■ Soroti |
- Field offices

FOREWORD

The Rt. Honorable Speaker of Parliament
Parliament of Uganda
P. O. Box 7178
Kampala

Dear Madam,

UGANDA HUMAN RIGHTS COMMISSION 26TH ANNUAL REPORT 2023 TO PARLIAMENT

In accordance with Article 52 (2) of the Constitution of the Republic of Uganda, the Uganda Human Rights Commission (UHRC) is mandated to publish periodic reports on its findings and submit annual reports to parliament on the state of human rights and freedoms in the country. It is therefore, in fulfilment of this mandate that the UHRC has the honour to present its 26th Annual Report on the state of human rights in 2023.

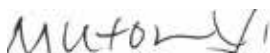
This report comprises of thirteen (13) chapters, on different thematic issues and areas that UHRC monitored in the reporting period. These include: Uganda's Infrastructure and Human Rights Concerns, Access to Information in Uganda, Defilement and Sexual Offences against children and Human Rights Implications, State of Remand Home and Rehabilitation Centres in Uganda, The Right to Development: Assessment of Government Programmes in Uganda in 2023, The 2023 ADF Terror Attacks in Kasese, Communities in Uganda at Risk of Statelessness, Witness Protection in Uganda: the Human Rights Concerns, Status of Children Born out of War in Northern Uganda, and Hate Speech and its Human Rights Implications.

Chapter 11, highlights UHRC interventions in complaints management, including investigations and tribunals, monitoring and inspections; human rights education; Monitoring interventions as well as finance and administration. Chapter 12 considers the Commission's position on the Bills that were tabled before the Parliament of Uganda in 2023. Chapter 13 assesses Uganda's performance in reporting to international and regional human rights mechanisms.

This Report therefore, presents a carefully conducted and useful assessment of the state of human rights in the country in 2023. It also gives an appraisal of previously identified challenges and recommendations and takes note of the progress made by Government in respecting, protecting and fulfilling human rights.

It is our hope as the UHRC, that Parliament, the Executive, and all Institutions of Government to which recommendations have been made, will give due attention to the respective issues raised. We are fully convinced that implementation of recommendations made, will greatly enhance the protection and promotion of human rights in the country.

For God and my Country.



MARIAM WANGADYA

CHAIRPERSON, UGANDA HUMAN RIGHTS COMMISSION

ACKNOWLEDGEMENTS

The Uganda Human Rights Commission (UHRC) has come to the end of yet another year of execution of its constitutional mandate. The UHRC mandate which includes, complaints, investigations, tribunal hearings, monitoring the state of human rights in the country, human rights education and research as well as public and stakeholder engagement. The Commission majorly focuses on vulnerable persons and persons in situations of vulnerability.

In 2023 the Commission monitored and documented various human rights thematic areas that included:- Uganda's Infrastructure and Human Rights Concerns; Access to Information in Uganda; Defilement and Sexual Offences against children and Human Rights Implications; State of Remand Home and Rehabilitation Centres in Uganda; The Right to Development: Assessment of Government Programmes in Uganda in 2023; The 2023 ADF Terror Attacks in Kasese; Communities in Uganda at Risk of Statelessness; Witness Protection in Uganda; Status of Children Born out of War in Northern Uganda and Hate Speech.

Interventions by the UHRC in execution of its mandate are highlighted in Chapter 11. Chapter 12 presents the Commission's position on Bills tabled before the Parliament of Uganda in 2023. Chapter 13 assesses Uganda's performance in reporting to international and regional human rights mechanisms.

The UHRC appreciates the financial support offered by the Government of Uganda (GoU) in facilitating the production of this report. Special appreciation goes to the Governments of France and Germany (GIZ), The Justice Law and Order Sector (JLOS), now called Governance and Security, the United Nations Development Programme (UNDP), United Nations Fund for Population Activities (UNFPA), United Nations Office on Drugs and Crime (UNODC) and the Danish Institute for Human Rights (DIHR) for all the support extended to UHRC for the successful production of this report.

The Chairperson Ms. Mariam Wangadya and the Members of the Commission in a special way appreciated and acknowledged for providing leadership, policy guidance and strategic direction that steered the process leading to the production of this report.

Special gratitude goes to the Members of the Editorial Board, in particular Mr. Crispin Kaheru (Member of the Commission), Hon Shifrah Lukwago (Member of the Commission), Hon. Jacket Atuhaire (Member of the Commission), Mr. Omara Apitta Lamex (Member of the Commission), Hon. Col (Rtd) Stephen Basaliza (Member of the Commission), Hon. Simeo Muwanga Nsubuga (Member of the Commission), Directors: Ms. Ruth Ssekindi, Mr. Christopher Turigye, Ms. Ida Nakiganda, Mr. Kamadi Byonabye, Ms. Sarah Nakhumitsa and Mr. Mukasa Charles the Commission Planner.

The report was also greatly facilitated by the drafting committee members expertise and, skills and knowledge, including Directors Ms. Ruth Ssekindi, Mr. Christopher Turigye, Ms. Ida Nakiganda, Mr. Kamadi Byonabye and Ms. Sarah Nakhumitsa. The other drafters included: - Ms. Priscillia Nyarugoye, Ms. Hope Bagota, Ms. Diana Akampereza, Ms. Sarah Birungi, Ms. Pauline Nansamba-Mutumba, Ms. Kissa Daisy, Ms. Betty Enagu, Mr. Gabriel Okangas, Ms. Nancy Katwesigye, Ms. Juliet Logose, Mr. Bosco Okurut, Ms. Veronica Nabasinga, Ms. Jashmin Nambi Kasujja, Ms. Dorah Namaganda, Mr. Crispus Kateeba, Mr. Otwao Okello Ambrose, Ms. Afra Apio, Ms. Aineomugisha Christine, Ms. Peace Ayikoru, and Ms. Amiina Yusuf.

The Commission further acknowledges the work done by its Directorate of Monitoring and Inspections, in particular the Director Ms. Ruth Ssekindi and her team: Ms. Priscilla Nyarugoye, Ms. Hope Bagota, Ms. Diana Akampereza, Ms. Sarah Birungi, Ms. Akello Anna Grace and Ms. Timat Ann Grace for coordination, preparation and compilation of this report. The Commission further acknowledges and appreciates all the staff of the Commission for the team spirit and support given during compilation of this report.

The Commission further acknowledges and appreciates the contributions made by individuals and organizations during the consultative process including Ms. Ann Kiiza Office of the Directorate of Public Prosecutions, Mr. Charles Kasibayo Administrator General, Ms. Elizabeth Kemigisha FIDA Uganda, Mr. Waiswa Abdu UCC, Mr. Wanyama Edrine Collaboration on International ICT Policy for East and Southern Africa, Mr. Namanya Ronald Ministry of Works and Transport, Ms. Brenda K. Agaba NIRA Uganda, Mr. Baluku Moses Foundation of Rwenzori Abductees and Returnees Organisation, Mr. Nathan Byamukama Executive Director Regional Centre for Human Security-Great Lakes Region, Mr. Richard Ndyanabo Ministry of Finance,

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Margaret Lucy Ejang
**SECRETARY, UGANDA HUMAN RIGHTS
COMMISSION**

ABOUT UGANDA HUMAN RIGHTS COMMISSION

WHO WE ARE

Our Vision

A society that respects human rights and fulfils civic obligations.

WHAT WE ASPIRE TO DO

Mission Statement

To protect and promote fundamental human rights and freedoms in Uganda for sustainable development.

Our Corporate Values

- Integrity, transparency and accountability
- Fairness in the execution of functions and mandate
- Dignity of the person is central
- Independence, credibility and reliability as a national human rights institution
- Quality of service delivery
- Non-discrimination

Mandate

The functions of the Commission as per Article 52 (1) of the Constitution of the Republic of Uganda, 1995 are as follows:

- To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
- To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;
- To establish a continuing programme of research, education and information to enhance respect of human rights;
- To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;
- To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;
- To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;
- To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- To monitor the Government's compliance with international treaty and convention obligations on human rights; and
- To perform such other functions as may be provided by law.

Article 52(2) requires the Commission to publish periodic reports and submit annual reports to Parliament on the state of human rights and freedoms in the country.

Article 52(3) states that in the performance of its functions, the Uganda Human Rights Commission shall:

- a) Establish its operational guidelines and rules of procedure;
- b) Request the assistance of any department, bureau, office, agency or person in the performance of its functions; and
- c) Observe the rules of natural justice.

Furthermore, Article 48 (1) of the Constitution grants the Commission an intervention role in situations where a state of EMERGENCY has been declared: “The Uganda Human Rights Commission shall review the case of any person who is restricted or detained under emergency laws”.

Powers of the UHRC

Under Article 53(1), the Commission has powers:

1. To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
2. To question any person in respect of any subject matter under investigation before the Commission;
3. To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and
4. To commit persons for contempt of its orders.

The UHRC may, if satisfied that there has been an infringement of a human right or freedom, order:

1. The release of a detained or restricted person;
2. Payment of compensation; or
3. Any other legal remedy or redress.

Independence of the UHRC

Article 54 states that the Commission shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

Expenses of the UHRC

Article 55 provides that the Commission shall be self-accounting and all the administrative expenses, including salaries, allowances and pensions payable to persons serving with the Commission, shall be charged on the Consolidated Fund.

The Chairperson and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.

Removal of a Member of the Commission

Under Article 56, the provisions of the Constitution relating to the removal of a judge of the High Court from office shall, with the necessary modifications, apply to the removal from office of a member of the Commission.

Staff of the Commission

The Commission appoints officers and other employees in consultation with the Public Service Commission.

Other laws governing the Commission

The laws that regulate and facilitate the performance of the functions of the Commission are the Uganda Human Rights Commission Act, 1997 and Uganda Human Rights Commission Rules of Procedures, 1998.

MEMBERSHIP OF THE COMMISSION



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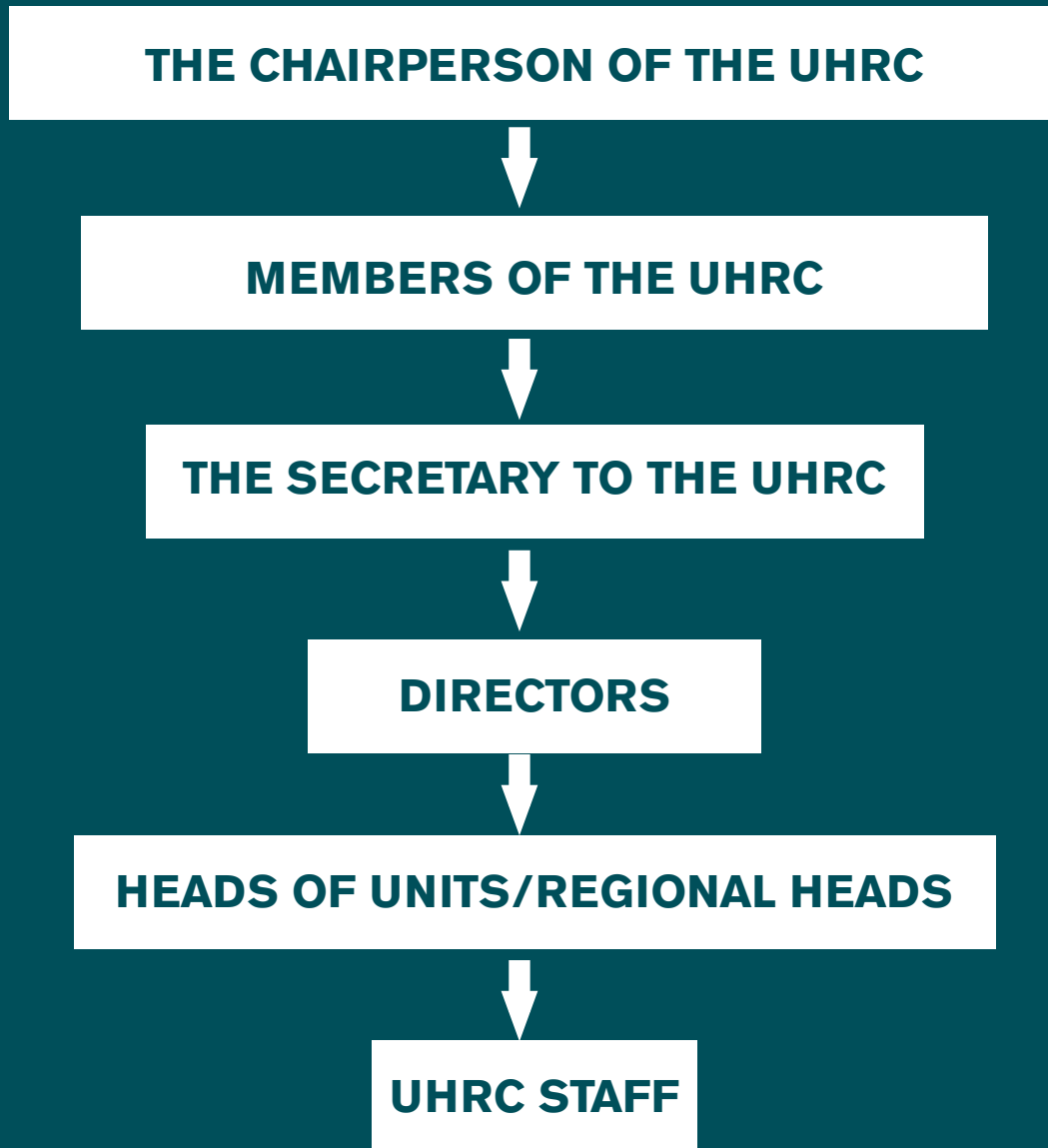


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ABBREVIATIONS AND ACRONYMS

| | | | |
|---------------|--|-----------------|--|
| ACF | Agricultural Credit Facility | CID | Criminal Investigations Directorate |
| ACHPR | African Charter on Human and Peoples’ Rights | CIPESA | Collaboration on International ICT Policy for East and Southern Africa |
| ACME | African Center for Media Excellence | CIs | Credit Institutions |
| ACRWC | African Charter on the Rights and Welfare of the Child | COMESA | Common Market for Eastern and Southern Africa |
| ACTV | African Center for Treatment and Rehabilitation of Torture Victims | COVID-19 | Coronavirus Disease 2019 |
| ASF | Avocats Sans Frontieres | CPA | Certified Public Accountant |
| ADF | Allied Democratic Forces | CRC | Convention on the Rights of the Child |
| ADR | Alternative Dispute Resolution | CRPD | Convention on the Rights of Persons with Disabilities |
| AfDB | African Development Bank | CSOs | Civil Society Organisations |
| AFIC | Africa Freedom of Information Centre | CUUL | Consortium of Uganda University Libraries |
| HIV | Human Immunodeficiency Virus | DCDO | District Community Development Officer |
| AIDS | Acquired Immunodeficiency Syndrome | DGF | Democratic Governance Facility |
| APP | Application | DIT | Directorate of Industrial Training |
| AU | African Union | DLG | District Local Government |
| BTVET | Business, Technical, Vocational Education and Training | DPP | Director of Public Prosecutions |
| BUSOMA | Busoga Media Association | DRC | Democratic Republic of Congo |
| CAA | Civil Aviation Authority | DRTD | Declaration on the Right to Development |
| CAT-OP | Optional Protocol of the Convention against Torture | EAC | East African Community |
| CBOW | Children Born of War | EL | Effective Legislation |
| CBR | Community-Based Rehabilitation | ERB | Engineers Registration Board |
| CCF | Christian Child Fellowship | ERW | Explosive Remnants of War |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance | ESAU | Epilepsy Support Association of Uganda |
| CEDAW | Convention on the Elimination of All forms of Discrimination Against Women | EU | European Union |
| CAO | Chief Administrative Officer | FIDA | International Federation of Women Lawyers |
| CERD | Convention on the Elimination of All Forms of Racial Discrimination | FY | Financial Year |
| | | GB | Gigabyte |
| | | GBV | Gender-Based Violence |

| | | | |
|---------------|--|----------------|--|
| GCIC | Government Citizen Interaction Centre | KIU | Kampala International University |
| GCOF | Government Communication Officers Forum | KPH | Kilometer Per Hour |
| GDP | Gross Domestic Product | LAPD | Legal Action on Persons with Disability |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit | LC1 | Local Council One |
| GoU | Government of Uganda | LCIII | Local Council Three |
| GUSCO | Gulu Support the Children Organisation | LDC | Law Development Centre |
| HCIII | Health Centre Three | LDCs | Least Developed Countries |
| Hon. | Honourable | LDU | Local Defence Unit |
| HRBA | Human Rights Based Approach | LGA | Local Government Authority |
| ICAO | International Civil Aviation Organization | LRA | Lord's Resistance Army |
| ICC | International Criminal Court | LTD | Limited |
| ICCPR | International Convention on Civil and Political Rights | M&E | Monitoring and Evaluation |
| ICD | International Classification of Diseases | MAAIF | Ministry of Agriculture, Animal Industry and Fisheries |
| ICESCR | International Covenant on Economic, Social and Cultural Rights | MD | Managing Director |
| ICT | Information and Communication Technology | MDAs | Ministries, Departments and Agencies |
| ID | Identity | MDIs | Micro Deposit-taking Institutions |
| IEC | Information, Education and Communication | MEMD | Ministry of Energy and Mineral Development |
| IED | Improvised Explosive Device | MGLSD | Ministry of Gender, Labour and Social Development |
| ILO | International Labour Organization | MGR | Meter Gauge Railway |
| IMO | International Maritime Organization | MoA | Memorandum of Agreement |
| ISO | Internal Security Organisation | MOFA | Ministry of Foreign Affairs |
| ISS | International Space Station | MoFPED | Ministry of Finance, Planning and Economic Development |
| ITIS | Integrated Transport Infrastructure System | MoLG | Ministry of Local Government |
| IUEA | International University of East Africa | MoLHUD | Ministry of Lands, Housing and Urban Development |
| IUIU | Islamic University in Uganda | MoWT | Ministry of Works and Transport |
| IWTS | Inland Water Transport Study | MPS | Ministerial Policy Statement |
| JLOS | Justice, Law and Order Sector | MPs | Members of Parliament |
| KCCA | Kampala City Council Authority | MTEF | Medium-Term Expenditure Framework |
| | | MTIC | Ministry of Trade, Industry and Cooperatives |
| | | MTM | Madina at Tauheed Wau Mujahedeen |

| | | | |
|---------------|--|---------------|---|
| MUBS | Makerere University Business School | SBRF | Small Business Recovery Fund |
| MV | Moving Vessel | SDGs | Sustainable Development Goals |
| NADB | National Association of the Deaf Blind | SGR | Standard Gauge Railway |
| NALU | National Army for Liberation of Uganda | SHRO | Senior Human Rights Officer |
| NBRB | National Building Review Board | SIA | Spinal Injury Association |
| NCIC | National Citizenship and Immigration Control | SIP | Strategic Investment Plan |
| NDP | National Development Plan | SWAP | Saving Women and Preterm Babies |
| NIRA | National Identification and Registration Authority | TB | Tuberculosis |
| NITA-U | National Information Technology Authority – Uganda | ToT | Training of Trainers |
| NMAP | National Mine Action Programme | TV | Television |
| NPA | National Planning Authority | UBC | Uganda Broadcasting Corporation |
| NPA | Non-Performing Asset | UBOS | Uganda Bureau of Statistics |
| NRM | National Resistance Movement | UCC | Uganda Communications Commission |
| NUDIPU | National Union of Disabled Persons of Uganda | UDHR | Universal Declaration of Human Rights |
| NUWODU | National Union of Women with Disabilities of Uganda | UGX | Uganda Shillings |
| O/C | Officer in Charge | UHRC | Uganda Human Rights Commission |
| OHCHR | Office of the High Commissioner for Human Rights | ULRC | Uganda Law Reform Commission |
| OPM | Office of the Prime Minister | UMFF | Uganda Muslim Freedom Fighters |
| PDM | Parish Development Model | UMSF | Uganda Muslim Salvation Front |
| PEPDEL | Promoting the Employability and Employment of People with Disabilities | UN | United Nations |
| PFI | Participating Financial Institutions | UNCAC | United Nations Convention Against Corruption |
| PGD | Post Graduate Diploma | UNCAT | United Nations Convention against Torture and Cruel, Inhuman or Degrading Treatment |
| PM | Particulate Matter | UNDP | United Nations Development Programme |
| PPE | Personal Protective Equipment | UNESCO | United Nations Educational, Scientific and Cultural Organization |
| PPTA | Prevention and Prohibition of Torture Act | UNFPA | United Nations Population Fund |
| PWDs | Persons with Disabilities | UNGA | United Nations General Assembly |
| RAPEX | European Rapid Alert System for Dangerous Products | UNGPs | United Nations Guiding Principles |
| RCCs | Resident City Commissioners | UNHS | Uganda National Household Survey |
| RDCs | Resident District Commissioners | UNICEF | United Nations Children’s Fund |
| | | UNJHRO | United Nations Joint Human Rights Office |

| | | | |
|----------------|--|--------------|--|
| UNRA | Uganda National Roads Authority | USE | Universal Secondary Education |
| UPACLED | Uganda Parents' Association of Children with Learning Disabilities | UWEP | Uganda Women Entrepreneurship Programme |
| UPDF | Uganda People's Defence Forces | WAN | Women Advocacy Network |
| UPE | Universal Primary Education | WEDGE | Women's Entrepreneurship Development and Gender Equality |
| UPF | Uganda Police Force | WEF | World Economic Forum |
| UPR | Universal Periodic Review | WPFD | World Press Freedom Day |
| UPS | Uganda Prison Service | YIGs | Youth Interest Groups |
| URSB | Uganda Registration Services Bureau | YLP | Youth Livelihood Programme |
| URC | Uganda Railways Corporation | | |
| USD | United States Dollars | | |

EXECUTIVE SUMMARY

The 26th Annual Report of the Uganda Human Rights Commission (UHRC) presents Uganda's human rights and freedoms situation in 2023. The report covers both the activities the UHRC carried out and an assessment of human rights in the country in 2023. It is based on the UHRC's monitoring and documenting throughout the reporting year, complaints of human rights violations and research on thematic human rights areas in 2023. In each chapter, the UHRC makes recommendations to relevant authorities to improve the human rights situation under review.

This report comprises of thirteen (13) chapters, on different thematic issues and areas that UHRC monitored in the reporting period. These include: Uganda's Infrastructure and Human Rights Concerns, Access to Information in Uganda, Defilement and Sexual Offences against children and Human Rights Implications, State of Remand Home and Rehabilitation Centres in Uganda, The Right to Development: Assessment of Government Programmes in Uganda in 2023, The 2023 ADF Terror Attacks in Kasese, Communities in Uganda at Risk of Statelessness, Witness Protection in Uganda: The Human Rights Concerns, Status of Children Born out of War in Northern Uganda, and Hate Speech and its Human Rights Implications.

In Chapter 11, UHRC highlights its interventions in complaints management, including investigations and tribunals, monitoring and inspections; human rights education; Monitoring interventions as well as finance and administration. Chapter 12 captures, the UHRC's position on Bills that were introduced before the Parliament of Uganda in 2022. Chapter 13 presents Uganda's performance in reporting to international and regional human rights treaty bodies.

In the compilation of the report, the Commission refers to its findings during monitoring and inspections as well as emerging issues during human rights education activities; information provided during interviews, focus group discussions and the Commission's stakeholder engagements; and, where relevant, reference to secondary information was made. Below are the recommendations for each of the 13 chapters.

CHAPTER ONE

UGANDA'S INFRASTRUCTURE AND THE HUMAN RIGHTS CONCERNS

- i) Ministry of Works and Transport should undertake an in-depth and systematic analysis of the gender dimensions of the energy, transport, water and ICT sectors and identify ways decision-makers can reflect gender considerations in project design and implementation.
- ii) Ministry of Finance, Planning and Economic Development (MoFPED) together with Kampala Capital City Authority, should ensure that there is sufficient funding to improve the roads in Kampala, Wakiso and Mukono.
- iii) Uganda Investment Authority and Ministry of Works should ensure that workers on projects are provided with protective gear and offered fair terms of employment.

CHAPTER TWO

ACCESS TO INFORMATION IN UGANDA

- i) The Ministry of ICT and National Guidance should intensify public awareness on the ATI Act by engaging in widespread sensitization of the citizenry and public officials, to increase awareness and disclosure of information.

- ii) Parliament should review the ATI Act to include access to information held by private entities, since they are widely involved in service delivery, either independently or in partnership with Government.
- iii) Government through UCC and the Ministry of ICT should consider reopening Facebook as a means of enabling the public to access information.
- iv) Government through the Ministry of Public Service and the Ministry of Local Government should ensure that the position of Information/Communication Officers is dully filled in all MDAs and District Local Governments where they do not exist in addition to increasing funding to all Information Officers to effectively conduct their mandate.
- v) Government through the Ministry of ICT should ensure that internet connectivity and penetration is improved across the country including reduction on the cost of internet data.

CHAPTER THREE

■ DEFILEMENT AND SEXUAL RELATED OFFENCES AGAINST CHILDREN AND HUMAN RIGHTS IMPLICATIONS

- i) The Ministry of Health should prioritize provision of free medical services to all survivor victims of defilement.
- ii) The Judiciary should ensure that more survivor-friendly court processes and procedures that enable victims to testify behind screens or on camera are rolled out across the country.
- iii) The UPF should ensure that community policing is scaled up to change the norms which allow communities to negotiate defilement matters out of court.

CHAPTER FOUR

■ STATE OF REMAND HOMES AND REHABILITATION CENTRES IN UGANDA

- i) The Ministry of Finance, Planning and Economic Development should allocate more resources to improve and expand the infrastructure of remand homes, purchase motor vehicles and also to cater for the requirements for running of the facilities.
- ii) The Uganda Police Force and the Judiciary should divert children from the criminal justice system and use prison as a last resort.
- iii) The Ministry of Gender should further create rehabilitation and reintegration programmes in all the facilities to ensure that juveniles are reformed and cases of recidivism are addressed.

CHAPTER FIVE

■ THE RIGHT TO DEVELOPMENT: ASSESSMENT OF GOVERNMENT PROGRAMMES IN UGANDA IN 2023

- i) The MoFPED should increase funding to the programmes under the revolving funds to enable increase of beneficiaries to bring about the desired change of social economic transformation in the country.
- ii) The MoFPED and the MGLSD should support certification and registration of the Emyooga products with UNBS and URSB respectively to increase productivity and improve marketing. This would assist enterprises to scale up to allow for integration into supply chains and Government procurement systems.
- iii) The MoFPED should adequately fund and retool the departments of community based services and production at the DLGs and ULGs to enable them to adequately undertake supervision, monitoring as well as offer extension services to beneficiaries.

- iv) The Government through the MAAIF and MGLSD should encourage and make affordable, climate-smart technologies to provide resilience to the beneficiaries that engage in agricultural enterprises.

CHAPTER SIX

THE 2023 ADF TERROR ATTACKS IN KASESE

- i) Local Governments need to strictly implement and supervise vigilance of Local Councils in the registration of their residents in the affected districts. This will be important in identification of unknown persons in the communities.
- ii) While the move to recruit and train LDUs by the UPDF is a very welcome move, the Ministry of Defence and Veterinary Affairs should ensure their motivation through good remuneration to boost their efforts to fight the ADF.
- iii) The Government, through the Ministry of Foreign Affairs should ensure continued cooperation and bilateral relations with DRC where the ADF has their camps to enable the Government continue with its operations against the rebel outfit.

CHAPTER SEVEN

COMMUNITIES IN UGANDA AT RISK OF STATELESSNESS

- i) The Ministry of Justice and Constitutional Affairs and Parliament of Uganda should amend the Constitution to include minority indigenous tribes that were excluded from the Schedule III.
- ii) Government through the Ministry of Internal Affairs should have the Constitution and the Uganda Citizenship and Immigration Control Act Cap 66 amended to enable children acquire citizenship automatically through their parents irrespective of whether their parents acquired nationality through registration or naturalization.
- iii) National Identification and Registration Authority should have personnel stationed at medical facilities for effective registration at birth.
- iv) Ministry of Gender Labour and Social Development should carry out advocacy and raise awareness on the effects of statelessness and right to identity.
- v) The Ministry of Internal Affairs should review the Age limit (5 years) of the founding to cover children above 5 years whose parentage are unknown.
- vi) The Ministry of Internal Affairs should review/removal of the fees levied for registration and application for birth certificates and national identity cards.

CHAPTER EIGHT

WITNESS PROTECTION IN UGANDA: THE HUMAN RIGHTS CONCERNS

- i) Ministry of Justice and Constitutional Affairs should hasten the enactment of the witness protection bill 2015.
- ii) Government should provide for a multi-sectoral witness protection programme for ODPP, Police, Judiciary, Prisons and civil society.

CHAPTER NINE

STATUS OF CHILDREN BORN OUT OF WAR IN NORTHERN UGANDA

- i) Government through the Ministry of Justice should enact a Transitional Justice law.
- ii) Ministry of Gender Labour and Social Development should allocate adequate funds for family tracing and reunification of children born out of war with their paternal families.
- iii) Ministry of Education and Sports should continue to provide free Universal primary and secondary education opportunities for children inclusive of born out of war.
- iv) Ministry of Health should strengthen psycho-social support such as guidance and Counselling, psychiatric therapy, vaccinations, and reproductive health education among children born out of war in Northern Uganda.
- v) National Identification and Registration Authority should strengthen special birth registration and process National Identity Cards for children born out of war in Northern Uganda.

CHAPTER TEN

HATE SPEECH AND ITS HUMAN RIGHTS IMPLICATIONS

- i) The Uganda Communications Commission and the Ministry of Information, Communication Technology and National Guidance should monitor cases of hate speech and hold the perpetrators accountable.
- ii) The Uganda Communications Commission and the Ministry of Information, Communication Technology and National Guidance should utilize technology and data analytics tools to monitor online platforms and detect patterns of hate speech. This can help identify emerging trends and hotspots, allowing for targeted intervention and enforcement efforts.
- iii) The Ministry of Gender, Labour and Social Development together with the Ministry of Education and Sports should carry out public awareness and sensitization campaigns to educate the public about the dangers of hate speech and the importance of responsible online behaviour.
- iv) The media should critically evaluate and analyse information it gives to the public to ensure that it does not promote hate speech and promote positive online behaviour.
- v) The Inter-Religious Council of Uganda should promote Ecumenism, religious tolerance and foster interfaith dialogue.

CHAPTER ELLEVEN

HIGHLIGHTS OF UHRC INTERVENTIONS IN 2023

Complaints Management

- i) In light of the challenges being faced by victims of human rights violations in claiming their compensation awards from MDAs as a result of the decentralisation of payment of compensation awards policy, Ministry of Justice and Constitutional Affairs should set up a Victims' Compensation Fund from which victims of human rights violations who have been awarded compensation by the UHRC Tribunal and Courts of law will be paid without any undue delays being experienced by them as is the case currently.
- ii) Before the Victims' Compensation Fund is actualised as proposed, Uganda Police Force, Uganda Peoples Defence Forces, Uganda Prisons Service and other Government Ministries, Departments and Agencies should specifically budget for payment of compensation awards in line with the decentralisation of payment of Court and Tribunal awards policy. This will ensure that compensation orders are progressively paid and accumulation of arrears will be minimised.

- iii) Ministry of Health, UPF, UPDF and UPS should put in place mechanisms for proper keeping and retrieval of records. Furthermore, the aforementioned agencies should avail documentary evidence to the Commission during the course of its investigations.

Conditions in Places of Detention

- i) Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them build better structures so as to have facilities suitable for human habitation and stop overcrowding.
- ii) Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
- iii) The Uganda Police Force should adequately facilitate all its Stations and posts with the necessary stationary, equipment and transportation to enable officers do their policing work.
- iv) The Uganda Police Force should provide adequate facilitation to the police to enable them feed suspects.
- v) The Ministry of Internal Affairs should urgently address the issue of staff accommodation for police officers.
- vi) The Ministry of Internal Affairs should construct female cells at Stations and posts.
- vii) The Ministry of Internal Affairs should facilitate all prisons and police stations with adequate transport if they are to carry out their operations effectively.
- viii) The Ministry of Internal Affairs should recruit and deployment more police officers to cover the staff gap and ensure effective policing.

Human Rights and Civic Education in 2023

- i) The Ministry of Local Government should ensure that District Local Governments construct, maintain and renovate feeder roads for better service delivery.
- ii) Government should increase funding to UHRC to ensure continuous human rights and civic education including finalisation of the Regulatory Impact Assessment which is a prerequisite for the approval of the National Civic Education Policy.
- iii) Local Government should formulate bye-laws and ordinances to curb the cases of drug and substance abuse, domestic violence, defilement and alcoholism.
- iv) Government through the Ministry of Foreign Affairs should establish more embassies and missions in the various countries partnered with such as Qatar, Jordan, Kuwait, and Oman for proper coordination and communication among the recruits, their families, recruitment companies, and partners involved in externalisation of Labour.
- v) The Government should expedite the deployment of labour attachés to all its Missions abroad. Contracts of migrant workers should be given to them after training them on what is expected of them and their obligations.

Monitoring interventions in 2023

- i) Uganda Law Reform Commission (ULRC) should amend the Anti-FGM Act 2010 and also translate it into Kupsabiny and Karamojong and widely disseminated by UHRC and the other like-minded partners.
- ii) The Ministry of Justice through Ministry of Finance Planning and Economic Development should adequately fund the Commission, Judiciary, Local Governments and Uganda Police Force to execute their mandates effectively.

- iii) Parliament should expedite the passing of the food and Nutrition Bill 2009 that provides for consumer protection and food safety.
- iv) Government must permanently resettle evictees from Yatui village in Benet Sub County and Rwanda camp in Kwanyi Sub County.

Finance and Administration in the Financial Year 2021/2022

As previously recommended, The Ministry of Finance, Planning and Economic Development should make deliberate efforts to increase the Medium-Term Expenditure Framework (MTEF) to address the under-funding of the Commission to enable it to

- End donor dependency for core activities
- Pay competitive wages to staff
- Acquire at least 34 new vehicles, and maintain the existing fleet;
- Acquire speed boats for Buvuma and Kalangala Field Offices based on the islands.
- Budget and implement capital development by constructing own office premises for the Commission headquarters and regional offices and district /field offices
- Investment adequately in ICT for affordable internet of appropriate speed, equipment, software and apps to support service delivery.
- Invest in full digitalisation of the Commission to enable it keep up with the times and expand service delivery in view of the current dynamics of digital migration

CHAPTER TWELVE

UHRC POSITIONS ON BILLS AND ADVISORY

The UHRC reviewed the following bills with multiple recommendations for each that can be found in the relevant section of the Chapter.

- i) Employment (Amendment) (No 2) Bill, 2022
- ii) The Animal Feeds Bill, 2023

CHAPTER THIRTEEN

UPDATES ON UGANDA'S REPORTING TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES

- i) Government should consider issuing standing invitations to UN Special Procedures Mandate Holders for persons with albinism and for food security and should also accept requests of special mandate holders to enhance its efforts in the protection and promotion of human rights.
- ii) As earlier reported, the Ugandan Government should urgently ratify pending treaties, especially those signed, for example, the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons from Enforced Disappearance, 2006 as well as the Second Optional Protocol to the ICCPR regarding abolition of the death penalty.
- iii) The Ministry of Foreign Affairs, Ministry of Gender, Labour and Social Development and Ministry of Justice and Constitutional Affairs should follow up on the implementation of pending voluntary pledges like the NAP on Human Rights and recommendations made by treaty bodies to enhance the promotion and protection of human rights in the country.
- iv) Parliament and Ministry of Foreign Affairs should ratify the Third Optional Protocol to the CRC and the Hague Convention on Inter Country Adoption.

UGANDA'S INFRASTRUCTURE AND THE HUMAN RIGHTS CONCERNS



1.0 INTRODUCTION

Infrastructure is part of the social overhead capital that plays an integral part in supporting the effective functioning of the economy, and countries aspiring to development often prioritize investment in infrastructure which results into improvement in the standard of living. Infrastructure is therefore a means to sustainable development and fulfilment of human rights. In Uganda, infrastructure development is a key priority of Government because it

is a fundamental aspect of socio-economic development. The 1995 Constitution of the Republic of Uganda, under the directive principles of state policy, highlights the Government's commitment to promoting social justice and economic development, laying a foundation for infrastructure development aligned with human rights standards. During the past few years, infrastructure development has contributed immensely to increased productivity by facilitating efficient connectivity and easing the movement of goods and the provision of services.

Over the years, Uganda has made significant strides in the infrastructure development particularly road, railway, water and air transport. Road transport alone accounts for more than 90 percent of cargo, freight, and passenger movement. As such, priority and huge investments have been made by Government in the construction and maintenance of roads in order to; promote business, develop the tourism sector, and facilitate service provision in the country. These investments have been financed through various sources including borrowing of funds from international financial institutions, private public partnerships, approved Parliamentary budgetary allocations and local revenue among others. This chapter discusses UHRC's findings and assessment of Uganda's road, railway, water, and air infrastructure, and its impact on human rights.

1.1 THE LEGAL FRAMEWORK

The development of transport and works infrastructure is guided by a number of policies, laws, development plans, protocols and bilateral agreements. These documents form the legal and policy framework within which the development should take place, and also provide the strategic direction of the programme and the various avenues for solving national problems that relate to human rights concerns.

1.1.1 International Legal and Policy Frameworks.

The Universal Declaration of Human Rights (UDHR) emphasizes the importance of infrastructure for human wellbeing equality and dignity. Article 1 provides that all human beings are born free and equal in dignity and rights. Article 25 notes that everyone has the right to a standard of living adequate for the health and wellbeing of themselves and their family including food, clothing, housing, medical care and necessary social services that rely on infrastructure. Article 22 points out infrastructure as playing a crucial role in achieving social security and economic wellbeing.

The 2030 Agenda for Sustainable Development embodies a set of globally agreed priorities of vital importance to all countries, including sustainable industrialization, as well quality, reliable, sustain-

able and resilient infrastructure. Infrastructure financing needs for the sustainable development goals (SDGs) have been estimated at USD 90 trillion between now and the year 2030.

International Conventions on Air and Maritime Transport Convention on International Civil Aviation also known as the Chicago Convention facilitates cooperation among nations in civil aviation since the misuse of aviation can pose a threat to general security. The Chicago Convention provides a framework for safe, orderly and cooperative international civil aviation fostering global connectivity and understanding among nations. The Convention on International Maritime Organization also plays a crucial role in ensuring the safety, security and environmental impact of international shipping.

The United Nations guiding principles on business and human rights is anchored on "protect, respect and remedy" frameworks. The UN Framework unequivocally recognizes that States have the duty under international human rights law to protect everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises or corporations. This duty means that States must have effective laws and regulations in place to prevent and address business-related human rights abuses and ensure access to effective remedy for those whose rights have been abused.

1.1.2 Regional Legal Frameworks.

The African Union (AU) Agenda 2063 calls upon African countries to embrace development. Aspiration 2 of Agenda 2063 in particular places importance on the need for Africa to develop world class infrastructure that criss-crosses Africa and which will improve connectivity through newer and bolder initiatives to link the continent by rail, road, sea and air; and developing regional and continental power pools, as well as ICT.

The East African Community (EAC) Vision 2050 also has its main goal of improving access to affordable and efficient regional transport, energy and communication network for increased competitiveness. It lays out a broad perspective in which the region optimizes the utilization of its resources to accelerate productivity and the social wellbeing of its people¹.

1 The East African Community Vision 2050

The African Maritime Transport Charter and the Northern Corridor Transit Agreement (NCTTA) between Burundi, the Democratic Republic of Congo, Kenya, Rwanda, and Uganda is important for water transport. This agreement focuses on enhancing maritime transport and trade with the African continent. Its objective is to facilitate smoother maritime operations and boost economic growth across African nations. This multilateral treaty facilitates the movement of transit cargo between the Kenyan port of Mombasa and the hinterland of several member states. It improves transportation and trade connectivity within Africa with a focus on maritime transport and efficient transit corridors hence promoting economic development and regional cooperation.

1.1.3 National legal and institutional frameworks.

At the national level, the Government of Uganda recognizes the right to development of the State as a whole, and the National Objectives and Directive Principles of State Policy Objective IX provides for the right to development and calls on the State of Uganda to involve the people in the formulation and implementation of development plans and programmes that affect them. The Government of Uganda has taken steps and identified infrastructure development as one of the main key growth areas and drivers for the socio-economic transformation of the country in the National Development Plan III².

Vision 2040 emphasizes the need to develop a critical mass of transport infrastructure to lower the costs of doing business and to spur economic growth. The third National Development Plan (NDPIII) 2020/21-2024/25 also lays out the integrated infrastructure programme that aims to develop a seamless, safe, inclusive and sustainable multi-modal transport system to link production to markets.

The Roads Act 2019 reforms the law relating to planning, construction, management, and maintenance of public roads, bridges, and ferry landing. The Access to Roads Act (Cap 350), the Uganda National Roads Authority (UNRA) Act of 2006 provides for the establishment of UNRA for the

purpose of managing the provision and maintenance of the national road network in a more efficient and effective manner. The National Land Use Policy and the Physical Planning Act, 2010, the Traffic and Road Safety Act, 1998 (Amendment) Act, 2020 (Act 6 of 2020), seek to strengthen road transport and road safety management. Others include the Engineers Registration Act, 1969, Uganda Railways Corporation (URC) Act, 1992, Physical Planning Act, 2010, the Building Control Act, 2013, the Civil Aviation Authority (Amendment) Act, 2019, the Inland Water Transport Act, 2021, UNRA Regulations 2017, the UNRA Vehicle Dimension Regulations 2017 and the UNRA Ferry Management Regulations 2017 among others.

The National Transport and Logistics Policy, 2021 which is the overarching policy that provides the direction for the overall development of transport and logistics infrastructure and services in the country, Road Tolling Policy, 2017 which provides a framework for the regulation, management and operation of toll roads in Uganda, National Road Safety Policy, 2014 that guides on the implementation of the five pillars of the Decade of Action, that is road safety management that provides for safer roads and mobility; safer vehicles; safer road users and post-crash care. The Non-Motorized Transport (NMT) Policy, 2012 aims to raise the profile of NMT elements (walking and cycling) within planning, designing, and construction of road infrastructure in Uganda while the National Construction Industry Policy, 2010 guides development and strengthening of the construction industry aiming to improve coordination, regulation and development³.



Entebbe Express Highway

² The Constitution of the Republic of Uganda 1995 as amended

³ Presentation by a consultant from Ministry of Works and Transport.

1.2 SITUATIONAL ANALYSIS

Infrastructure is key for the development and economic growth of the country. It contributes towards increased productivity by facilitating efficient connectivity and easing the movement of goods and the provision of services. The human rights framework in infrastructure development is therefore important because it helps to unpack the rights and responsibilities of the parties involved in infrastructure, from contracting authorities, private operators, financiers and investors, to different segments of the public, including the affected communities, service users, taxpayers and public at large. The human rights framework also forces us to distinguish between justifiable and unjustifiable negative impacts, thereby reducing the arbitrariness of decision-making and strengthening incentives for more inclusive and sustainable development. In these respects, the human rights framework can make a vital contribution to the design and implementation of infrastructure projects, and to investment decisions and policy-making.

The quality and quantity of roads, water transport, power supplies and other types of infrastructure greatly affects productivity in every sector of the economy. Poor infrastructure has a negative effect on the production of goods and services which affects the cost of living and living conditions. The human rights framework helps us to understand inequality as a function of conflicting power relations, with a focus on opportunities, outcomes, and disparities.

Uganda has made substantial progress on infrastructural development with priority on road transport as one of the drivers of economic growth. This has greatly contributed towards increased productivity by facilitating efficient connectivity and easing movement of goods and the provision of services. It has also contributed to attainment of the NDP III objectives of improved accessibility to markets and social services, reduced transport costs to stimulate production, competitiveness, improved trade, industrial growth and job creation.



Kampala Northern Bypass

1.2.1 Road Infrastructure And Coverage In Uganda

Uganda has a total road network of 159,364 km, comprised of 20,854 km (13.1%) of national (trunk) roads, 38,603 km (24.2%) of district roads, 19,959 km (12.5%) of urban roads and approximately 79,948 km (50.2%) of community access roads.⁴ According to the UNRA annual performance report, FY2021/2022, the national road network stood at 21,120km as at 30th June 2022. Of this 5,880km (28%) were tarmacked (paved) and 15,240km (72%) were murrum (unpaved). There were also paved national roads which stood at 6,133km of the 20,854km (strategic roads providing access to among others, mineral extraction regions and all borders of Uganda).

Several bridges on both the national & DUCAR network have been constructed or have on-going works. The roads authority UNRA operates 11 ferry routes that link national roads at strategic locations where they cross major water bodies. It also operates eight fixed weigh stations and five mobile weigh stations⁵. In 2017/18, the total national road network increased by 310.8km, from 20,544 to 21,010km due to newly constructed roads, which included dual carriageway sections and other roads that have been reclassified and gazetted as national roads by the **Ministry of Works and Transport (MOWT)** for various reasons. The sector also embarked on the construction of strategic roads that were not in the NDPII, to facilitate quick commencement of the production of oil in the Albertine Region, as follows;

⁴ UNRA corporate strategic plan 2020/21-2024/5. Accessed at file:///C:/Users/USER/Desktop/Corporate-Strategic-Plan_compressed-1.pdf

⁵ UNRA corporate strategic plan 2020/21-2024/25.

- Masindi Park Junction and Tangi Junction-Para-Bulisa Roads (159km) at 40 percent progress;
- Buhimba-Nalweyo-Bulamagi & Bulamagi-Igayaza-Kakumiro (93km) at 31 percent;
- Design and construction of Masindi-Biiso, Hohwa-Nyairongo-Kyarusheesha-Butoole and Kabaale-Kiziran fumbi Roads (97km) at 4 percent.

In addition, UNRA constructed or rehabilitated a total of 113km of town roads, which are not part of the national roads, and is currently working on 187km. A total of 489 km out of the commitment of 700km the national road network was rehabilitated, representing a 72% achievement.⁶

The UHRC monitored the human rights situation on road and bridge infrastructure in over 25 districts



Nyaka Bridge



Masaka-Munsiso Trail Bridge

including Moroto, Kotido, Kaabong, Karenga, Kitgum, Gulu, Adjumani, Arua City, Arua, Zombo, Nebbi, Pakwach, Yumbe, Moyo and Koboko, Kole, Lira, Masaka, Rakai, Mutukula, Kyotera, Rakai, Mbarara, Buhweju, Sheema, Rubirizi, Kabale, Kanungu, Rukungiri, Kayunga, Buvuma, Mukono, Butaleja, Kamuli, Iganga, Jinja, Kibuuku, Masindi, Bulisa, Kikuube and Hoima districts where it was established that road works installation and maintenance was a continuous exercise across the country that was largely based on availability of funds⁷.

It was noted that in 2022/2023 a number road projects were successfully completed in several districts while other projects including grading and gravelling of unpaved roads, construction of culverts, upgrading and rehabilitation of roads and construction of roads were ongoing across the country. The UHRC established that since 2022 to date, several roads and bridges had been constructed for instance, in Kabong district, 15 roads had been constructed and completed while 07 roads and 02 bridges were pending construction, Pakwach district had 03 roads constructed by the district and 04 were pending construction due to inadequate funds, Masaka had constructed 15 roads, Kyotera 01 road, Sembabule 07, only 02 roads had been constructed in Buvuma district, no roads nor bridges were constructed in Kitgum Municipal Council while Lamwo District Local Government successfully constructed 07 different roads, 01 bridge and 02 box culverts⁸.

The UHRC interacted with various road users especially boda-boda riders, motorists, community members who mostly acknowledged that the Government had made positive efforts towards constructing and improving road networks. The respondents revealed that constructed roads, had eased their access to service points such as markets, electricity, water, agriculture, hospital and schools. The roads and bridges had also enabled communities to connect with other communities and urban centres. However, majority noted that most roads especially in some rural areas were poor, stony and bumpy with gullies due to heavy rains. This affected the transportation of agricultural produce and access to services like schools and hospitals.

⁶ Ibid.

⁷ Report of the monitoring and inspection of infrastructure by UHRC regional offices.

⁸ Report obtained through UHRC's field monitoring.



UHRC official inspecting road repairs along a section of Kabale-Kisoro Road which had been washed off by heavy rains.

1.2.2 Infrastructure Funding And Implementation

Uganda’s road network includes the national road network, city road network, as well as district, urban and community access roads. The road infrastructure is the most predominantly used mode of transport in Uganda, and accounts for over 90 percent of freight and passenger traffic in the country. As such, Government devotes a significant portion of its annual budget to road construction. The MoWT is currently using an integrated transport infrastructure system (ITIS), which is intended to have a seamless, safe, inclusive and sustainable multi-modal transport system whose aim is to reduce the average travel time, reduce freight transportation costs, increase the stock of transport infrastructure, increase average infrastructure life span and reduce fatalities and casualties from transport accidents. However, despite the efforts made, many areas of Uganda’s infrastructure still need to be addressed.

Uganda’s infrastructure funding currently comprises about 32.8 percent of the Government’s total annual expenditure. In financial year 2022/2023, Government allocated UGX 4.3 trillion to infrastructure development, representing around 9 percent of the national budget. In Financial Year 2023/2024, Government allocated UGX 535 billion to the construction of Malaba-Kampala Standard Gauge Railway. A total of UGX 4.5 trillion was also allocated towards the maintenance and construction roads, railway development and rehabilitation, and water transport development. In the same year, UGX 176 billion was allocated for road grading, murrum and compacting, with one billion planned for each district, city and municipality. A total of UGX 2.25 trillion was also allocated for addressing flooding, traffic congestion, poor road infrastructure, un-signalised junctions and unemployment in the Greater Kampala Metropolitan Area (GKMA). Municipal infrastructure development programmes (USMID) received USD 350 million.

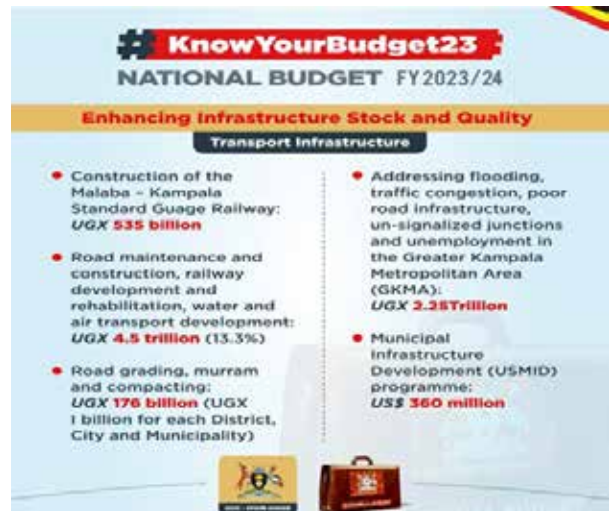


Table 1: Budget allocations for the Ministry of Works and Transport FY 2019/2020 - FY 2023/2024⁹

| FINANCIAL YEAR (F/V) | NATIONAL BUDGET | MOWT ALLOCATION | PERCENTAGE |
|----------------------|-----------------|-----------------|------------|
| 2019/2020 | 38.95 trillion | 6.24 trillion | 20.4% |
| 2020/2021 | 45.5 trillion | 5.8 trillion | 13% |
| 2021/2022 | 44.77 trillion | 5.1 trillion | 11.4% |
| 2022/2023 | 48.2 trillion | 4.3 trillion | 9% |
| 2023/2024 | 52.7 trillion | 4.5 trillion | 8.5% |

9 Source <https://budget.finance.go.ug>

In 2023, different districts were allocated different amounts of money per quarter for construction and maintenance of several roads. At the local and national levels, officers were involved in the budgeting process and consulted when projects were being planned for. Members of the communities were informed about upcoming projects to construct roads and bridges through launches, community meetings, radio/talk shows, burial ceremonies and church gatherings. District engineers, planners and road inspectors informed UHRC that each financial year districts had work plans for roads and bridges in the country, for construction, maintenance etc. The respondents revealed that all districts were connected with the road network and some new roads were going to be opened because of growth and development in different communities. The period of time for the districts, municipal and town councils to implement the plans was always 12 months however sometimes the plans were not realized due to budgetary constraints.

The technical officers interacted with revealed that accountabilities were made in form of reports, internally, externally and physically. Several reports were made to the Uganda Road Fund, the District Accounts Committees, Resident District Commissioners, District Service Commission and to the Internal Auditor. Accountability was also given to the public where the various officials engaged the public and informed them on the projects being undertaken. To a big extent, community members had a big part to play in construction and maintenance of roads because they provided manual labour at both district and urban council roads and helped in conducting 'bulungi bwansi' (cleaning and maintenance works) on community access roads.

1.2.3 Quality Of Roads In Kampala, Wakiso And Mukono

The Commission established that in the districts monitored, Government had made positive strides towards improvement of the road network and bridges across the country which in turn enhanced access to other services. Most urban roads were tarmacked which increased urban rural connectivity. These include Kampala Jinja Highway, Fortportal to Bundibugyo, Kampala-Entebbe Expressway, Soroti Moroto and, Kampala Gulu highway among others. However, while there is improvement in the road

infrastructure, most of the roads especially in the urban areas were in poor condition. This was so especially in the Kampala metropolitan, Wakiso and Mukono areas where some roads were almost impassable during rainy seasons.

The UHRC noted that a number of roads in Mukono, Wakiso and Kampala Districts (Kampala metropolitan area) are majorly narrow, dusty, and with pot-holes, due to lack of road maintenance. In 2023, social media was awash with citizens decrying the poor roads in Kampala and Wakiso. This led to an online "Kampala pothole exhibition" led by Dr. Spire Ssentongo in April 2023 on Twitter (X) intended to expose the poor conditions of the roads in our country and appeal to Government to address the situation. Citizens shared photos of potholes in different parts of the city, most of which depicted the deteriorating roads. The pothole exhibition also highlighted the lack of accountability and transparency in infrastructure planning and implementation.

The Commission notes that the international human rights framework bolsters public information, participation and accountability, and provides a globally-agreed and enforceable set of minimum standards governing the quality and inclusiveness of services. In this case, the UHRC found a stark contrast between transport infrastructure in the countryside and that in the Kampala metropolitan area. While rural areas boast of good-quality infrastructure, Kampala, Mukono and Wakiso face significant challenges. Ms. Dorothy Kisaka the Executive Director of KCCA indicated that KCCA required UGX 70 billion-100 billion annually to fix roads, yet Government had only allocated UGX 26 billion. It was also noted that the roads have served far beyond their lifespan of 20 years, with the increasing number of vehicles further worsening the wear and tear of the roads.



A pothole on one of the roads in Kampala



A road in industrial area - Kampala



A truck negotiates around a pothole in Industrial Area - Kampala

The UHRC also noted that Kampala and Wakiso districts have heavy traffic congestion due to the poor road networks, lack of efficient public transport, and high levels of commuter impunity. Kampala, Mukono and Wakiso roads also suffer from neglect, leading to higher vehicle operating costs and long travel times, inadequate traffic management, insufficient road capacity as the road system struggles to accommodate the growing vehicular and pedestrian traffic, dilapidated sidewalks, urban settlements gaps and floods that worsen traffic flow and negatively impact public transport.

All the community members interviewed in Kampala, Wakiso and Mukono reported that their roads were full of potholes, congested and very dusty during dry seasons. They also reported that the districts, city councils and UNRA take long to work on the roads, and that in some cases the local communities have taken it upon themselves to do murram road repairs by filling the potholes¹⁰.

¹⁰ Report obtained through UHRC's field monitoring team.

¹¹ UNRA corporate strategic plan 2020/21-2023/2024/25.

1.2.4 Railway Transport Infrastructure

Railway is the most effective mode of transport for bulk and dangerous cargo. It's also fast at 100kph for containerized freight and 120kph for passengers. The total length of the Uganda Railway network is 1,266km and most of it has not been operational for over two decades. The major rail network runs from the Kenyan border to Kampala (251km with a 10km line linking Kampala to the ferry terminals on Lake Victoria at Port Bell). The rail network also includes the Tororo-Pakwach line (500.48km), Kampala-Kasese line (345km) and other small loops which are currently non-functional.¹¹ The entire railway networks comprises:

1. The main line from Kampala to Tororo/Malaba,
2. Part of the Northern Corridor between Kampala and Mombasa,
3. Spur lines to Jinja and Port Bell ferry terminals on Lake Victoria for routes to Kisumu (Kenya) and Mwanza (Tanzania),
4. The western line from Kampala to Kasese,
5. The northern line from Tororo to Pakwach,
6. The Busoga Loop line.

According to the URC, Government has embarked on several programmes to revive the railway infrastructure in Uganda including upgrading from the meter gauge rail to the standard gauge (SGR) and which is expected to boost industrialization in the country. The Government procured 98 class locomotives at UGX 42 billion shillings that are used in cargo haulage from Malaba to Kampala and two rich stakers at UGX 6 billion which improved the monthly delivered tonnage by 40 percent. Below are some of the railway projects that Government is working on:-

1.2.4.1 The Standard Gauge Railway (SGR)

The Uganda SGR is an important railway project that was initially inked between China Harbour Engineering Company (CHEC) and the Government of Uganda in 2015 to help boost the country's global competitiveness. The 273 kilometre (170-mile) line that is expected to run from Kampala to the Kenyan border town of Malaba is a part of the East African Railway Master Plan to link Uganda with the neighbouring countries of Kenya, Rwanda,

Democratic Republic of the Congo (DR Congo), and South Sudan. The SGR falls under the Northern Corridor Integration Projects (NCIP) transport route, which is crucial for the domestic, regional, and international trade of five Eastern Africa countries. It connects Burundi, eastern DR Congo, Kenya, Rwanda, South Sudan, and Uganda.

The USD2.3 billion plan was to modernize the country's outdated meter-gauge railway system, a relic of the British colonial era, to a standard-gauge system used in high-speed rail networks around the globe. However, negotiations with Beijing to fund Uganda's segment of SGR stalled, pushing Uganda to drop the deal. As such, after eight years of financing delays, Uganda has terminated its contract with China Harbour Engineering Company (CHEC) to build the country's first phase of SGR. Uganda has instead tapped Turkish construction firm Yapi Merkezi to take on the role as financier for its SGR. The two sides have signed a memorandum of understanding (MoU), but a final agreement has not yet been signed.

The Commission notes that the lack of affordable transport to the sea has limited Uganda's exports to neighbouring countries like Kenya, South Sudan, and Rwanda. With Mombasa being the busiest port on the Indian Ocean coast, its proximity to the main maritime shipping routes through Bab el Mandala, the Suez Canal makes the SGR project most viable. The SGR is therefore expected to boost competitiveness in the region and simulate industrialization by:-

- i) Reducing cost of freight from Mombasa by 69 percent from the current 160 dollars to 150 dollars;
- ii) Uganda's economy will save about USD 2 billion annually in transport because of a fast, safer and bigger railway line;
- iii) The SGR will reduce the transportation time from the average 7-14 days to a single day travel from Mombasa to Kampala;
- iv) The SGR being a green rail, will reduce emissions from road transportation by 72 percent;
- v) Provide a link for bulk, safe and quick transportation between Kenya, Rwanda, South Sudan, Burundi and DRC;



Uganda Railways Corporation employee checks tickets before passengers board the train at Kampala Railway Station.



Passengers boarding a train at Kampala railway station

- vi) Lower road maintenance costs by reducing wear and tear of roads through shifting 70 percent of import cargo from road to rail.¹²

1.2.4.2 Kampala-Malaba MGR Rehabilitation Project.

According to URC, the Government intends to restore its entire Meter Gauge Railway (MGR) network of 1266km and revive the business enterprise under the current expansion phase, and the modernization phase will include development of the standard gauge which is critical for revival of URC. The URC is currently undertaking emergency rehabilitation of Tororo–Namanve MGR section to connect with the recently rehabilitated Naivasha-Malaba MGR. The project scope is limited to the following sections; Namanve–Tororo 222km, and Jinja pier line including the reinstatement of the 3.7km pier yard. The project was awarded to a Chinese company China Road and Bridge Corporation, and launched on January 21, 2022 to rehabilitate the 225km.

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Uganda Railways' new locomotives



Railway line in Uganda



Railway rehabilitation at Magamaga and Budumbuli

The UHRC found that the railway land has been encroached on and that many people are not aware about the land use regulations along the railway lines. A resettlement action plan exercise was undertaken to identify the project-affected persons on the current line, and 20,000 persons were identified. Officials from the URC, while appearing before Parliament's National Economy Committee informed Parliament that compensation for the project affected persons will cost about UGX 1.1 trillion.

1.2.4.3 Rehabilitation of 375km Tororo–Gulu MGR Line Project

The Government signed a UGX 199 billion (USD 53.2 million equivalent) contract with China Road and Bridge Corporation to continue rehabilitation work on the Tororo-Gulu metre-gauge railway line linking the east and north of the country to the Kenyan port of Mombasa. The project covers a 375 km long section and will include the rehabilitation of the railway network, the construction of railway structures (bridges and tunnels) and the commissioning of the signalling system. The work is expected to take two years and when concluded, the total distance of the Northern Rail Corridor will exceed 700 km.

The infrastructure will link to the Gulu Logistics Hub, a 200,000 TEU (Twenty-foot Equivalent Unit) capacity platform to help URC reduce the cost of transport and improve the movement of goods to and from South Sudan and the Democratic Republic of Congo. The project was originally awarded in 2020 to the French company Sogea Satom, but the contract was terminated last year because the Ugandan Government failed to meet its payment commitments. The European Union, which co-financed the project with the Ugandan Government, also cancelled the UGX 100 billion grant promised for the works. Now, as work resumes, the authorities in Kampala have indicated that the infrastructure will be financed from the State's own funds.

1.3 AIR TRANSPORT INFRASTRUCTURE

More than 90 percent of air traffic for any country is determined by the size of the economy (measured by Gross Domestic Product) for that country. As Uganda's economy continues to grow, the country's air traffic grows and more air operators are

subsequently attracted by the passenger and cargo traffic. Most of Uganda’s air infrastructure transports passengers and exports to Europe and other foreign markets.

Air Transport in Uganda is served by 47 aerodromes throughout the country. Of these, 14 are Government-owned and managed by Civil Aviation Authority (UCAA), with Entebbe International Airport dominating the air transport by operations in the country. Government has designated six other airports as potential entry/exit (inter-

national) airports, namely Hoima, Arua, Gulu, Pakuba, Kidepo and Kasese. There are a further eight airfields, namely: Soroti, Kisoro, Jinja, Lira, Tororo, Masindi, Mbarara and Moroto which can receive charter flights. The rest of the upcountry airports are either privately owned or managed by local authorities. Government has revived the national airline, Uganda Airline to fully support the aviation industry. It is also developing Kabale International Airport in the Albertine region in western Uganda to serve the oil sector.

Table 2: Stock of Air infrastructure

| INVESTMENT | CURRENT STATUS | KEY STRATEGIC IMPORTANCE |
|--|---|--|
| Entebbe International Airport | Under expansion and rehabilitation. (operational) | <ul style="list-style-type: none"> i) Entry and Exit point for international traffic (passenger & freight including military logistics) ii) Promotes tourism and trade. iii) Facilities to curb human & drug trafficking, terrorism etc |
| Kabalega International Airport | Under construction at 95% completion. | Facilitate extraction of oil in the region. |
| 13 aerodromes (Arua, Gulu, Kasese, Pakuba, Soroti, Kidepo, Kisoro, Jinja, Lira, Mbarara, Moroto, Masindi and Tororo) | Operational & routinely maintained | <ul style="list-style-type: none"> i) Promotes tourism and trade. ii) Some are designated to facilitate military operations. |
| National airlines (6 aircraft) | | Promotes tourism and trade. |

The Commission however noted that the airport is still very expensive for majority of Ugandans. It was further noted that some of the airfields like Moroto, Kidepo, Kotido, Pader are still full of mud and cannot be used for safe landing of aeroplanes when it rains. In addition, with the increasing rate of the dollars currently, flights have become very expensive and those who wish to travel to any part of the world would find it very challenging. Although substantial progress has been made during the past decade, Uganda still lags behind other regions in terms of “soft” and “hard” infrastructure. Poor airport infrastructures, lack of physical and human resources, limited connectivity, and lack of transit facilities continue to affect Uganda’s air transport. Financial challenges also continue to be a major impediment to Uganda’s aviation growth.

1.3.1 Revival of Uganda Airlines

In many countries around the world, airlines are regarded as important national symbols and are used by Governments as ‘chosen instruments’ for projecting their countries internationally. As such, national flight carriers play a significant role

in nation building and national identity. Government revived the Uganda Airlines as the country’s national airline. This was intended to boost tourism, reduce the cost of air transport and ease connectivity between Uganda and other countries. Uganda is a landlocked country and its international air passenger traffic had grown rapidly in recent years. As such, having a national flight carrier is important in harnessing of opportunities such as tourism and trade. Aviation connects people, cultures, and businesses across every continent, facilitates international trade, economic growth, and promotes tourism.



1.3.2 Entebbe International Airport Upgrade



Expansion works at Entebbe Airport: Passenger Terminal

Uganda is renovating Entebbe International Airport to enable it meet international standards. At the time of UCAA's establishment in 1991, there were 118,000 international passengers through Entebbe compared to over 160,915 million passengers who went through Entebbe in 2023. A sound and economically viable civil aviation system generates wealth, employment and numerous socio-economic benefits through its activities, supply chains and a wide spectrum of other economic activities, particularly trade and tourism. It is anticipated that the upgraded airport will employ more people including pilots, stewards, luggage handlers, control tower engineers, mechanics, and social sector service providers.

As the country expands and improves its national airport, more flights are encouraged to come into the country. Uganda operates a liberalized air transport system and a number of incentives are extended to air operators, including multiple designation (designating more than one airline on a route) and removal of frequency and capacity limitations so that the designated airlines can operate as many times as they wish with any type of aircraft. In addition, any airline that operates scheduled services into Entebbe Airport at a frequency equal or greater than seven flights a week receives 50% discount on landing fees and air navigation charges for one flight. There are also specific incentives for local airlines. Business at the airport is becoming more vibrant and the pulling out of some players part of the dynamics of the industry. Government has also embarked on developing alternative airports in addition to upgrading Entebbe International Airport.

¹³ Civil Aviation Authority – Uganda

¹⁴ Ibid

¹⁵ Civil Aviation Authority – Uganda

1.3.3 Kabalega International Airport

Kabalega International is an airport under construction located in Kabaale Parish, Buseruka Sub-county, Hoima District in the Western Region of Uganda, near the Kaiso-Tonya oil fields and the Uganda Oil Refinery. It is part of the infrastructure under construction as Uganda prepares to develop its nascent petroleum industry. When completed, it would be Uganda's second international airport, besides Entebbe. The new airport is expected to facilitate mobilization of equipment for construction of the Uganda Oil Refinery and assist in the development of agriculture and tourism in western Uganda.¹³

The air distance between the general area where the airport is being built and Entebbe International Airport, is about 200 kilometres (124 miles). Kabalega International Airport sits on 29 square kilometres (11 sq miles). The location of Kabalega International Airport is approximately 51 kilometres (32 miles), by road, to the west of the city of Hoima. The elevation of Kabaale Village is 1,070 metres (3,510 ft), above mean sea level.¹⁴

1.3.4 Soroti Airfield

Soroti Airport is an airport in Soroti Town in the Eastern Region of Uganda. The main runway and apron are asphalt and can support aircraft up to the size of a Boeing 737, without damage to the surface. The airport is at an altitude of 3,697 feet (1,127 m), above sea level. The airport was originally built as a school for the British Overseas Airways Corporation to train their pilots in tropical flying techniques. It was later used by the East African Civil Aviation Academy to train pilots from the East African Community. As of June 2018, the airport is home to the Soroti Flying School, which has various aircraft, including a Cessna 310. The flying school provides training through instrument and multi-engine ratings. The flying school has dormitories, food service, and classrooms.¹⁵

1.3.5 Kasese Airfield.

Kasese Airfield is located in the town of Kasese, Kasese District, in the Western Region of Uganda. It is approximately 261 kilometres (162 mi), by

air, west of Entebbe International Airport. The coordinates of Kasese Airport are: 0°11'27.0"N, 30°06'10.0"E (Latitude: 0.190825; Longitude: 30.102786). It is one of the twelve upcountry airports under the administration of UCAA. It is one of the five upcountry airports that are authorized to handle cross-border air traffic from member countries of the East African Community, as part of efforts to promote tourism within eastern Africa. Kasese Airport receives daily domestic flights from Murchison Falls National Park, Entebbe International Airport and Kajjansi Airfield, which are frequently used by tourists to visit Queen Elizabeth National Park. The airport which sits at an altitude of 959 metres (3,146 ft), above sea level, has a single grass runway that measures 1,600 metres (5,249 ft) long and is 30 metres (98 ft) wide.

1.3.6 Pakuba Airfield

Pakuba is an airfield serving Pakuba and Murchison Falls National Park in the Nwoya District of Northern Uganda. The airport is operated by UCAA and is one of the five upcountry airports that are authorized to handle cross-border air traffic from member countries of the East African Community, as part of efforts to promote tourism within eastern Africa. Pakuba Airfield receives daily domestic flights from Entebbe International Airport and Kajjansi Airfield, which are primarily used by tourists to visit Murchison Falls National Park, as well as connect to Kidepo Valley National Park and Queen Elizabeth National Park. Pakuba Airfield is approximately 275 kilometres (171 mi) by air north-west of Entebbe International Airport. It is 15 kilometres (9 mi) north-west of Bugungu Airstrip and 72 kilometres (45 mi) west of Chobe Safari Lodge Airport, which are also within Murchison Falls National Park.

1.3.7 Moyo Airfield

Moyo Airport is located in the town of Moyo, Moyo District, West Nile sub-region, in Northern Uganda. Its location is approximately 406 kilometres (252 mi), by air, north of Entebbe International Airport. The geographic coordinates of this airport are 3°38'56"N 31°45'52"E. Coordinates: 3°38'56"N 31°45'52"E. Moyo Airport is a small civilian airport that serves the town of Moyo. Moyo Airport is situated 3,100 feet (940 m) above sea level. The airport has a single unpaved runway which measures 4,260 feet (1,300 m) long.



Plane taking off at Kasese Airport



Eagle Air at Pakuba Airfield

1.3.8 Kajjansi Airfield

The airfield is approximately 29 kilometres (18 mi), by road, north-east of Entebbe International Airport. The geographical location of the airfield is: 0°12'01.0"N, 32°33'00.0"E (Latitude: 0.200278; Longitude:32.550000). Kajjansi Airfield sits at an elevation of 1,141 metres (3,743 ft) above mean sea level. The airport has one unpaved runway 14/32, which is 1,150 metres (3,773 ft) long. The airfield is owned and operated by Mission Aviation Fellowship (MAF), an international Christian humanitarian relief and development organisation.

1.4 WATER TRANSPORT

Water transport is one of the quickest and cheapest means of transport in Uganda. About 241,038 square kilometers of Uganda's total land area is covered by swamps, lakes and rivers, most of which are navigable. The major lakes which are used for water transport include; Lake Victoria, Lake Albert, Lake George, Lake Edward, Lake Kyoga,



Lake Bunyonyi and many others as well with various rivers like River Nile and River Ssezibwa big enough to use boats to cross to other sides. Water transport can connect to various islands and corners within the country as well to neighbouring countries that connect with some of the water bodies.

Given the vast expanses of water and rivers in the region, the need for transportation of both goods and persons is currently an ongoing discussion between the commercial and political sector in Uganda. In addition, almost all of Uganda’s water resources are trans-boundary in nature and shared with her neighbours such as Kenya and Tanzania (Lake Victoria) and the Democratic Republic of Congo (Lake Albert and Edward). Water transport is therefore used to transport communities living on the islands, across the lakes, tourists and goods. The means of water transport in Uganda therefore include:- wagon ferry services; passenger ferries used to cross to other inlands on lakes and rivers bridges; individually-owned boats used for transport and fishing; speed boats mainly used by security organs and holiday makers and boat cruises for adventures in parks.

Uganda has 18 inland water ports spread across the different water bodies, most of which are on Lake Victoria, with more than 170 vessels carrying an estimated six to eight million passengers a year. This means that Lake Victoria has the largest volumes of transport of freight and personnel. Since the 1900s, Lake Victoria has been an important channel of transport between Uganda, Tanzania, and Kenya. The main ports on the lake are Kisumu (Kenya), Mwanza (Tanzania) and Port Bell (Uganda) which serves by dedicated ferries (MV Umoja, MV Victoria, and MV Pemba) operating to and from the countries with passengers and cargo (Ro/Ro). Other lakes such as Lake Albert, Lake Edward, Lake Kyoga, and Lake Bisina also contribute to the overall marine transport infrastructure of Uganda.

The inland water transport system in Uganda is therefore divided into Lake Victoria transport, and transport on the remaining five lakes and six rivers. Lake Albert provides truck ferries to the Democratic Republic of Congo. The Port of Kisumu in Kenya is part of the Northern Corridor transport system. The Kisumu route does not attract transit to Uganda due to the low capacity of the Nakuru–

Kisumu railway track. This route connects Kenya to both Tanzania and Uganda through Lake Victoria. Unfortunately, it can only support low axle loads. The growth of the hyacinth has only worsened the situation and even further affected vessel movement. Uganda does not have river ports but has two inland ports on Lake Victoria. That is the Jinja pier and Port Bell. Only one ship operates between Port Bell and Kampala. Uganda also utilizes the neighbouring country lake ports of Mwanza in Tanzania and Kisumu in Kenya.

The Rift Valley Railways operate services from Port of Mombasa to Tororo/Kampala while marine services operate between Port Bell and Jinja to Kisumu in Kenya, and to Mwanza and Bukoba in Tanzania. International lake transport is currently grouped with rail transport and the international ferry services (wagon ferry services) to Kisumu and Mwanza. The domestic lake transport, like river transport, is now mainly a small-scale private sector activity with minimal fixed infrastructure support. The Inland Water Transport Study (IWTS), carried out in 1988, identified over 70 landing sites around Uganda where formal or informal water transport services had been operating.

1.4.1 Ferry Services

The Government operates ferry services as a continuation of the national roads across points on rivers and lakes where it would be uneconomical to build bridges. These ferry services are important for linking parts of the country to the capital, regional centres and communities¹⁶. UNRA currently operates 10 ferries on lakes and the River Nile to connect to either side of national roads under their care and maintenance. These ferries are: Laropi-Umi ferry connecting Moyo and Adjumani districts, Kiyindi ferry for Buikwe-Buvuma route, Masindi port for Kinryandongo-Apac route, Nakiwogo ferry for Entebbe-Kyanvubu route, Wanseko-Panyimur ferry for Buliisa to Nebbi and Obongi ferry from Moyo to Adjumani. Others are Mv Kyoga 1 and Mv Kyoga 2 both on Amolatar-Nakasongola, Mbulamuti ferry of Kamuli-Buyende route and Lake Bisinia for Katakwi-Kumi route¹⁷.



MV Palm ferry, with a sitting capacity of over 500 people and vehicle capacity of 28 vehicles.



MV Pamba: RO-RO Cargo Vessel.



Nakiwogo ferry RO-RO.

¹⁶ UNRA website on Uganda's water assessment. www.unra.go.ug <https://www.unra.go.ug/services/ferry-services>

¹⁷ Information from UNRA website on ferry services and Monitor newspaper of Sunday December, 09 2018 updated on January 11 2021.

Table 3: Ferry crossings along The National Road Network:

| FERRY CROSSINGS | YEAR OF COMMISSIONING | DISTRICT LINKED BY FERRY | PASSENGER CAPACITY | CARGO CAPACITY | ROUTE DISTANCE (KM) |
|--|-----------------------|----------------------------|--------------------|----------------|---------------------|
| Nakiwogo-Buwaya on L.Victoria | 1987 | Wakiso (Entebbe) and Mpigi | 120 | 40T | 1.4 |
| Kiyindi-Kirongo (Buvuma) on L. Victoria | 1987 | Buikwe and Buvuma | 120 | 80T | 7.5 |
| Masindi Port-Kungu on L.Albert | 1997 | Kiryandongo and Apac | 70 | 40T | 0.8 |
| Mbulamuti to Nabuganyi on River Nile. | 2010 | Kamuli and Kayunga | 120 | 60T | 0.8 |
| Obongi-Sinyanya on Albert Nile. | 2010 | Obongi and Adjumani | 120 | 90T | 1.4 |
| Laaropi-Umi on Albert Nile | 2011 | Moyo and Adjumani | 180 | 115T | 0.9 |
| Kyoga 1: Zengebe-Namasale on L.Kyoga | 2011 | Nakasongola and Amolatar | 120 | 115T | 9.5 |
| Kyoga 2. Zengebe-Namasale on L. Kyoga | 2016 | Nakasongola and Amolatar | 120 | 150T | 9.4 |
| Agule-Okokorio on L.Bisinia | 2015 | Kumi and Katakwi | 120 | 90T | 4.2 |
| Albert Nile: Wanseko-Panyimur on Albert Nile. | 2017 | Buliisa and Packwach | 300 | 150T | 9.7 |
| Sigulu Ferry (Watega-Bumalenge on Lolwe island on L.Victoria | 2020 | Namayingo | 300 | 150T | 35 |

Source: UNRA corporate strategic plan. 2020/21-2024/25.

The Head of Ferry Services, UNRA said that concerning the safety on waters, the ferries were designed to carry specific weights of vehicles, other luggage and passengers to avoid capsizing. All the ferries had at least 15 percent extra life jackets over and above the required number according to their passenger capacities.¹⁸

The Government is increasing investment in water transport infrastructure to enhance the movement of both passenger and cargo traffic. The underexploited infrastructure provides a viable investment opportunity, especially for the increasing tourism market and intra-regional trade activities. On the private side, Bidco Oil Company operates a 200m-long jetty which is used to receive crude palm oil from the Kalangala Island Plantation. It receives two tanker vessels per week each of 450 MT tank capacity, one of which also carries 500 tonnes of fertilizer above deck. The JGH Marine is another privately owned marine service which is planning to build a 350 MT RoRo vessel and Mahathi Infra Uganda Limited is planning to construct fuel barges and fuel storage terminal. The site is in between Kampala and Entebbe at Bukasa Kawuku.

There are five new ferries which include:- the Kiyindi-Buvuma ferry, Sigulu ferry which links Namayingo District mainland, Sigulu and Lulwe islands, Amuru-Rhino Camp ferry, Bukungu-Kagwara-Kaberamaido ferry, and Lake Bunyonyi ferry. Previously, there were many accidents on Lake Bunyonyi because of the many islands on that lake. The ferries have since been completed including the Amuru-Rhino Camp, Bukungu-Kagwara-Kaberamaido and Lake Bunyonyi ferry. Plans are on-going to construct a port at Bukasa on Lake Victoria as well as the restoration of Port Bell and Jinja Pier. UNRA also plans to start a maritime training school in Busitema University because all their ferry crews had been trained in Dar es salaam, Tanzania.

The Commission noted the re-emergence of water hyacinth which interferes with water transportation on the lake despite efforts made by Kenya, Uganda and Tanzania, and the World Bank, to salvage the lake. There was also a fall in water levels in 2023, which was a threat to the water transport. This is normally caused by reduced input in terms of rain and inflows into the lake system and increased outflows caused by excess releases at Jinja.

¹⁸ [www.unra.go.ug https://www.unra.go.ug/services/ferry-services](https://www.unra.go.ug/services/ferry-services)

1.4.2 Canoes / Local Wooden Boats

This is the most common means of water transport in the country; motorized local boats on all lakes of Uganda are fully operated by individuals on private basis. Various lakes are composed of so many islands which are only connected by these local motorized boats. Though 98 percent of the people living on or connecting to various islands use these local wooden motorized boats to sail, the greatest percentage of fishermen in the country as well use motorized boats. These boats are preferred because they help to connect places where larger vessels like ferries may not be able to reach. For example, they help to connect the 84 islands on Lake Victoria (Kalangala) with the ferries and the mainland. However, the boats are light and they are vulnerable to storms, leading to loss of lives and property. They can also be easily intercepted by rogue elements.

1.5 HUMAN RIGHTS CONCERNS OF INFRASTRUCTURE DEVELOPMENT

1.5.1 Poor Road Infrastructure

The Commission notes that while efforts have been made in building roads across the country, the roads in Kampala, Wakiso and Mukono are still poor in various areas. This causes a challenge in terms of access to schools, health centres and markets.

1.5.2 Poor Project Planning

Inappropriate project siting that disregards existing land use, including customary land and resource use, cultural sites, natural habitats of biodiversity, sites that provide ecological services, or other priorities, results in loss of land tenure, natural resources and ecosystem services. Frequently, national priorities (especially those derived from a country's international commitments) may not be known, valued or prioritized by local communities, and national governments may not recognize certain rights or attach sufficient value to community land use and cultural sites. The most common and significant human rights issues during the early phase (planning phase) arise from basic flaws in project planning and siting, land acquisition, reset-

tlement plans, land grabs, failure to consult with affected populations and failure to seek the free, prior and informed consent of indigenous peoples.

1.5.3 Land Disputes

There has been an increase in foreign investments in infrastructure in Uganda which has in turn led to demand for land to undertake infrastructural development, commercial agriculture and industrial development¹⁹. Such increasing demand for land has had a pervasive effect in raising the price of land especially in the project areas. Unfortunately, increased infrastructure development has also led to increased land disputes.

The UHRC noted issues related to the process and modality of acquisition of a right-of-way or land, such as expropriation of land; land grabs; forced or premature sale of land under threat or intimidation; forced eviction and relocation; loss of access to communal land; loss of cultural resources, natural resources, productive assets, and shelter. These had adverse impacts on livelihoods and living standards of the communities. These also impacted the rights to work, health, education, and adequate housing, including shelter, access to water and sanitation among others.

Unfortunately, although litigation often seems like the only viable option for those adversely affected by land issues, many who pursue this path face delayed justice, as demonstrated by legal disputes from as far back as 2014 still being fought out in court. Engaging in legal proceedings is therefore only for those who can afford it, which in turn tends to favour the upper strata of society.

1.5.4 Poor Working Conditions

While foreign investments in Uganda have helped to create jobs, many Ugandans in these foreign investments mainly provide casual labour and experience poor working conditions, lack of employment protection and unfair compensation. One of the respondents interviewed informed the Commission that some investors do not understand Ugandan labour laws and that Ugandan organizations focusing on workers' rights are often ignored by foreign companies.

19 UN OHCHR report 2017.

Recently, Uganda has seen an increase in private sector participation in infrastructure projects with the intention to bring a range of benefits including technical expertise, efficiency and additional resources. However, private sector participation can also lead to loss and harm. For example, private operators often cut jobs to raise efficiency and profitability, and, surprisingly, only half of the consumers can expect benefits from privately operated infrastructure.

1.5.5 Lack of Community Participation

While foreign infrastructure projects have brought new jobs and business opportunities, members of the public and the business community have no say in what projects are agreed, nor which companies are chosen to implement them. Concerns over a lack of labour rights, loose contractual agreements with employees and limited attention to corporate social responsibility have had a negative impact on local perceptions of these investments.

1.5.6 Environmental Impact.

Infrastructure development has in many cases had an impact on the environment including air, water and soil pollution from construction. During the operations phase, there are issues to do with the health and safety of workers and communities adjacent to the installations, and the degradation of the natural environment. Failure to maintain infrastructure may pose significant safety threats to the surrounding communities. Following the end of an installation's useful life, decommissioning of the project can also create environmental and social impacts pertaining to the safety of assets, project site rehabilitation, and loss of community livelihoods dependent on the project. These impacts will be exacerbated if the project lacks an adequate decommissioning plan and sufficient funding to address these issues.

1.5.7 Health and Safety Non-Compliance

Health and safety impacts on communities during construction may include minor nuisances, such as noise or dust, or major issues, such as loss or damage to property, deterioration of environmental health or fatalities from construction accidents. Construction activities that attract many job seekers and service providers, have created boom

towns leading to unplanned urban areas as well as health hazards. For example, some of the respondents interviewed reported that during the earlier stages of the construction of Lokitoenyala-Moroto Road several sheep died from poisoning as a result of poor disposal of the construction waste.

1.5.8 Lack of Accountability

Accountability in the public governance of infrastructure means responsibility of the relevant Government agencies to account to each other, as well as to those they govern. Unfortunately, construction companies and investors are rarely accountable and usually never remedy the errors made during the construction of infrastructure. The principle of accountability, which is grounded in human rights, requires that responsibilities are clearly specified, that duty-bearers are answerable for their actions and omissions, and that effective redress mechanisms be available and accessible to those who most need them. Leaders of the projects that support the respective plans should be accountable toward the communities and the general populations. Accountability mechanisms at all levels should comply with due process and human rights requirements and should not be compromised in the quest for quick implementation of projects.

1.5.9 Discrimination

The Commission noted that women are in most cases excluded from the transport sectors of water, road and air. Women participation is important in these key sectors. Deficiencies in access to services also occur when the Government authority or private sector operator excludes poorer households from service areas, given their inability to pay. These practices are overtly discriminatory and have detrimental impacts on the poor since they cannot afford user fees and tariffs intended to help cover the costs of new or refurbished infrastructure assets and increase service quality. For example, the poor cannot access the Entebbe expressway. However, in the case of private participation in infrastructure, user fees are also frequently applied to other purposes, thereby potentially exacerbating concerns about affordability of services by consumers, especially the poor.

1.6 RECOMMENDATIONS

- 1) Ministry of Works and Transport should undertake an in-depth and systematic analysis of the gender dimensions of the energy, transport, water and ICT sectors and identify ways decision-makers can reflect gender considerations in project design and implementation.
- 2) Ministry of Finance, Planning and Economic Development together with Kampala Capital City Authority, should ensure that there is sufficient funding to improve the roads in Kampala, Wakiso and Mukono.
- 3) Uganda Investment Authority and Ministry of Works should ensure that workers on projects are provided with protective gear and offered fair terms of employment.

ACCESS TO INFORMATION IN UGANDA

2.0 INTRODUCTION

The right of access to information is a central component of the right to freedom of expression. It is both the general right of the public to have access to information of public interest from a variety of sources, and the right of the media to access information. The right of access to information is therefore a fundamental human right crucial for the enjoyment of other human rights. In 1946, the UN General Assembly under its Resolution 59 proclaimed that “Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated.” This affirmation emphasizes interconnectedness of the right of access to information to all other rights and fundamental freedoms. Similarly, Article 19 of the Universal Declaration of Human Rights (UDHR), 1948 provides that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.²⁰

The importance of the right of access to information is underpinned by the fact that it is cross cutting since it is necessary for the realization of other human rights. Without freedom to access information of all kinds, abuse may take place, policies affecting the general welfare may not be tested and improved and overall public engagement and participation will decrease. The right of access to information entails other rights such as the right to freedom of opinion and expression and is a cornerstone for enjoyment of economic, social and



Hon. Chris Baryomunsi, Minister of ICT & National Guidance speaking at the Uganda Media Center²¹

cultural rights in as far as it enables rights holders to make more informed choices and participate in decision making.

The right of access to information is essential to the democratic functioning of societies and the well-being of each individual. Article 19 describes the right to information as the oxygen of democracy.²² It enables the strengthening of each citizen’s participation and the exercise of civil, political, economic, social and cultural rights and makes governments accountable of their actions. It has implications for individuals and groups in any society, ranging from their enjoyment of basic services (health, education, housing, work, etc.) to their place in public life (voting rights, participation in public and political life, accountability of elected and state officials, etc.). Thus access to informa-

²⁰ Article 19 of the UDHR, 1948

²¹ PC Tech Magazine

²² Article 19 (2015) “The Public’s Right to Know: Principles on Freedom of Information Legislation” available <https://www.article19.org/resources/right-to-know-day-the-right-to-know-principles-in-10-languages>

tion is a foundational requirement of the practice of democratic governance. It has been rightly stated that “no democratic government can survive without accountability and the basic postulate of accountability is that people should have information about the functioning of government”.²³

Access to information is very crucial for good governance as it enhances key good governance principles of democracy, transparency and accountability. It is considered as the guiding principle for participatory democracies since only an informed population can effectively contribute to the construction of governments and political institutions. People need information to be able to adequately express themselves on matters of governance, hold leaders accountable and influence service delivery and decision making, as well as promote and protect human rights.²⁴

Access to information and freedom of expression are a pre-requisite for other human rights. When people have access to accurate and quality information, they can unreservedly express their opinions, and actively and meaningfully participate in their own social and economic development. Additionally, the right to access information has a demonstrated connection between a free media and reduced corruption, political stability, rule of law and reduced poverty.²⁵

Over 137 countries across the world have enacted access to information laws with Sweden having been the first country in the world to enact the access to information law in 1766.²⁶ Over 22 African Member States have the access to information legislation. Uganda was the fourth African Member State and the first East African Member State to enact the Access to Information legislation in 2005 and later the Access to Information Regulations in 2011.

In Uganda, the right to access information is recognized as a fundamental human right in the 1995 Constitution of the Republic of Uganda under Article 41. In 2005, the Access to Information Act was enacted to operationalize and give effect to Article 41 of the 1995 Constitution. Specifically, the Act was intended to promote the right of access to

information, promote an efficient, effective, transparent and accountable Government in all organs of the State and empower the public to effectively access and participate in decisions affecting them as citizens and to protect persons disclosing corruption or contravention of the law in public bodies. The Access to Information Act gives the citizens the right of access to information from Government bodies/duty bearers while at the same time gives an obligation to Government bodies/duty bearers to provide information to the public through proactive disclosure and statutory regulations.

Uganda has made significant progress both in policy and legal reforms to ensure that its citizens enjoy their fundamental right to access information. However, the state of the right of access to information in Uganda presents a complex and multifaceted landscape.

Accordingly, UHRC monitored the extent of enjoyment of the right to access information in Uganda in 2023 in its 12 regional offices spread countrywide. Information was collected from officials working in MDAs, District Local Governments, civil society organisations, the media fraternity, academia and the general public. The chapter looks at the right to access information and the resultant human rights concerns. This chapter analyses the legal and policy framework which provides for the right to access information, the current situational analysis on the right to access information and the human rights concerns. It also analyses Government interventions in enhancing the right of access to information and proposes recommendations to key stakeholders.

2.1 LEGAL AND POLICY FRAMEWORK

Uganda is a signatory to a number of international and regional human rights instruments which provide for the right of access to information. Additionally, Uganda has also provided for the right of access to information in its national legislation, policies and strategies.

23 African Commission on Human and Peoples’ Rights “Guidelines on Access to Information and Elections in Africa”.

24 Africa Freedom for Information Centre “The State of Right to Information in Africa”2014.

25 Africa Freedom of Information Centre “The State of Right to Information in Africa Report in the Context of the Sustainable Development Goals”, 2017.

26 <https://www.unesco.org>

2.1.1 International legal framework

The Universal Declaration of Human Rights under Article 19; provides that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through the media and regardless of frontiers”.²⁷

The International Covenant on Civil and Political Rights (ICCPR) 1966²⁸ under Article 19 states that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

The Convention on the Rights of the Child under Article 13 (1) states that “The child shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice”. Similarly, Article 17 of the same Convention recognizes the importance of promoting the production and dissemination of information and material that have social and cultural benefit to the child.²⁹

2.1.2 Regional legal framework

At the regional level, Uganda is a party to the African Charter on Human and Peoples’ Rights, Declaration of Principles on Freedom of Expression in Africa³⁰, African Union Convention on Preventing and Combating Corruption and Model Law on Access to Information for Africa which was adopted in 2013.

The African Charter on Human and Peoples Rights to which Uganda is a signatory has adopted all the provisions of the Universal Declaration of Human Rights which affirms the freedom of access to infor-

mation. Specifically, Article 9 of the African Charter on Human and Peoples’ Rights states that, “Every individual shall have the right to receive information and to express and disseminate his opinions within the law.”³¹

The African Union Convention on Preventing and Combating Corruption, 2006 (AUCPCC) under Article 9 provides that “Each State Party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences”.³²

The African Charter on Democracy, Elections and Governance, 2007 under Article 19 guarantees the right of electoral observer missions and also provides that each State Party shall guarantee conditions for security, free access to information, non-interference to freedom of movement and full cooperation with the electoral observer mission.

The African Youth Charter 2006³³ makes provision for the right of access to information. Specifically, Article 10(3) (d) encourages states “to provide access to information and education and training for young people to learn their rights and responsibilities, to be schooled in democratic processes, citizenship decision-making, governance and leadership such that they develop the technical skills and confidence to participate in these processes”. Additionally, Article 11(2) (i) is to the effect that states should “provide access to information and services that will empower youth to become aware of their rights and responsibilities”.

The Model Law on Access to Information in Africa, 2013³⁴ adopted by the African Commission on Human and Peoples’ Rights aims at promoting transparency, accountability and public participation in decision making process.

2.1.3 National legal framework

The Constitution of the Republic of Uganda, 1995

27 Article 19 of the UDHR

28 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> - visited on 30 January 2023.

29 <https://www.unicef.org/child-rights-convention/convention-text>

30 October 2002

31 Article 9 of the ACHPR

32 Article 9, African Union Convention on Preventing and Combating Corruption

33 <https://au.int/en/treaties/african-youth-charter> - visited on 27 January 2023.

34 <https://achpr.au.int/en/node/873>

under Article 41 provides for the right of access to information. It stipulates that “Every citizen has a right of access to information and records in the possession of the State or any other organ or agency of the State, except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any person”.³⁵ Article 41(2) of the constitution enjoins Parliament to make laws for the purpose of prescribing the classes of information referred to in Article 41 and the procedure for obtaining access to that information.

The Access to Information Act, 2005; The Act specifically provides for the right to access to information. It among others aims at promoting an efficient, effective, transparent and accountable Government, giving effect to Article 41 of the 1995 Constitution of Uganda and empowering the public to effectively scrutinize and participate in Government decisions that affect them.

Relatedly, the Access to Information Regulations, 2011 operationalizes the Access to Information Act. The Regulations establish procedures for citizens to request for Government-held information and for the Government to respond to the citizens’ requests.

The Uganda Communications Act, 2013 equally provides for the right of access to information. The Act regulates the communications sector which includes telecommunications, broadcasting, radio communications, postal communications, data communication and infrastructure in Uganda.

The Public Procurement and Disposal of Public Assets (PPDA) Act, 2003 as amended and Regulations require all procuring and disposal entities to publish all their procurement plans, disposal plans/notices, current tenders, best evaluated bidder notices, signed contracts, suspended bidders and any other open data.

The Press and Journalists Act, 2000 ; specifically Section 4 of the Act guarantees the right of access to official information except for information related to national security, secrecy or confidentiality.

Under the institutional mechanism, the establishment of the Ministry of Information, Communication, Technology and National Guidance (MOICT) has enhanced citizen’s access to information. The Ministry is mandated to formulate and implement ICT policies, sustain, manage and oversee ICT infrastructure³⁶. As a mother ministry to Government communication and information technology officers, MOICT has proactively been at the fore front of ensuring that there is access to information.³⁷



2.2 SITUATIONAL ANALYSIS OF THE RIGHT OF ACCESS TO INFORMATION IN UGANDA IN 2023

Uganda was one of the first African countries to enact legislation on the right of access to information, providing for both proactive disclosure and statutory regulations. There has been progress in Uganda’s legal, policy and institutional framework on the right of access to information, challenges notwithstanding. Below is a situational analysis of the right of access to information in Uganda.

2.2.1 Sources/Mean of Accessing Information

The UHRC findings revealed that the MDAs and District Local Governments had various means/sources of ensuring that information is available

35 Article 41 (1) Constitution of Republic of Uganda, 1995.

36 See <https://www.ict.ug>

37 UHRC interaction with a Senior Information Officer at the Ministry of Information, Communication, Technology and National Guidance in Kampala, February, 2023.

to the general public. Information was availed to the general public majorly through walk-ins, notice boards, radios, websites, meetings (community barazas and village meetings) suggestion boxes, newspapers, ministry newsletters, brochures, registries, magazines, television, libraries, books and social media such as Twitter/X, WhatsApp and Facebook. Walk-ins were found to be the most viable means of accessing information especially for people in rural areas. Below is a snapshot of the status of some of the sources of accessing information mentioned above.

2.2.1.1 Use of Radios and Television as a means of Accessing Information



UHRC observed that majority of Ugandans, both in the urban and rural areas relied on radio to access information while television use was more prevalent in the urban areas. The *'Institut Public de Sondage diOpinion Secteur'* (IPSOS) report also indicated that 73 percent of the population tune into radio at least once per week compared to only 28 percent who view television while 27 percent log in to online platforms.³⁸ According to Uganda Communications Commission, there were 309 radio stations, 78 TV stations and 35 licensed online data communication providers as at 31st December, 2023.³⁹

In terms of regional distribution, there are a total of 95 radio stations in Western Uganda followed by 85 in Central Uganda, 72 in Northern Uganda and 52 in Eastern Uganda.

Table 4: Uganda National Audience Measurement Survey (NAMS) IPSOS 2023

| MEDIA | USERS |
|---|--------------|
| Mobile Phones | 33.1 million |
| Internet | 25.7 million |
| Television | 24.6 million |
| 78 Tv stations 35 Free to Air (FTA), 7 Pay tv, 34 Hybrid and 2 online Tv subscription 39.1% (Vernacular 66% and English 34 %) | |
| Social media | 8 million |
| Radio | |
| 218 Radio stations Subscription radio 89.2% (Vernacular listeners 88% and English 12%) | |

2.2.1.2 Libraries as a Means of Accessing Information

The UHRC established that libraries were also used by the general public to access information from Government bodies. However, UHRC noted that majority of the District Local Governments including MDAs lacked public library facilities and where they existed, they decried poor infrastructure, lack of technical officers to manage the libraries, inadequate literature and lack of internet connectivity.

2.2.1.3 Notice Boards as a Means of Accessing Information

With regards to notice boards, UHRC established that most MDAs and District Local Governments utilize notice boards to proactively give information to the general public. Information was published on the notice boards on weekly, monthly or quarterly basis depending on the type of information. However, UHRC noted that some of the information put on the notice boards was general in nature and in some instances written in English which made it hard for persons especially those in rural areas to understand and utilize the information. However, very scanty information was displayed in the offices of district officers' notice boards to facilitate internal communication and proactive disclosure of information.

38 Paul Kimumwe, Adolf mbaine, Rose Kimani, Hesbon Hansen Owilla and Nyeri Wanjiru "Media Viability in East Africa:Uganda" March, 2021.
39 UCC Presentation on Access to Information in Uganda: Challenges and Prospects during UHRC Annual Report Consultative Meeting on 6th December, 2023

2.2.1.4 Internet as a Source of Information



In 2012, the UN recognised access to internet as a tool for promotion of the right of access to information. Access to the internet is a key means through which individuals can exercise their right of access to information. According to UCC, by September 2021, internet subscriptions stood at 22 million, or a penetration of 52percent, yet the proportion of the population that actually uses the internet is much lower, as many users have multiple subscriptions.⁴⁰ Although internet access has become more affordable, particularly on mobile phones, costs are still high for a big section of the Ugandan population. The average cost of one gigabyte (GB) of prepaid mobile data on mobile networks was approximately USD1.32 as of August, 2022⁴¹ making it unaffordable to many at 5.63 percent of Gross National Income per capita⁴².

Similarly, access to information online was also constrained by Government decision to block Facebook. For more than a year now, Facebook, with *more than 3,328,000 million local subscribers*, has been blocked.

2.2.1.5 Social Media as a Means of Accessing Information.

People across the globe are using social media platforms to build communities where they can express themselves and participate meaningfully in gover-

nance issues, share information, communicate, collaborate, advocate, participate in democratic processes and engage in economic activities. Social media in Uganda has become part of everyday life. In 2023, internet freedom in Uganda improved as compared to the previous years.⁴³ A Digital 2023 Uganda report indicated that there were 20.5 million social media users in Uganda in January, 2023 out of which 40.8 percent were female while 59.2 percent male.⁴⁴

The UHRC noted that social media has played a critical role in creating awareness about human rights, health, sanitation, child rights and education among others. Social media platforms such as WhatsApp, Twitter, Facebook, YouTube and Instagram were commonly used to communicate electoral messages, flag out bribery and corruption tendencies at various levels, expose the extent of service delivery and state of human rights among others.

The commission established that MDAs and District Local Governments majorly used Twitter/X, Facebook and WhatsApp as means of availing information to the general public. Twitter/X was the most commonly used social media channel among MDAs with 91.6 percent having institutional Twitter/X profiles followed by Facebook (82.1%) and WhatsApp (40%).⁴⁵ A NITA-U survey report, 2022 showed that District Local Governments preferred to use walk-ins (81.9%) followed by traditional media (radio at 48%) and social media (37%).

However, UHRC noted that lack of internet in some areas coupled with high cost of connectivity affected effective use of social media as a means of accessing information both by the rights holders and the duty bearers. Additionally, some respondents especially from District Local Governments decried of lack of technical officers with knowledge and skills to manage and develop critical content.

40 CIPESA (2022) "Digital Taxation in Uganda: A hindrance to inclusive access and use of Digital Technologies" accessed on January 2024

41 <https://freedomhouse.org/country/uganda/freedom-net/2023>

42 <https://freedomhouse.org/country/uganda/freedom-net/2023>

43 <https://internetfreedom.africa/wp-content/uploads/2023/10/SIFA23-Report.pdf>

44 <https://datareportal.com/reports/digital-2023-uganda>

45 NITA-U Survey Report, 2022

Table 5: Level of interaction on Twitter/X by selected MDAs

| NAME OF MDA | DATE JOINED | NUMBER OF FOLLOWERS | NUMBER OF TWEETS | DATE LAST UPDATED | NATURE OF INFORMATION TWEETED |
|--|----------------|---------------------|------------------|---------------------------------|--|
| Ministry of ICT& NG | December, 2011 | 145,500 | 185,000 | 28 th December, 2023 | NAM-China Summit |
| Ministry of Local Government | December, 2017 | 6,706 | 2,054 | 24 th December, 2023 | PDM |
| Uganda Police Force | May, 2016 | 767, 100 | 146,000 | 31 st December, 2023 | Policing Fireworks |
| Ministry of Justice and Constitutional Affairs | August, 2020 | 5,557 | 747 | 14 th December, 2023 | Workshop on copy rights & neighbouring rights |
| Ministry of Health | November, 2014 | 627,200 | 161,000 | 24 th December, 2023 | Christmas Message |
| Uganda Media Centre | October, 2011 | 560,500 | 452,000 | 31 st December, 2023 | President announces establishment of 18 skilling hubs such as carpentry, tailoring |
| Government Citizen Interaction Centre | August, 2016 | 143,300 | 27,100 | | PDM |
| Uganda Revenue Authority | May, 2012 | 329,700 | 44,100 | 31 st December, 2023 | Intercepted smuggled goods |

Source: The MDA's Official Twitter/ X Handles

From the table above, Uganda Media Centre had the highest number of tweets; followed by the Ministry of ICT & National Guidance and Ministry of Health taking the 3rd position. Additionally, in terms of followers, UPF had the highest number of followers on twitter followed by the Ministry of Health and Uganda Media Centre.

2.2.2 Procedure for Accessing Information

The UHRC established that there were laid down procedures for accessing information both from MDAs and District Local Governments. The Access to Information Regulations, 2011 provide procedures for making information requests to public bodies. Specifically, Section 11(1) of the Access to Information Act states that “a request for access to a record or information shall be, in writing; in the prescribed form to the information officer of a public body in control of the record or information required and shall provide sufficient details to enable an experienced employee of the body to identify the record or information”. Information requests can be made either orally or in writing including submitting the request online.

UHRC established that MDAs and District Local Governments had right to information implementation plan with guidelines for receiving and responding to information requests. For District

Local Government, UHRC noted that it was a procedural requirement to obtain permission from the Chief Administrative Officer before information could be availed to the requester. UHRC noted that information requester should present a copy of the national Identity Card and an introductory letter requesting for particular information and the purpose for which such information is needed. Additionally, UHRC, noted that information requests were channelled to the CAO through the Registries.

However, the Access to Information Request form does not have a provision for persons with disability (PWDs) as one of the requestors hence making it challenging to disaggregate data on how many PWDs made information requests. This contradicts Section 20 (6) of the Access to Information Act which makes provision for information to PWDs to be availed in an alternative and appropriate format acceptable to the applicant.

2.2.3 Appointment of Information Officers in MDAs and LGs

The Uganda Communication Strategy, 2011 requires ministries to designate an officer who can provide information in cases where Ministers and the Permanent Secretary are not available.⁴⁶ The role of giving information was vested in Permanent

46 Uganda Communication Strategy, 2011

Secretaries and Chief Administrative Officers for MDAs and District Local Governments respectively. The Uganda Communication Strategy obligates MDAs and District Local Governments to appoint Information/Communication Officers whose role is to receive information requests from the public and guide the public in accessing information.

The UHRC findings revealed that 95 percent of the MDAs monitored had the position of Information Officers filled. At the District Local Government level, the Chief Administrative Officers (CAO) are the official spokespersons of Government business but due to competing duties, this role was delegated to Information Officers save for very sensitive information which required their personal attention. In some instances, the role of Information Officers at the District Local Government was further delegated to the information managers such as Librarians, ICT staff and Records Officers who are charged with organizing information resources and making them available to the public following a pre-authorization by the CAO.

The UHRC established that some District Local Governments lacked a designated Information Officer and where they existed, they lacked capacity and knowledge about the Access to Information legislation which led to delayed responses and in some instances denial of responses. The respondents also cited bureaucratic tendencies in both MDAs and DLGs which negatively affected timely access to information. Other challenges cited included inadequate budgetary allocation to the Information Officers to enable them execute their duties which in the long run impacted timely access to information by the public.

2.2.4 Duty to Provide Information/Proactive Disclosure of Information

The Access to Information Act provides for proactive disclosure of information on the part of the State. Specifically, Section 8 of the Act enjoins Information Officers to proactively publish a description of categories of information available for inspection, buying or accessing information free of charge every two years to the public. Additionally, Section 7 of the Act also encourages publication of manuals of functions and index of records of public bodies such as those relating to procedures for



access to information in possession of those bodies and subject of records that those bodies hold.

The UHRC findings revealed that there was progress noted in proactive disclosure of information both by MDAs and District Local Governments. The Government has put in place mechanisms for enabling the public to access information such as notice boards, barazas and Government hour on radio, websites and open Government portals among others.

However, UHRC established that most of the information proactively disclosed was general in nature and could not provide a wide range of specific data necessary for the citizens to make informed decisions on Government programmes save for those provided under PPDA. There were also challenges with regards to inappropriate infrastructure necessary for proactive disclosure. Majority of the MDAs for example did not have public libraries and had no or limited access to the internet and hence information could not be shared online. This was especially the case with rural based Government institutions.

2.2.5 Cost of Accessing Information

The Access to Information Regulations, 2011 require individuals applying for information to a public body to pay a number of fees for each request. Most notably, requesters must pay a non-refundable standard access fee of twenty thousand shilling (UGX. 20,000) at the time of submitting the request. In addition to the above stated standard fee, more fees apply by mode of access for example video recording is UGX. 20,000 (USD 5.5) per hour, audio recording UGX.10,000 (USD 2.7) per hour, photocopying page of braille at UGX.100 (USD 0.02) and copying page bigger than A4 (or compressing page) at UGX.500 (USD 0.13).⁴⁷

47 Shadow Report on the Status of Access to Information Act 2005 Implementation in Uganda, August 2019.

Additionally, citizens also incurred costs while accessing information online using the internet including those who accessed information from television. The UHRC findings reveal that respondents used between UGX15,000 to UGX 50,000 on internet bundles on a monthly basis depending on how much time and information they sought to get using internet, while TV subscription ranged between UGX15,000 to UGX52,000 monthly. Other costs related to radio, newspapers and in some instances transport to attend community meetings/barazas.

The UHRC established that information requesters spent between UGX 500,000 to UGX 20,000,000 to get information from MDAs depending on the nature of the information. The costly nature of accessing public information has made many citizens including civil society organisations (CSOs) avoid requesting for information from Government MDAs and LGAs. While the access fee can be waived where the request is in the public interest or if the information is likely to benefit a large section of the public,⁴⁸ the ATI Regulations do not provide any guidance on when these exceptions might apply. One of the respondents had this to say “I have had instances where public officers have not requested me to pay any cost and have had others where public officers have tried to charge exorbitantly”.⁴⁹

2.2.6 Submission of Access to Information Reports to Parliament

Section 43 of the Access to Information Act, 2005 requires each Minister to submit an annual report to Parliament on requests for access to records or information made to the public bodies in relation to his or her ministry in relation to the relevant year; indicating whether access was given or not, and the reasons for denial. The Act under Section 43(2) provides that the annual reports referred to may be included in the annual policy statement of the Ministry.

The UHRC findings revealed that this provision was not complied to by Government MDAs which

significantly weakened effective implementation of the Access to Information Act. Consequently, access to information from Government bodies has remained a serious challenge possibly since they envisage that they cannot be held accountable before Parliament on how they handled requests for access to records and information they hold.⁵⁰

2.2.7 Complaints and Appeal Process to ensure access to Information

An information request may either be fully granted, partially granted or rejected. In situations where an applicant is aggrieved with the decision of the Government body, the applicant has a right to appeal the decision or raise a complaint. Section 16 (2) of the Access to Information Act provides that one may appeal internally to the Government body where they made the request or make an application to court. Additionally, Section 16|(3) of the same Act states that where a request for access to information is denied, the aggrieved person may lodge an internal appeal or application to either Chief Magistrates’ court or High Court depending on the nature of the case.

The UHRC established that majority of information requests made to various MDAs and District Local Governments were by representatives of CSOs and media personalities (journalists) as compared to individual persons in their own capacity. The Commission noted that the Government has put in place measures to ensure that those who have been denied information get justice. The courts of law have therefore been responsive in hearing cases related to access to information denials hence setting precedence and giving interpretation to the meaning of certain provisions in the law.

In the landmark case of *Charles Onyango Obbo & Andrew Mwenda Vs Attorney General*⁵¹, the court observed that the right to freedom of information is expressly protected by the Constitution and any limitation in exercise of the right must be demonstrably justifiable in a free and democratic society.

In the case of *Charles Mwanguhya Mpagi and*

48 Section 7 (3) Access to Information Regulation.

49 Interaction with key respondent during UHRC research on Annual Report data collection, 2023

50 Shadow Report to the African Commission on Human and Peoples’ Rights on the Status of Access to Information Act 2005 Implementation in Uganda , 2019 available

51 Const. Petition No.2 of 2002

*Izama Vs. Attorney General*⁵², Court was critical in interpreting what public interest meant since the Access to Information Act imposes a huge burden on information requesters to prove that the sought information is in the public interest. In this case, the Ugandan journalists seeking to access details on the production sharing agreements requested from the Attorney General and Permanent Secretary, Ministry of Energy and Mineral Resources, certified copies of the agreement. Court dismissed the basis for denial on grounds that the public interest in the disclosure outweighs the harm contemplated in the privacy and confidentiality interests of the contracting parties.

Additionally, in the case of *Isaac Kimeze Vs Mandela National Stadium Ltd*,⁵³ the applicant sought to establish the true facts as to media reports. He filed an application form for information to the management of Mandela National Stadium requesting for the maximum capacity for the stadium and the total number of the people admitted to the stadium on the respective day. The management of the stadium contented that the stadium was not a public body falling within the abits of Article 41 of the Uganda Constitution and section 2 and 4 of the Access to Information Act, 2005. The Judicial Officer presiding over the matter found that the stadium was a public body and thus what the respondents contented could not hold. Relatedly, in the case of *Hub for investigative Media Vs National Forestry Authority*⁵⁴, court held that “the Executive Director was under an obligation to release all the requested information.”

Additionally, courts have gone as far as recognizing artificial persons such as registered companies as entitled to applying for and accessing public information thus in the case of: *Green watch u limited Vs Attorney General and Uganda Electricity Transmission Company Ltd*,⁵⁵ court held inter alia that “corporate bodies can enforce rights under the bill of rights for they are taken as persons in law, though not natural person.” Further, “that a corporate body could qualify to have access to information in the possession of the state or its organs and agencies.”

However, UHRC noted that there were delays in handling cases in courts of law due to the increasing case backlog. Some respondents noted that several cases were still pending hearing in courts of law from as far as 14 years ago when such cases were reported to court.⁵⁶

2.3 GOVERNMENT INTERVENTIONS TO ENHANCE THE RIGHT OF ACCESS TO INFORMATION

The Government has enhanced its legal, policy and institutional frameworks aimed at ensuring that the right of access to information is enjoyed by all citizens and at all levels. Efforts have been made by the Government of Uganda to ensure access to information laws are implemented and enforced and these include:

2.3.1 Operationalization of the National Communication Policy

The Communication Policy developed under the Ministry of ICT and National Guidance aims at easing Government communication to ensure that Government communications are consistent, relevant and comprehensible. It also empowers Government Communication Officers to communicate Government business freely without certain known limitations hence bringing access to information closer to the public.

2.3.2 Operationalisation of the Government Communication Officers Forum

The Ministry of ICT and National Guidance operationalized the Government Communication Officers Forum (GCOF) in a bid to make information accessible to the public through Communication Officers. The GCOF helps officers to know what is happening in other Government MDAs and other institutions and hence get and share information in a timely manner to the public and help in responding to information requests.

52 Miscellaneous Cause No.751 of 2009

53 Nakawa Chief Magistrate’s Court misc. Cause No.720 of 2011.

54 Misc. Cause No.73 of 2014

55 High Court Ruling No.139 of 200

56 UHRC interview with key respondent representing Hub for Investigative Media and AFIC.

2.3.4 Establishment of Schemes of Service for the Communication Cadres

The Ministry of ICT and National Guidance is in the process of finalising the schemes of service for the communication cadres which will empower the Government Communication Officers to be in a better position to perform their duties better.

2.3.5 Adoption of Open Government Policy

The Ministry of ICT and National Guidance established the Open Government Policy as a way of enabling the public to access Government information. Under the Open Government Policy, certain data held by Government is made publicly available, with few restrictions on access thus improving transparency and accountability of Government.

2.3.6 Development of Guidelines for online access to information for PWDs

Uganda Communications Commission in conjunction with NITA-U developed guidelines for the management of Government websites that set out requirements for accessibility for audio, visual and speech impaired users, as well as compatibility with assistive technologies and devices. This is aimed at ensuring that PWDs can access information online and enable them to participate in affairs of governance.

2.3.7 Enactment of the Whistleblowers Protection Act

In 2010, the Government enacted the Whistleblowers Protection Act (Act No.6 of 2010) which aims to among other things protect persons or entities who in public interest disclose information that relates to irregular or illegal or corrupt practices even if such information is confidential. This has gone a long way in enhancing proactive disclosure of information.

2.3.8 Establishment of Uganda Media Centre

The Uganda Media Centre was established in September, 2005 with a mission to facilitate the meeting of communication and information needs

of the Government and the people in order to achieve social, political and economic transformation⁵⁷. The Centre was created as a Research and Analysis Unit to provide a platform to avail information from Government MDAs and Local Governments and to feed into the Government Spokesperson's regular activities of informing the public about Government action on various issues of concern⁵⁸.

2.3.9 Establishment of the Government Citizens Interaction Centre (GCIC)

In an effort to comply with the Government obligation to proactively disclose information and make available certain information to the public, the Government established the Government Citizen Interaction Centre (GCIC) in 2015 whose major objective is to provide a channel for receiving feedback and suggestions from citizens and to bridge the information gap for effective service delivery.⁵⁹ The GCIC works with various MDAs to share information concerning their mandates, Programmes, activities, and services using digital platforms. GCIC also facilitates the management of citizen's feedback, queries and serves as a one stop centre for Government news. Additionally, GCIC shares information with the public using social media platforms, newsletters, online live chats, email, websites and the Government web portal.

The UHRC established that such proactive measures have gone a long way in enabling citizens to participate in monitoring service delivery and enhancing transparency and accountability of Government. Since its establishment in 2016, GCIC now has a total of 143,300 followers and so far published 27,100 tweets as at 31st December, 2023⁶⁰ on various cross cutting issues related to Government programmes and upcoming activities.

2.3.10 Establishment of E-Government Services

In order to enhance proactive disclosure of information, the Government introduced the use of e-Government services to improve transparency, efficiency and accountability by MDAs and District

57 The Government communication strategy, 2011 available on <http://www.cabinetGovernment.net/docs/addis-ababa/3c-uganda-Government-communication-strategy.pdf>

58 The Government communication strategy, 2011 available on <http://www.cabinetGovernment.net/docs/addis-ababa/3c-uganda-Government-communication-strategy.pdf>

59 <https://gcic.gou.go.ug/>

60

Local Governments through offering digital or online services to the public. Importantly, the PPDA has progressively improved in the use of e-services by putting in place tools for online disclosure of information to the general public. This includes; establishment of the Government Procurement Portal (GPP) in which all Government entities are required to enter their procurement information. Additionally, the PPDA also established the Contractors Reference Portal and contract monitoring system as a way of enhancing access to information for the general public.

Access to information has also been enhanced through promoting open contracting thus publishing and encouraging the use of open, accessible and timely information on all Government contracts as a way of engaging the citizens. Proactive disclosure of information online has also been strengthened by MDAs and District Local Governments by establishing web portals and providing information to the public.

2.3.11 Development of Ask Your Gov Portal

In an effort to enhance access to information online, in 2014, the Ministry of ICT and National Guidance partnered with selected CSOs namely the Africa Freedom of Information Centre (AFIC) and CIPESA and established an online portal (www.askyourgov.ug) for receiving and responding to information requests/appeals from the public. As of 1st July, 2023, the platform had 56,564 registered users with 12,605 information requests directed to 110 MDAs since its establishment in 2014.⁶¹ This shows an increase in the number of registered users and information requests made since 2019 when the platform had a total of 6123 registered users and 4059 information requests directed to 110 MDAs.⁶²

2.3.12 Use of Government Airtime to Conduct Radio Talk Shows on Government Programmes

The Government has enhanced proactive disclosure of information to the public through allocation of radio airtime commonly known as Government hour to MDAs and District Local Governments

in order to provide information to the public on different Government programmes, policies and projects.

The radio talk shows are conducted by both technical officers and political leaders who provide information on the status of implementation of Government programmes and projects and recommendations to address challenges faced, are reached through live interaction with the general public. This way a lot of Government information is disseminated to the public directly without necessarily having to procedurally seek for it.

2.3.13 Use of Barazas as a Strategy for Proactive Disclosure of Information

In 2009, the President of the Republic of Uganda H.E. Yoweri Kaguta Museveni directed the Office of the Prime Minister (OPM) to mobilise and engage the local citizens and other stakeholders in participatory monitoring of public service delivery results and empower local citizens through disclosure of public information to enable them task their local leaders for accountability of the resources spent on public programmes and projects. According to OPM quarter three FY 2021/22 report on implementation of barazas, a total of 2025 baraza meetings have been held countrywide since the establishment of the programme by Government. The barazas have led to quick Government responsiveness to the demands of the local citizens, ownership of Government programmes and projects by the local communities and reduced corruption perception index (CPI) from 155 in 2015 to 144 in 2022.⁶³

2.3.14 Popularization of the Access to Information Act to Duty Bearers and Rights Holders

The Government through UHRC, Ministry of ICT and National Guidance among others have conducted capacity building trainings, dialogues, community sensitization meetings and other initiatives aimed at creating awareness about the Access to Information legislation to both the duty bearers and rights holders.

61 www.askyourgov.ug

62 <https://www.africafoicentre.org>

63 Office of the Prime Minister "A Report on Implementation of The Community Based Monitoring Fora (Baraza Initiative) Quarter 3 FY 2012/22" March, 2022.

Additionally, the CSOs have also played a key role in sensitizing both the Government officials and the general public about the Access to Information Act. This has been enabled by the good working environment between the Government and CSOs such as AFIC, CIPESA, Hub for Investigative Media and Environmental Shield among others. This has led to a citizenry who understand their rights especially the right to access information, and empowered them to demand for it. The duty bearers' capacity has also been built although not to adequate levels.

2.4 HUMAN RIGHTS CONCERNS

2.4.1 Deprivation of the Right to Freedom of Expression and Opinion

There is a clear linkage between the right of access to information and the right to freedom of expression and opinion. Article 9 of the ACHPR states that "Every individual shall have the right to express and disseminate his opinions within the law".

The right to access information contributes directly to the right to freedom of expression and opinion. Delays in granting information or failure by Government bodies to proactively disclose information limits the citizens ability and capacity to freely and meaningfully participate and express themselves and to make opinions. Without information, one cannot contribute to decision making processes and will not be in position to express his or her opinions. Violation of the right to information therefore leads to violation of the right to freedom of expression.

2.4.2 Concerns over Media Freedom

Media freedom and freedom of expression are interconnected and interlinked with the right of access to information. The media and journalists generally play a critical role in holding leaders to account and fostering transparency, good governance, accountability hence enhanced protection and promotion of human rights including the right of access to information.

However, journalists continue to face challenges with regards to access to information especially

from public bodies. The UHRC noted that many journalists end up with poorly written stories/articles because they are blocked from getting information. One journalist stated "When investigating a case of PDM money, the LC V chairman will send you to the CAO, the CAO will send you to the Finance Officer who will then send you back to the CAO on grounds that he is not supposed to speak to the media. They keep pushing you so that you give up on some issues."⁶⁴

Another journalist informed UHRC that "When I'm doing impactful journalism that involves issues of accountability and Government expenditure on certain Government Programmes, some members of the community think I'm an opposition supporter and hence deny me access to information."

Journalists also carry out self-censorship for fear of being arrested, prosecuted and having their licenses withdrawn by UCC. Online journalists (bloggers) face challenges in having their content published hence contributing to self-censorship. The UHRC established that women journalists suffer intimidation, threats and in some instances violence in the course of getting information from public officers. The inability of the media journalists to access information from public bodies in a timely manner limits their level of participation, decision making and monitoring of Government Programmes for effective service delivery.



Journalists trying to get information during a press conference - Source: Courtesy Picture- Trusted News Uganda

64 Interview during UHRC Annual Report Data Collection, 2023

2.4.3 Concerns Arising from Internet Shut down

The Human Rights Council has reaffirmed the importance of access to the internet for the protection and promotion of human rights.⁶⁵ The UN Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression noted with emphasis that a secure and open internet is among the leading prerequisites for the enjoyment of freedom of expression⁶⁶ and facilitates proactive transparency and dissemination of information of all kinds.⁶⁷ Additionally, the internet provides the means for making information available to societies in ways that are unprecedented and for greatly facilitating searches and requests for information through the development of appropriate platforms.

However, although the internet space is fast growing in Uganda, internet restrictions have had a negative bearing on enjoyment of the right to access information. The Government continued to officially block Facebook, though the users were able to access the platform through some WiFi networks or via virtual private networks (VPN). The shutdown of Facebook has limited peoples' access to information hence inability to contribute to development planning.

2.4.4 Delays in responding to Information Requests

The Human Rights Committee in its General

Comment No.34, para 19 urges States to ensure that requests for access to information are processed in a timely manner. The Access to Information Regulations provide for 21 days within which a request should be responded to upon submission by the information requester. However, UHRC established that there were unreasonable delays in responding to information requests. AskYourGov portal shows that the number of unresolved information requested overshadows that of successful requests. For example in 2023, out of 12,605 information requests made, only 818 (6.5%) were successful, 244 unsuccessful while 11,477 (93.5%) remained unresolved.

As at 1st July, 2023, statistics on the AskYourGov portal revealed that Uganda Revenue Authority (URA) had the highest number of requests (705) out of which 164 were successful, 41 unsuccessful and 500 unresolved. Whereas the Inspectorate of Government (IGG) was found to have a relatively high rate (31%) of successful requests, the IGG is one of the MDAs with the least number of requests (24) followed by Directorate of Public Prosecutions (DPP) with 18 requests and Uganda Media Centre with 19 information requests.

The entity, AFIC, which hosts and makes subscription for the platform informed UHRC that some MDAs were not responding to the requests in a timely manner with requests which were posted in 2014 still pending and unresolved hence directly violating the right of access to information.

Table 6: Response to information requests by different MDAs as shown on AskYourGov portal

| MINISTRIES, DEPARTMENTS AND AGENCIES (MDAS) | NUMBER OF REQUESTS | | | | % OF SUCCESSFUL REQUESTS |
|---|--------------------|--------------|------------|-------|--------------------------|
| | SUCCESSFUL | UNSUCCESSFUL | UNRESOLVED | TOTAL | |
| Ministry of ICT and National Guidance | 6 | 8 | 152 | 166 | 4% |
| Directorate of Public Prosecution (DPP) | 1 | 0 | 17 | 18 | 6% |
| Inspectorate of Government (IGG) | 5 | 3 | 16 | 24 | 31% |
| Min of Justice and Constitutional Affairs | 0 | 0 | 48 | 48 | 0% |
| Ministry of Local Government | 0 | 0 | 50 | 50 | 0% |
| National Information Technology Authority | 5 | 4 | 97 | 106 | 5% |
| Office of the Auditor General | 55 | 0 | 316 | 371 | 17% |
| Uganda Media Centre | 0 | 1 | 18 | 19 | 0% |
| Uganda Revenue Authority (URA) | 164 | 41 | 500 | 705 | 33% |

Source: www.askyourgov.com accessed on 21 July, 2023.

65 Human Rights Council Resolution 47/16.

66 A/HRC/44/49, para 24 and A/HRC/29/32 para 11.

67 Standards for a free, open and inclusive internet, para 175.

2.4.5 Limited access to information for Persons with Disability (PWDs)

Persons with disability continue to face challenges with regards to realization of human rights generally and access to information as they lack appropriate ICT knowledge and skills on how to utilise and access information using assistive devices such as screen reading software, screen magnifiers, manual perkins, braille, hand-held magnifiers, hand frames/slates and communication boards.⁶⁸ The situation is made worse by the fact that these assistive devices are expensive making it very difficult for PWDs to acquire and use them.

The inability to access and use ICT which is crucial for access to information especially in the digital era, places PWDs in a more vulnerable state. A study on web accessibility in Uganda found that 100 percent of the Government websites whose web masters responded to the survey were not accessible to users with visual disabilities. This is in line with UHRC findings which revealed that only a handful of television stations have incorporated sign language interpreters in their programmes.

2.4.6 Online Gender-Based Violence including Cyber Harassment

Although the Government enacted the 2015 Computer Misuse Act⁶⁹ to criminalize cyber harassment⁷⁰, offensive communication⁷¹ and cyber stalking⁷², violation of the rights of women and girls online persists, causing new human rights and safety concerns. While there is an increase in internet penetration in Uganda, the use of ICT by women and girls remains very low; yet amidst the low access to digital tools, women, particularly those in public and political spaces such as human rights defenders, bloggers and journalists continue to be the primary target of various forms of online violence.⁷³

The Africa Internet Freedom Report, 2023 showed that harassment was most prevalent on Facebook (39%), followed by Instagram (23%), WhatsApp (14%), Snapchat (10%), Twitter/X (9%) and Tiktok (6%).⁷⁴ Gender-based violence and online harassment pose serious threats to women's safety and wellbeing on the internet, leading to self-censorship and withdrawal from online participation hence deterring women from engaging in public discussions and limiting their participation in social, political and economic spheres.

2.5 RECOMMENDATIONS

- i) The Ministry of ICT and National Guidance should intensify public awareness on the ATI Act by engaging in widespread sensitization of the citizenry and public officials, to increase awareness and disclosure of information.
- ii) Parliament should review the ATI Act to include access to information held by private entities, since they are widely involved in service delivery, either independently or in partnership with Government.
- iii) Government through UCC and the Ministry of ICT should consider reopening Facebook as a means of enabling the public to access information.
- iv) Government through the Ministry of Public Service and the Ministry of Local Government should ensure that the position of Information/Communication Officers is fully filled in all MDAs and District Local Governments where they do not exist in addition to increasing funding to all Information Officers to effectively conduct their mandate.
- v) Government through the Ministry of ICT should ensure that internet connectivity and penetration is improved across the country including reduction on the cost of internet data.

68 CIPESA "Report on Assessing the Barriers to Accessing ICT by Persons with Disability" January, 2021.

69 <https://ulii.org/ug/legislation/act/2015/2-6>

70 Section 24, Computer Misuse Act

71 Section 25, Computer Misuse Act

72 Section 26, Computer Misuse Act

73 Evelyn Lirri "Shifting the Burden: Online Violence Against Women" November 10, 2023 available on [Cipesa.org/2023/11/shifting-the-burden-online-violence-against-women/](https://cipesa.org/2023/11/shifting-the-burden-online-violence-against-women/)

74 State of the Internet Freedom in Africa, 2023.

2.6 CONCLUSION

The right of access to information is one of the fundamental rights necessary for the realization and enjoyment of other human rights. Although the Government has made efforts to enhance access to information in Uganda through both policy and legislative frameworks, a lot more needs to be done. The above recommendations therefore should be adequately implemented.

DEFILEMENT AND SEXUAL RELATED OFFENCES AGAINST CHILDREN AND HUMAN RIGHTS IMPLICATIONS

3.0 INTRODUCTION

Defilement refers to the act of having sexual intercourse with a person below the age of 18 years irrespective of their gender, thus both males and females are victims of defilement.⁷⁵ It is a form of sexual related offence against children; other forms of sexual offences against children include; rape, pornography, indecent assault, incest, sexual harassment and encouraging children to behave in sexually explicit ways, among others.

These crimes have a real and lasting impact on the lives of the individuals and the collective conscience of our society. The Commission notes that many defilement and sex-related cases go unreported due to various reasons include fear of embarrassing the perpetrator especially if the perpetrator is a parent or guardian, ignorance of the law, poverty, corruption, and delays in accessing justice among others.



Parliament granted the Soroti District Woman Representative, Hon. Anna Adeke leave to introduce the Sexual Offences Bill and the Law Reform (Miscellaneous Amendments) Bill. © The Independent

In addition, cases that are reported take a long time in the formal justice system due to a number of factors including limited funding for Uganda Police Force to carry out effective investigations, limited judicial officers and the laws being discriminatory against children especially with regard to corroboration. It is a legal requirement that the evidence of children be corroborated before it is relied upon by the court to convict an accused person.

The Commission in 2023 focused on this thematic area, due to the fact that Uganda has over the years grappled with the alarming increase in cases of defilement and sexual related offences against

children across the country with devastating consequences on the victims and their communities. Information and data was collected from different stake holders including District Local Government Officials, religious leaders, CSOs, police officers, health officers, local council leaders, private individuals, journalists, legal aid service providers and officers of courts among others.

3.1 LEGAL FRAMEWORK

3.1.1 International Legal Framework

The Universal Declaration of Human Rights (UDHR) 1948, confers inalienable rights to all persons irrespective or regardless of their age. Further, Article 2 of the UDHR provides that everyone is entitled to all the rights and freedoms therein, without discrimination or distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status.

75 Penal Code Act 129

The UDHR further recognizes the inherent dignity of a human being and requires that no person shall be subjected to arbitrary interference with his or her privacy or attacks upon their honour. Every person is entitled to the protection of the law against such interference or attacks.⁷⁶ In addition, the State is obligated to take measures to ensure the full enjoyment of these rights by all citizenry including children.⁷⁷ Though the UDHR is a declaration, its wide usage and application has informed State practice and opinion juris giving it the status of international customary law applicable to all States.

The International Covenant on Civil and Political Rights (ICCPR) recognizes the inherent dignity of the human person. The ICCPR requires state parties to take measures to ensure that no human person is subjected to arbitrary or unlawful interference with their privacy or unlawful attacks on their honour. Defilement of children is an attack on the dignity and honour of a child and equally a violation of their right to privacy and should be prosecutable before any court.⁷⁸ The first Optional Protocol to the ICCPR which entered into force together with the Covenant authorizes the Committee to also consider allegations from individuals concerning alleged violations of their civil and political rights subject to their having exhausted all available domestic remedies by submitting written communications to it⁷⁹.

The Convention on the Rights of the Child recognizes that the child is a subject of fundamental rights and liberties and as such recognizes the child as a personality with his/her own dignity and individuality. Consequently, the Convention in its body proclaims that no child shall be subjected to arbitrary or unlawful interference with his or her privacy or to attacks on his/her honour and reputation. The Convention requires state parties to protect the child from such interference or attacks. The CRC requires state parties to take action to protect the child from all forms of sexual exploitation and sexual abuse. To be more specific, states are obliged to take measures to prevent inducement

or coercion of a child to engage in any sexual activity and to protect children from any exploitative activities like prostitution and pornography amongst other unlawful sexual practices.

3.1.2 Regional Legal Framework

The African Charter on Human and Peoples Rights recognizes that human beings are inviolable and hence entitled to respect for their life and integrity of their person. It is therefore a violation of the rights articulated in the Charter when anybody defiles child and as such they should be brought to account for their violations or abuse. Furthermore, the Charter recognizes the right to the dignity inherent in a human being and prohibits all forms of exploitation and degradation especially defilement of children.

The African Charter on the Rights and Welfare of the Child defines a child as any human person below the age of 18 years. It thus sets the standard for the legal age of a child. The Charter protects children from all forms of sexual exploitation and abuse including inducement, coercion or encouragement to engage in any sexual activity. The use of children in prostitution or other sexual activity, and in pornography is prohibited.

3.1.3 National Legal Framework

The Children Act, as amended, criminalizes all “customary or cultural practices that are harmful to the health, well-being, education or social-educational development” of children, referring to “any activity that is mentally, physically, socially or morally harmful to a child”, or interferes with the education or social development of a child.⁸⁰ Violations of this section are punishable by up to seven years imprisonment.⁸¹ A section of the Act on the protection of children from violence also recognizes the right of children to protection from certain harmful traditional practices, including child sacrifice, child marriage and female genital mutilation.⁸² New sections 42A, 42B and 42C do not criminalize these practices, but focus on prevention, reporting, investigation and the protection of victims.

76 See Article 12 of the UDHR

77 Article 12 of the UDHR

78 Article 17 of the ICCPR

79 Article 2

80 Children Act, Section 6, amending section 7 of the Children Act, 1996

81 Subsection 3 of Section 7

82 New Section 45 (A)1

The Children (Amendment) Act, 2016 also prohibits sexual exploitation and stipulates that a person shall not engage a child in any work or trade that exposes the child to activities of sexual nature whether paid or not. A person who contravenes the above commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding five years.⁸³

Article 21 of Constitution provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and shall enjoy equal protection of the law. Children are therefore entitled to the enjoyment of equal human rights enshrined in both national and international laws. Article 34 specifically provides for a range of children's rights which include the right to know their parents, right to basic education and right to medical treatment. Article 34 (4) of the Constitution, 1995, also stipulates that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

The Penal Code Act defines defilement as having sexual intercourse with a person under 18 years of age. This means that the current law punishes the defilement of both girls and boys. Such a person upon conviction is liable to life imprisonment. The Penal Code (Amendment) Act 2007, provides for the offences of simple and aggravated defilement. The offence of aggravated defilement makes one, on conviction by the High Court, liable to a death sentence. The circumstances for aggravated defilement⁸⁴ are:-

- i) Where the person defiled is below the age of 14 years
- ii) Where the offender is infected with HIV
- iii) Where the offender is a parent or guardian or a person in authority over the victim
- iv) Where the victim of the offence is a person with disability; or
- v) Where the offender is a serial one.

The law on defilement further provides for payment of compensation to victims of defilement in addition to any sentence imposed on the offender. It provides for the offence of child-to-child sex, where the offender is a child under 12 years; and when committed by a male child and a female child upon each other when each is not below 12 years, each of the offenders shall be dealt with as required by the Children Act.

Section 126 of the Penal Code Cap 120 provides for the offence of abduction where any person whether male or female who with intent to marry or be married to or have sexual intercourse with another person or to cause that person to marry, be married or have sexual intercourse, takes that other person away or detains him or her against his or her will; or unlawfully takes another person under the age of 18 years out of the custody of any of the parents or of any other person having lawful care or charge over that person, commits an offence and is liable to imprisonment for 10 years.

The Penal Code Cap 120 provides for the offence of indecent assaults⁸⁵, where any person who unlawfully and indecently assaults any woman or girl commits a felony and is liable to imprisonment for 14 years, with or without corporal punishment. Under this section, consent shall not be a defense. The Penal Code further provides for the offence of incest under Section 149 where any person who has sexual intercourse with another person with whom, to his or her knowledge, any of the relationships thereunder exist commits an offence and is liable to imprisonment for seven years or, if that other person is under the age of 18, to imprisonment for life.

The Penal Code Act Cap 120 provides for unnatural offences and stipulates that any person who has carnal knowledge of any person against the order of nature; permits a male person to have carnal knowledge of him or her against the order of nature commits an offence and is liable to imprisonment for life.⁸⁶

The Penal Code Cap 120 also provides for the offence of rape and stipulates that any person who has unlawful carnal knowledge of a woman or girl,

83 Section 8A, Children (Amendment) Act, 2016

84 Section 129 (3)(4) of the Penal Code (Amendment) Act, 2007.

85 Section 128, Penal Code Act Cap 120

86 Section 145 of the Penal Code Act Cap 120

without her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, commits the felony termed rape and is liable to suffer death.

The Prohibition of Female Genital Mutilation Act of 2010 criminalizes them with a sentence of up to 10 years in prison, or life imprisonment if aggravating factors are proven.⁸⁷ Procuring, aiding, abetting and facilitating female genital mutilation is punishable by a sentence of up to five years, or eight years if the guilty party is the parent or guardian of the victim.⁸⁸ Discrimination against girls or women who have not undergone genital mutilation is punishable by a prison sentence of up to five years.⁸⁹

The Computer Misuse Act, 2011⁹⁰ stipulates the offence of child pornography and holds liable a person who through a computer distributes, makes available, transmits, procures and unlawfully possesses child pornography. This section further stipulates that child pornography includes pornographic material that depicts a child engaged in sexually suggestive or explicit conduct, realistic images representing children engaged in sexually suggestive or explicit conduct among others.

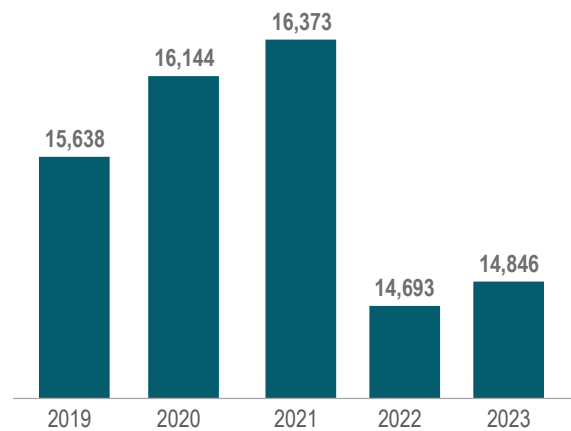
3.2 SITUATION ANALYSIS ON DEFILEMENT AND SEXUAL RELATED OFFENCES IN UGANDA

3.2.1 Sexual offences Reported in 2023

According to the 2023, Uganda Police Crime Report, a total of 14,846 sex-related cases were reported to the Police during the year. This represented 6.5% of the overall reported crimes countrywide, compared to 14,693 cases reported in 2022. Out of the 14,846 sex related crimes reported to police, 6,395 cases were taken to court, 2,790 cases were not proceeded with, while 5,661 cases were still under investigation. Out of the cases taken to court, 1,015 cases secured convictions, 45 cases

were acquitted, 463 cases were dismissed and 4,872 cases are still pending before court.

Figure 1: Sex-related cases from 2019 to 2023



The Commission noted that there has been a reduction sex-related offences from 15,638 cases in 2019 to 14, 693 cases in 2022 and 14,846 cases in 2023⁹¹. According to Uganda Police Force this was attributed to uplifting of the Covid-19 lockdown that enabled the opening of the schools where majority of the students who are prone to sex-related offences resumed with their normal school programmes.⁹² Despite the fact that there is a general reduction, this number is still alarmingly high and women and girls are still the most affected and vulnerable in Uganda.

3.2.2 Defilement cases reported in 2023

In regard to defilement and sexual offences against children, the Commission noted that a total of 12,771 cases of defilement were reported to Police in 2023. There was a 1.5% increase in defilement cases registered, compared to 12,580 cases reported in 2022. Out of the 12,771 cases reported, 8,925 cases were defilement, while 3,846 were aggravated defilement. The victims were mainly defiled by male adults who are expected to protect them. These included, parents, guardians, teachers and others. Girls with disabilities are particularly vulnerable to being sexually abused.

87 Prohibition of Female Genital Mutilation Act of 2010, sections 2 and 3

88 Sections 7-8

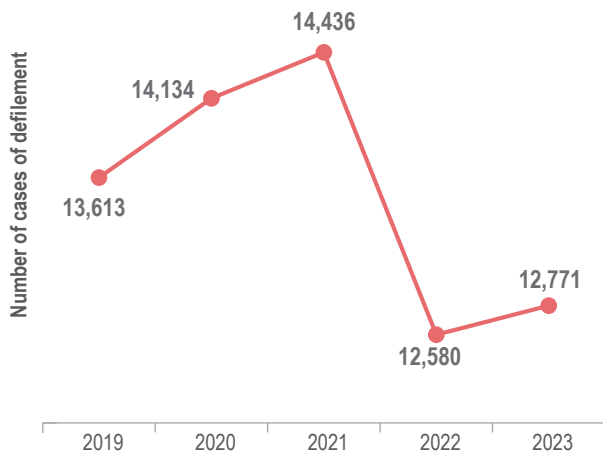
89 Sections 11-12

90 Section 23, Computer Misuse Act, 2011

91 Uganda Police Crime Report 2022

92 As above

Figure 2: Trend of defilement cases reports at Police 2019 - 2023



A chart at Kabale Police Station showing Child and Family Protection Unit Crime Statistics for January to November 2023.

According to the police report, out of the 12,771 defilement cases reported in 2023, 5,564 cases were taken to court, 2,402 cases were not proceeded with while 4,805 cases are still under inquiry. Out of the cases taken to court, 940 cases secured convictions, 38 cases were acquitted, 414 cases were dismissed and 4,172 cases are still pending in court. A total of 5,671 suspects of defilement were arrested and charged to court, out of whom, 982 were convicted, 56 were acquitted, 400 discharged while 4,233 were still awaiting trial. It further highlighted that a total of 1,577 cases of rape were reported to police in 2023 compared to 1,623 cases reported in 2022, giving a decrease of 2.8%. A total of 1,395 female adults and 171 female juveniles were victims of rape. 661 suspects of rape were charged in court, 31 were convicted, while 610 were awaiting trial.

3.2.3 Victims of defilement and sexual offences

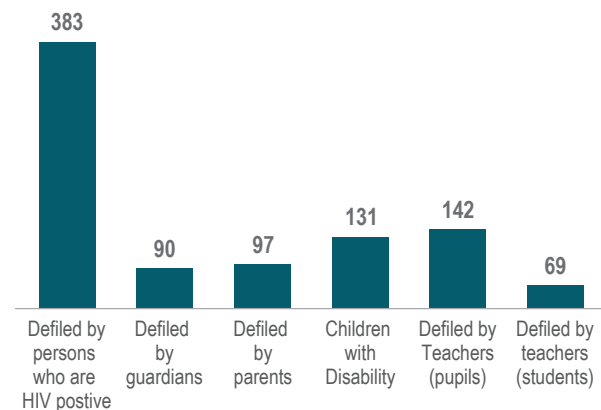
A total of 13,144 victims were registered in 2023, majority of who were female juveniles (girls). The victims of sexual offences in 2023 included 12,818 female juveniles, 326 male juveniles, 223 male adults and 1687 female adults. Majority of the children defiled are between the ages of 15 to 17 years. This is followed by those between the ages of 9 to 14 years. The Commission noted that most of the victims were from humble or poor families. Unfortunately, girls are vulnerable defilement because of their inability to physically resist the male perpetrators and to make decisions which relate to sex.

Table 7: Victims of defilement by Age Group

| AGE GROUP | 0-8 YEARS | 9-14 YEARS | 15-17 YEARS |
|-----------|-----------|------------|-------------|
| Total | 1,627 | 2,837 | 8,307 |

However, the UHRC noted that despite the reported cases, many more cases of defilement and sexual abuse often go unreported and unspoken about because of the shame that comes with the act. Unfortunately, defilement is not an act that can be forgotten. It leaves physical and psychological scars on victims.

Figure 3: Category of victims of defilement



According to UHRC’s findings aggravated defilement was also high in the districts within Kigezi region. The statistics from Kigezi region revealed that 110 cases of defilement had been registered across the region that is from the districts of Kabale, Rukiga, Rubanda, Rukungiri, Kanungu and Kisoro between January and October 2023. Kamuli District registered the highest number of defilement cases in 2023 (174 cases), followed by Kiryandongo District with 151 cases, Bududa with 142 cases, Katwe with 131 cases and Budaka with 130 cases.

Table 8: Some of the Media Reports on Defilement

| MEDIA REPORTS | SOURCE |
|--|---|
| <p>Parents accused of frustrating defilement cases in Moroto</p> <p>Moroto district officials are accusing parents of conniving with suspects to kill defilement cases in exchange for bride price. The officials are concerned that many girls have been forced to marry while others are being defiled but most of the cases go unreported as parents ...</p> | <p>The Independent of January 3rd, 2023.</p> |
| <p>Defilement suspect found dead in police cell</p> <p>A 30-year-old man was on Friday found dead inside Mafubira Police Station Cells, Jinja City. Richard Bogere, a resident of Nsakabusolo cell, in the Southern Division, in Jinja City, was arrested on Friday for allegedly defiling a 13-year-old girl and locked up at Mafubira Police ...</p> | <p>The Independent of January 22nd, 2023</p> |
| <p>UPDF imposter committed to International Crimes Division Court</p> <p>A Uganda Peoples Defence Force-UPDF imposter who was arrested and charged with aggravated defilement and trafficking in children has been committed to the International Crimes Division of the High Court for trial. Steven Aine, a 39-year-old resident of Lira City West Division was charged and ...</p> | <p>The Independent of January 26th, 2023</p> |
| <p>Jinja artist accused of falsifying identity</p> <p>Renown Jinja city artist commonly known by his stage name Top K, is in fresh trouble for using a false identity while recording a police statement. Top K is battling charges of aggravated defilement and abduction of a 13-year-old primary 5 pupil after being found.</p> | <p>The Independent of 7th February 2023</p> |
| <p>Luwero registers 10,000 teenage pregnancies in seven months</p> <p>Thousands of girls defiled and impregnated in Luwero district are not reporting to police stations, a report has revealed. According to the Police crime report released recently, a total of 166 cases of defilement were reported in 2022 in Luwero district of which 68 were classified ...</p> | <p>The Independent of 8th March 2023</p> |
| <p>Reverend accused of aggravated defilement gets bail</p> <p>Reverend Canon Kezekiah Kalule, the former Archdeacon of Luteete Archdeaconry in Luwero Diocese has been granted bail ahead of the judgment in the case where he is accused of aggravated defilement. Rev. Kalule 67 on Thursday appeared before Luwero High Court Judge Henrietta Wolayo ...</p> | <p>The Independent of March 10th, 2023</p> |
| <p>Court upholds 20 year sentence in church defilement</p> <p>Court of Appeal has delivered a resolute verdict, upholding the sentence against a man convicted of a heinous act of defilement within the sacred confines of Faith in Action International Ministries Church</p> | <p>New Vision November 12th, 2023</p> |
| <p>School Director arrested over suspected defilement of pupils</p> <p>The Police have arrested a Director of Kings Palace Primary School in Luweero District in connection with the alleged defilement of six pupils at the school.</p> | <p>New Vision November 30 2023</p> |
| <p>Man arrested for defiling 8year old girl.</p> <p>“The Sexual and Gender-based violence (SGBV) desk at Atiak Police Station in Amuru District is currently holding an 18 year old man for allegedly defiling an 8 year old girl. According the father of the victim and an uncle to the suspect, the suspect who was at home together with the victim and two other young children below the age if five, lured the victim from the compound into a nearby Bush approximate 50meters away from home and engaged in unprotected sexual intercourse with her. ”</p> | <p>Daily Monitor July 19th, 2023</p> |
| <p>Teacher remanded for allegedly defiling six year pupil.</p> <p>“A teacher at White Rose Junior School in Jinja City has been remanded to Karinya prison for allegedly defiling a six year old pupil. Wandegeya is alleged to have had sex intercourse with the pupil whose identity has been withheld because she is a minor on August 3, with in the school premises while the pupils had gone home.”</p> | <p>Daily Monitor Friday 11th August, 2023</p> |
| <p>Kabale Teacher arrested over defilement</p> <p>“A 31 year old primary teacher at Triple M Primary School in Kabale District has been arrested for allegedly defiling a 17year old pupil of the said learning institution on October 21st around 10am. The suspect gave the victim shs 5000as an inducement and asked her never to tell anyone about what happened.”</p> | <p>Daily Monitor Monday 23rd October, 2023</p> |

| MEDIA REPORTS | SOURCE |
|---|--|
| <p>School director charged over alleged defilement.</p> <p>“A school director was yesterday arraigned before court and charges with allegedly defilement of six primary seven candidates who are set to sit their PLE examinations starting this morning. The director whose name we have withheld because the matter is still under investigation is also accused of quietly procuring an abortion for one of the pupils in the boarding section after realising that she was pregnant.”</p> | <p>Daily Monitor Wednesday 8th November, 2023</p> |
| <p>Father 33 arrested over defiling twin daughters in quest for riches.</p> <p>“Police in Kamuli District in Eastern Uganda are holding a 33-year-old man for allegedly defiling his 10year old twin daughters after reportedly being instructed by a native Doctor in his quest for riches.”</p> | <p>Daily Monitor, 30th November, 2023.</p> |
| <p>Katakwi man accused of defiling own daughter due in court.</p> <p>“A 26 year old man in Katakwi district in Eastern Uganda who is accused of defiling his daughter is expected to be produced in court this week to answer charges of aggravated defilement. Suspect James Otukai, a resident of Oyango Village in Aboliokoria Parish, Usule Sub county is currently in Police custody following his arrest last week. He is accused of defiling his eight year old daughter. Police said that Otukai allegedly committed the crime for two months until he was reportedly caught red handed by residents.”</p> | <p>New Vision 20th June, 2023</p> |
| <p>Police probe six over Defilement in Jinja.</p> <p>“Police in Jinja District have charged two men with aggravated defilement and two others with defilement. Colin Idude, 18 from Yuuka Village in Buwenge rural Jinja District who was facing charges of aggravated defilement was arraigned before Jinja Chief Magistrate Fiona Angura on Monday who committed him to high court. He is accused of defiling a 10 year old.”</p> | <p>New Vision 26th September,2023</p> |
| <p>Police region boss arrested over alleged aggravated defilement.</p> <p>“The Head of the Police Professional Standard Unit in the West Nile Region is accused of defiling a one-year and nine-month old baby of a colleague. West Nile Police Region Spokesperson Josephine Anguwa said Otim picked up his colleague’s daughter from home, took her to his house and allegedly ended up defiling her. The incident allegedly happened on Independence day Afternoon at Arua Police Barracks and was reportedly orchestrated by Inspector of Police Otim Thomas 49.”</p> | <p>New Vision 18th October,2023</p> |
| <p>Father Arrested over allegedly defiling his 12 year old twins.</p> <p>“Police in Kamuli District have arrested a 33 year old father over allegations of aggravated defilement. Busoga North Police Region Spokesperson Michael Kasadha said that it’s alleged that between the months of September and November, 2023, Kadhumbula sexually abused his 2 children on several occasions from his matrimonial home. The suspect now under Police Custody at Kamuli Central Police Station has been identified as Ali Kadhumbula, a resident of Kawolera zone, Ndalike Parish in Namwendwa sub county.”</p> | <p>New Vision 29th November, 2023</p> |

3.3 CAUSES OF DEFILEMENT AND SEXUAL OFFENCES AGAINST CHILDREN

The causes and drivers of defilement and sexual offences against children include the following:

3.3.1 Patriarchal beliefs of male sexuality

Uganda is a predominantly patriarchal society which prevents girls from taking the lead in their lives and communities, as well as exercising their rights. Economic, social, political and cultural power is generally held by men, limiting the influence girls can have in decision-making or decisions about their bodies.

Patriarchy in some communities assumes that men can show their male prowess or masculinity through the use of sexual intercourse on any women, and that men by their nature are very sexual. Some of the respondents interviewed informed the UHRC that “men need to have sex frequently hence their polygamous traits which sometimes go to the extent of having sex with the girls below eighteen years”. The UHRC notes that it is such traditional values and protection of the family have excluded women’s right to equality in the family.

Women’s human rights include the rights to equality, to dignity, autonomy, information and bodily integrity and respect for private life and the highest attainable standard of health, including

sexual and reproductive health, without discrimination; as well as the right to freedom from torture and cruel, inhuman and degrading treatment. The right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental right to equality and privacy, concerning intimate matters of physical and psychological integrity. Women must be able and empowered to freely and responsibly make decisions about their own bodies, including if, when and how to have sex.

3.3.2 Use of physical maturity as an indicator of marriage readiness

In addition, harmful customary practices of physical sexual maturity as an indicator of readiness for marriage contributed to the defilement of many juveniles between 15-17 years. Many communities still determine the readiness for marriage for the girl-child by looking at the onset of puberty. This practice is contrary to the constitution which states the age at which a person can marry is eighteen and above. One of the police officers interviewed informed the Commission that, “most of girls at the border line ages look very old and very mature, yet they are still children”.

3.3.3 Vulnerability of children

Sexual predators look like everyone else. They are parents, guidance, teachers, elders and people children often respect and trust. In fact, no one looks like a sexual predator. As a result, children fall victim to people who look and seem trustworthy and credible.

Factors that lead to child vulnerability stem from cognitive, emotional and physical abilities or individual circumstances, for instance age, disabilities, a child’s own temperament or mental health difficulties. They can be constant, such as belonging to an ethnic minority or having an immigrant background, or situational, such as experiencing maltreatment, being an unaccompanied minor or placed in out-of-home care.⁹³ Some children also fall prey to defilement due to vulnerability because they are too young to defend and support themselves and they do not have capacity to report such perpetrators for instance, those that are in families and have step fathers who normally defile them

without their mothers consent. *‘Some defiled children blame themselves for being raped and defiled, they think that they are the ones that caused it’.* Said a Senior Lawyer.

Other victims such as orphans who have no parents to protect or take care of them, while children living with disabilities, unaccompanied refugee minors and other vulnerable children are at a high risk of sexual abuse due to being at the mercy of their abusers. Bishop Rt. Rev. Abura Joseph of (Moroto, said that *‘the young rural girls were more at risk because immediately their breasts started to appear the suitors would get attracted and assume that they are already fit for sexual intercourse and thus carry them off for marriage’*

The vulnerability is also occasioned by the fact that they cannot defend themselves owing to their tender age and body, they cannot report to the authorities and especially in those cases where the perpetrator is one entrusted with their care/custody. The Commission notes that it is not only girls that are vulnerable but also boys are very vulnerable and need special protection against defilement. Furthermore, the Commission established that in Busia District, that night prayers, attendance of night clubs and Disco Matanga-which is the practice of keeping dead bodies for days and weeks while the community members, a majority of whom are children are encouraged to dance as money for funeral expenses is being solicited) has led to increasing number of defilement cases.



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93 <https://www.oecd-ilibrary.org/sites/a7e520c2-en/index.html?itemId=/content/component/a7e520c2-en> accessed on 11th March 2024

3.3.4 Drug and Substance Abuse

Drug and substance abuse is a major cause of defilement and other sexual offences against children. After abusing drugs, the abusers state of mind is usually affected thus making them susceptible to commission of crimes such as defilement. Almost all respondents the Commission interviewed cited drug and substance abuse as one of the leading causes of defilement.

3.3.5 Poverty

The lack of financial resources often leave children vulnerable to exploitation. Desperate economic circumstances like lack of employment and income may force some parents to send their children to work as maids or in hazardous environments where they become easy targets for perpetrators. The quest for economic survival can inadvertently expose children to dangerous situations. However, when the victim ends up marrying the perpetrator, she often faces lifetime negative consequences. In addition, poor households are often forced to negotiate marriage with the perpetrators, especially in anticipation of receiving dowry or gifts such as cows and goats that would improve the family's economic situation.

The Commission interviewed the Elgon region police spokesperson, he said records indicate that at least five defilement cases are reported monthly. However, he said many of defilement cases that are not reported for prosecution. He added that even some of the cases that are reported are withdrawn by parents of the victims. "The parents of the victims engage in negotiations with the offenders and when they reach an agreement, they withdraw the cases," He added that the said parents of victims are offered between Shs. 1 million and Shs. 2 million or livestock such as cows and goats in exchange for dropping the case.

3.3.6 Child Neglect as parents abdicate their duty of parenting

The Commission has over the years observed or noted that the lack of parental care, guidance and support coupled with child neglect by parents was one of the major causes of child neglect in Uganda. Some parents leave home very early in the morning when their children are still sleeping then return back very late when the children have already gone to sleep. Some parents have totally



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forgotten their parenting roles and have therefore left the children to the helpers and neighbours. The lack of adequate parental care and poverty motivate some children to engage in child prostitution in order to make ends meet and thereby escalate incidents of child defilement. *'Parents no longer have time to guide their children especially the adolescents as they are busy working, this has left children to grow up on their own and indulge immorality'* said a local leader in Hoima District

In addition, domestic violence and misunderstandings among parents has forced some children out of homes into the streets putting them at a higher risk of getting defiled and sexually abused.

3.3.7 Cultural Practices

Some cultural practices play a big role when examining the offence of defilement in Uganda. This is so because young girls are married off, provided they have attained puberty. For instance the Commission established that some cultures such as those of the Bagishu, Itesot, Samia and other tribes in Eastern Uganda dictate that girls who attain puberty should stay in their separate huts. Puberty as practices in these cultures is construed to mean adulthood, which runs contrary to the Penal Code Act especially on the definition of what constitutes simple defilement.

Deep-rooted stigma surrounding defilement often discourages victims and their families from reporting incidents. Fear of social ostracization and victim-blaming perpetuate a culture of silence, allowing perpetrators to continue their actions unchallenged. Breaking down such taboos and providing a safe space for victims to come forward is critical.

3.3.8 Lack of Awareness

During UHRC's interviews it came out clearly that limited access to quality education is another factor fuelling defilement cases in Uganda. Without proper education, children are often unaware of their rights and have a reduced ability to identify and report abusive behavior. Additionally, illiteracy among parents contributes to a lack of awareness and prevents them from safeguarding their children effectively. For instance in Zombo it was noted that the victims are brought late to health facilities for examination when evidence has been destroyed.⁹⁴ Whereas in Kabarole District respondents were asked whether communities are aware of what to be done in situations of defilement, majority (85%) of the respondents said the communities knew what to do while minority (15%) said they did not know. *'Most parents of wash their children after they have been defiled and end up destroying the evidence. They do this because of lack of awareness and majority are not conversant with the referral pathway for such cases'* said a Senior Human Rights Lawyers in the Uganda Human Rights Commission.

3.3.9 Media's constant display of explicit content leading to moral decay

In the world of social media, anyone can create a fake account instantly and use it for their ulterior motives, including malicious and evil intentions such as sending spam, child pornography, terrorism, hate speech, incitement of violence, offensive communication, cyberbullying, and defamation.⁹⁵ Due to availability and easy access to the internet and social media platforms like Facebook, Instagram, IMO, TikTok, Twitter, WhatsApp and YouTube, children get exposed to reading and watching adult sexual contents thus becoming sexually active at an early age. Children therefore get exposed to sex as early as five years and such children tend to put into practice whatever they watch and the end result is early pregnancy which may definitely result to child marriage and worst of it drop out of school. Therefore constant display of explicit content can lead to moral decay and increase cases of rape and defilement. The Commission notes that there is need for parental control and guidance on how children should access and use social media.

⁹⁴ Interview with the in-charge Paidha Health Center III Zombo District

⁹⁵ <https://uccinfoblog.wordpress.com/2019/07/19/regulation-and-responsible-use-of-online-media/> accessed on 11th March 2024

3.4 CHALLENGES OF DEFILEMENT VICTIMS ACCESSING JUSTICE

3.4.1 Age determination

The Commission during the monitoring of the issue noted that most parents are normally reluctant to provide the victims birth certificates in court, and Government ends up losing defilement cases. There is always no proof to support their age because there are no birth certificates because of this, the parents of the survivors' scheme and plan with the perpetrators and the cases are immediately ruined.



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3.4.2 Emotional Barriers

Victims of defilement and sexual abuse are often scared of reporting abuse against them. They are afraid of reprisal from the perpetrators, most of whom are their care takers. Victims may also fear their abusers and sometimes even have an unhealthy and hard-to-understand affection for their abuser. Others are afraid that reporting to parents, school administrators, and the like, may be dismissed as unbelievable. Hence, it may be difficult for victims to report abuses.

3.4.3 Outdated laws

Due to passage of time, some aspects of the Penal Code Act and various other laws have become out-dates, especially in light of advances in tech-

nology, emerging international best practices and the evolving and current trends in sexual offences. This has resulted in none prosecution of the vices that are prevalent such as child grooming. In addition, due to the scattered nature of sexual offences in different pieces of legislation, the public and the law enforcement agencies lack a single piece of legislation on sexual offences to guide the effective prevention, protection and prosecution of these offences.

In May 2023, Parliament granted the Soroti District Woman Representative, Hon. Anna Adeke and Bugiri Municipality Member of Parliament, Hon. Asuman Basalirwa leave to introduce the Sexual Offences Bill and the Law Reform (Miscellaneous Amendments) Bill respectively. In her motion before Parliament, Adeke said that the Bill was a resubmission of the Sexual Offences Bill, 2019, which was read for the first time in November 2019 and referred to the Committee of Legal and Parliamentary Affairs for scrutiny but lapsed with the dissolution of the 10th Parliament in line with Rule 235 (1) of the Rules of Procedure, hence necessitating the motion.

3.4.4 Inadequate law enforcement

Whereas Uganda has laws in place to protect minors, the effectiveness of enforcement of these laws remain a challenge. Inadequate resources, corruption, and a lack of awareness among law enforcement agencies hinder the prosecution of defilement cases. This poses a significant obstacle in deterring potential perpetrators and ensuring justice for victims. *‘Many survivors do not get justice because of the prolonged judicial process, poor investigation system coupled with corrupt police officers who first want money from the victims to handle and investigate the cases’* said Lady Justice Okalany Susan.

3.4.5 Using informal methods to settle defilement cases

Due to the stigma linked with sexual violence cases, as well as attempts to preserve the honor, respect and integrity of families, victims’ maybe be forbidden to speak out. Families in many cases choose alternative ways of settling defilement cases, especially if the child is an adolescent including receiving money from the perpetrator as compensation for the crime committed and even negotiating for the perpetrator to marry the victim.

In most cases offenders and the parents or guardians of the victims tend to have negotiations to let offenders off the hook in return of monetary benefits especially where the victim is pregnant. The findings by the Commission indicated such incidents in the districts of Kiryandongo, Lira, Busia, Mbarara among others. According to Mr. Walter Nyeko the investigations officer in charge the Sexual Gender Based desk at Kiryandongo Central Police Station, as much as it is known to the general public that defilement and other sexual offences should not be solved outside the law, these cases are still being handled by the family and clan heads in the communities.

3.4.6 Lack of a victim and witness protection program.

The lack of a victim or witness support programme through financial support, relocation of witness, change of identification, among others, greatly hinders access to justice for defilement victims because of apprehension of being targeted as witnesses are not willing to co-operate while unprotected. In instances where the accused has been granted court bail, the investigation are compromised. This is attributed to either fear for the victim and witnesses lives or because money is involved and the key witnesses are paid off. In some instances, after the accused gets bail, victims disappear and are either hidden by the families involved (perpetrator) and victim families.

3.4.7 Lack of information and awareness

The locals all over the country lack information on legal framework especially in Karamoja; their attitude towards legal issues and procedures is poor as it is unaffordable and the practice of marrying off young girls seems to be culturally deeply rooted! Thus, they will do everything possible to avoid legal procedures in their affairs. The high rate of illiteracy makes the local people not get any information on the legal provisions as they are most times in English. *‘The court system usually does not give compensation to the victims or the parents of the victim to raise and care take another child in cases where the female victim becomes pregnant and because of that, most parents of victims opt to settle defilement cases with the families of the perpetrators amicably hence a hindrance to access to justice’* Said one of the respondents in Kabale District.

3.4.8 Social Cultural Norms

Cultural norms and societal expectations often deter victims from reporting crimes, and the stigma associated with these offences can hinder effective prosecution. The limited resources allocated to law enforcement further compound the challenges.

3.4.9 Challenges in accessing justice especially for the most vulnerable

Access to justice is a basic principle of the rule of law. Access to justice by victims of defilement is burdened by countless challenges including high burden of proving defilement cases in court, lengthy court procedures, unfavourable court environment, and high cost of medical examination among others as discusses below:

3.4.10 High Burden of proving defilement cases in court

Generally in criminal law if you allege then you must prove your allegations right. Then in defilement and other sexual related offences related to children, it is a legal requirement that the evidence of children be corroborated before it is relied upon by the court to convict an accused person.⁹⁶ This is too much on the children. The laws are discriminatory against children especially when it comes to corroboration. The Commission notes that this provision places a high burden of proof on the accused.

In addition, the case backlog resulting from inadequate manpower has not spared defilement cases, most times taking not less than four years to be resolved in court. The long period of time taken to resolve these matters has effect on the responsiveness of victims and witnesses during trial.

3.4.11 Lengthy court procedures

The average duration before criminal cases are resolved in Uganda is approximately two years; however, defilement cases can take up to five years to be resolved. After time passes, defilement victims many not show up in court or may be unwilling to testify in court because they have moved on with their lives or overcome the trauma. *'Some judicial officers still have biases as to how*

these offences affect victims. Some ask whether defilement cause death when Prosecutors pray for deterrent sentences' said A Senior Prosecutor.

Furthermore, due to lengthy court procedures, duty bearers such as health workers may be reluctant to appear in court. The absence of available professionals who can work with the evidence offered by victims affects the speed at which sexual violence cases are resolved. In addition, most defilement victims are often afraid to give testimony in open courts due to intimidation and fear. *'Cases over staying in the system without trial has led to many losing interest in these cases as majority of them claim to have forgiven their perpetrators or that they have settled the cases out of court. Getting such witnesses to come and testify is close to impossible'*. Said an official from ODPP.

3.4.12 Unfavourable court environment

Testifying in court can be particularly traumatic for defilement victims. Facing the perpetrator in court and recalling horrifying and personal details of the rape forces the victims to relive the crime mentally and emotionally. As such most defilement victims are often afraid to give testimony in open courts due to intimidation and fear. Children and other victims of sexual offences are known to suffer serious emotional distress that would render them unable to reasonably communicate if they were forced to testify in defender's physical presence.

In addition, despite substantial capacity building by different actors some of the duty bearers still lack sufficient capacity to support children affected by sexual violence. For example health workers lack expertise in examining and documenting evidence using the revised Police Form 3 and do not understand how to facilitate a survivor's access to justice.

3.4.13 High cost of medical examination

Medical examination fees for victims and suspects discourage poor litigants from accessing justice. This is because medical officers charge fees ranging from UGX 15,000 to UGX 20,000 per victim or suspect. Some parents give up because they cannot afford to pay the money needed for filling the Police Medical Examination forms.

⁹⁶ The Evidence Act requires that 'the person accused shall be entitled to be acquitted of the offence with which he or she is charged if the court is satisfied that the evidence given by either the prosecution or the defense creates a reasonable doubt as to the guilt of the accused person with respect to that offence'.

3.4.14 Inadequate funding and sparse investigative facilities

Institutions mandated to undertake investigations of defilement cases are poorly funded. As a result, in a year, approximately 5% of cases are concluded, the rest drag on for years. Most of the chemical analyses require samples and evidence collected for defilement cases from up-country police stations and posts. *'In Karamoja, the referral pathway is dysfunctional, it is not known and even worse it does not seem to help; the police ask for fuel, airtime among other requirements along the process. Even worse the medical professionals as well need big money so as to attend to such cases!'* Said one of the concerned officials in Karamoja.

3.4.15 Gaps in the Legal Framework

The Commission notes that Constitutional and statutory requirements that all marriages be registered comply with the requirement of the CEDAW. The Customary Marriage Registration Act and the Hindu Marriage and Divorce Act authorize the marriage of girls under 18 years of age, while the Marriage and Africans Act and the Marriage and Divorce of Mohammedans Act specify no minimum age for marriage. The express and tacit authorization of the marriage of persons under the age 18 years conflicts with the Constitution and the Children Act and is incompatible with Uganda's obligation under the CRC and Article 21(2) of the African Charter on the rights and welfare of the child. Furthermore establishing a lower minimum age for girls constitutes sexual discrimination.

3.5 HUMAN RIGHTS CONCERNS OF DEFILEMENT AND SEXUAL OFFENCES IN UGANDA

During the Commission's monitoring of the issue of defilement and sexual offences, it was evident that when a child is sexually abused, many of his or her rights are violated. For instance these include, freedom from physical, emotional and psychological torture; right to health, right to privacy, right to human dignity and bodily integrity, right to development and in some unfortunate cases, deprivation of right to life among others.

3.5.1 Deprivation of right to health

The right to health means that everyone has the right to the highest attainable standard of physical and mental health, which includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions and a clean environment. Defilement and other sexual related offences have implications on the health of children. The health consequences of defilement ranged from physical injury, chronic pain, disability, mental and emotional disorders like anxiety. Majority acquire sexually transmitted diseases and HIV and AIDs.

3.5.2 Social and Psychological stigma

The severe physical trauma, the mental pain and suffering inflicted on victims are often exacerbated by the social stigma they faced in the communities. Social stigma is a severe social disapproval of a person on the grounds of a particular characteristic which distinguishes them from others in society; for example mental illness or physical disability. Being a victim of defilement can be a distinguishing feature and therefore a source of social stigma. As a result of the social stigma, victims of defilement experience, shame, insecurities, self-blame, mistrust of others, inability to concentrate, social rejection and isolation, acute fear of the future violence, withdrawal from social and community participation and damage their confidence.

The Commission established that survivors found it very difficult to report defilement and seek help from their families and communities due to fear of shame and isolation and some never even desire to get married especially the girls when they become adults. *'Victims often experience long-term psychological, loss of trust and emotional distress. It is important for us to ensure access to mental health support and that counseling becomes essential in protecting their well-being'*. Said Chief State Attorney, Office of the Director of Public Prosecutions

3.5.3 Deprivation of the right to life

The right to life is protected by Article 22 of the Constitution of the Republic of Uganda. Some children after being defiled suffer from trauma, self-blame and suicide tendencies which become worse when they are not given mental health support. The Children often want to commit suicide and

for the girls, when they become pregnant, they attempt to carry out abortions using rudimentary methods like herbs which put their lives at stake. Some girls have lost their lives in the attempt of aborting unwanted pregnancies acquired after being defiled. A case in point in 2022, a 15 year old girl died in Rukiri sub-county, Ibanda District, when she sought to abort her pregnancy.

3.5.4 Deprivation of the right to education

Defilement does not only cause the victims to exclude themselves from education owing to stigmatization, but also results into the person's loss of self-esteem and confidence. The isolation from the community has resulted into many girls dropping out of school. The notes that defilement has a negative effect on right to education. To be more specific for instance in girls, it affects them physically and psychologically and in most cases it affects their academic performance, irregular attendance of class, early marriages, pregnancy, infections like STDs and HIV and AIDs. *'Many of our children have dropped out of schools because of forced and early marriages and this has affected their right to education majority are no longer in school'*. Said a local leader in Fort Portal

3.5.5 Right to privacy, Dignity and Security

Victims' right to dignity is violated, as they suffer from the physical and emotional trauma associated with these offenses. The right to security is compromised, creating an atmosphere of fear and vulnerability. In addition, the Commission noted that all legal proceedings and societal scrutiny often infringe upon victims' right to privacy. Therefore Protecting victims' identities and ensuring confidentiality during legal processes is crucial.

3.6 GOVERNMENT'S INTERVENTION IN ADDRESSING DEFILEMENT AND SEXUAL OFFENCES AGAINST CHILDREN

- i) The Spotlight Initiative coordinated by Ministry of Gender, Labour and Social Development is supporting concrete measures to end violence with a special focus on prevention, protection and provision of services; promoting children and women's economic empowerment and participation in all aspects of society and will be a catalyst for strengthening the country's protection system.
- ii) Victim support by providing support services for victims including child friendly procedures before and during the trial, use of anatomically detailed dolls, trauma informed approaches before and during the trial. Judiciary received from UNICEF 10 audio visual links installed in eight High Courts (Arua, Kabarole, Mbale, Mbarara, Gulu, Kampala, Jinja, and Family Division) and in two Chief Magistrates (Iganga, Kabale). The Commission notes that this has eased taking of evidence from child victims, provided protection for the child victims and resulted in more child friendly court proceedings.
- iii) Government has done trainings of stakeholders in the criminal justice system on effective handling of sexual offences sensitively, efficiently and in accordance with human rights principles especially for Prosecutors who guide criminal investigations, the police officers who gather this evidence and record statements, and scenes of crime officers who visit scenes of crime to record, gather and preserve evidence for forensic analysis.
- iv) Judicial officers who adjudicate over these matters have also been trained on trauma-informed approaches, child friendly procedures and appreciating the importance of forensic evidence.

3.7 RECOMMENDATIONS

- 1) The Ministry of Health and Internal Affairs should prioritize provision of free medical services to all survivor victims of defilement.
- 2) The Judiciary should ensure that there is more survivor-friendly court processes and procedures that enable victims to testify behind screens or on camera should be rolled out across the country.
- 3) UPF should ensure that community policing be scaled up to change the norms which allow communities to negotiate defilement matters out of the court thereby perpetuating the vice.

UHRC acknowledges that Government has made efforts to address defilement and sexual related offences against children, although there are still many challenges including high burden of proving defilement cases in court, age determination, cultural norms and lengthy court procedures among others. The UHRC urges Government to comply with the proposed recommendations. The Government needs to put in place legislative, administrative as well as practical remedies to address defilement and sexual related offences against children in Uganda.

3.8 CONCLUSION

STATE OF REMAND HOMES AND REHABILITATION CENTRES IN UGANDA

4.0 INTRODUCTION

The age of criminal liability in Uganda is 12 years with children in conflict with the law, who commit crimes that require more than just a caution being detained in remand homes. Remand homes facilities are designed to provide a secure and supportive environment for the rehabilitation and welfare of juveniles in conflict with the law. Uganda as a country has seven remand homes and these include; Masindi, Fort Portal, Kabale, Arua, Mbale, Naguru and Gulu and one national rehabilitation centre known as Kampiringisa. These facilities are managed by the Ministry of Gender Labor and Social Development together with other stakeholders like the Uganda Police Force, Office of the Directorate of Public Prosecution and the Judiciary playing a pertinent complimentary role in administering juvenile justice.

In execution of its monitoring role of detention facilities, the Commission noted that there were growing concerns of human rights violations in these specialized facilities. Some of the human rights issues noted is the inadequacy of food, limited remand homes in the country, inadequacy of transport, delayed justice, poor structural set ups, overcrowding, recidivism among others. In April 2023 the media was awash with reports that a juvenile named Lomiat Lokomolo from Lobanya, Kapeta Sub County Kotido District died in detention at Gulu Remand Home due to starvation and lack of adequate healthcare.

Additionally, the Chief Justice of Uganda while presenting the Judiciary Annual Report for the financial year 2022/2023 was reported in the

independent newspaper⁹⁷ to have stated that the absence of remand homes in most Districts in the country has led to delays in the disposal of juvenile cases. Juvenile offenders should be treated as children in difficult circumstances and the approach of the juvenile system should be aimed at addressing the vulnerabilities of children and ensuring their rehabilitation.

The Commission monitored and assessed the situation of the seven remand homes in Uganda and this chapter highlights the human rights situation, improvements, challenges, and human rights implications manifested in remand homes and makes actionable recommendations.

4.1 LEGAL FRAMEWORK ON REMAND HOMES IN UGANDA

The legal framework governing remand homes in Uganda is primarily based on national legislation, international human rights standards, and relevant policies and guidelines. Here under are key elements of the legal framework in Uganda:

4.1.1 International legal framework

International human rights standards provide guidelines and principles that apply to remand homes and the treatment of individuals, especially children, in custody. The following are some key international instruments and standards relevant to remand homes:

Convention on the Rights of the Child (CRC), 1989: The CRC is a comprehensive international treaty that outlines the rights of children. It emphasizes

97 The Independent, 'Inadequate remand homes delaying justice for juvenile offenders,' October 21 2023/ <https://www.independent.co.ug/>

the best interests of the child, non-discrimination, and the right to life, survival, and development. Articles 37 and 40 of the CRC specifically addresses the rights of children in the context of criminal justice, including their right to be treated with dignity, their right to legal assistance, and their right to protection from torture, cruel, inhuman, or degrading treatment or punishment.⁹⁸

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985: The Beijing Rules were the first international legal instruments to comprehensively detail forms for the administration of juvenile justice with a child rights and development oriented approach. They guide the administration of juvenile justice systems, including the treatment of juveniles in pre-trial detention or remand. They stress the importance of diversion, non-custodial measures, and the use of detention as a last resort.

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1991: The Riyadh Guidelines offer recommendations to prevent juvenile delinquency and address the needs of juveniles in conflict with the law. They highlight the importance of ensuring that pre-trial detention, including in remand homes, is used only when necessary and for the shortest appropriate period. The guidelines are treated as “soft law” since they do not have a binding value on the member states.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990: These rules establish minimum standards for the treatment of juveniles deprived of their liberty, including those in remand homes. They stress the importance of safeguards such as prompt access to legal counsel, regular review of detention, separation of juveniles from adults, provision of education, healthcare, and recreation. The rules further emphasize that imprisonment should be used as a last resort.

4.1.2 Regional legal framework on remand homes

African Charter on the Rights and Welfare of the Child (ACRWC) 1999: The ACRWC is an African regional human rights treaty that specifically

addresses the rights of children. It emphasizes the protection of children in conflict with the law, including their right to a fair trial, protection from torture and other forms of ill-treatment, and access to education, healthcare, and rehabilitation.⁹⁹

4.1.3 National legal framework

The Constitution of the Republic of Uganda, 1995: Article 34(6) provides that a child offender who is kept in lawful custody or detention shall be kept separately from adult offenders

The Children Act (Cap. 59): The Children Act is the primary legislation that governs matters related to children in Uganda, including those in conflict with the law. Part III of the Act specifically addresses juvenile justice, outlining the rights and protections of children in conflict with the law, procedures for arrest, detention, and bail, and the establishment and operation of remand homes. Section 88 specifically provides that the age of criminal liability shall be 12 years and that no child shall be detained with an adult person. The family and children’s court, among other orders is vested with the power to make an order that the child offender who has been convicted of an offence is detained in a remand home.

The Penal Code Act Cap 120; The Act establishes the code of criminal law of Uganda, general rules as to criminal responsibility, offences and punishments for juveniles.

The Juvenile Justice (Care and Protection of Children) Rules, 2019: These rules provide specific guidelines on the treatment, rehabilitation, and care of children in conflict with the law, including those in remand homes. They outline procedures for admission, case management, medical care, education, visitation, and discharge of juveniles in remand homes.

4.2 SITUATIONAL ANALYSIS

Uganda as a country has a robust legal framework for the protection of juvenile offenders and the Ministry of Gender, Labour and Social Development is charged with the primary duty to manage

98 Article 40

99 Article 17

children in conflict with the law and are confined in remand homes and rehabilitation centres. The law explicitly provides that child offenders should be detained in separate detention facilities in Uganda called remand homes and rehabilitation centres¹⁰⁰ and Uganda as a country has only seven remand homes and one rehabilitation centre.

While executing its mandate of monitoring detention facilities in 2023, the UHRC inspected the seven remand homes and one rehabilitation centre to assess the human rights situation and inform recommendations to the responsible agents of Government. According to the statistics obtained from the Ministry of Gender, Labour and Social Development¹⁰¹, the number of juveniles across all the remand homes was 816. The Commission also noted that although the Ministry and other partners have come in handy in the management of these centres, the facilities continue to grapple with several human rights concerns that are in need of urgent redress. This section details the general findings obtained during the visits in the seven remand homes and rehabilitation centres in the country and analysis of the cases committed, statistics and institutional capacity, access to services for example water, health, access to justice among others.

Additionally, the Chief Justice of Uganda while presenting the Judiciary Annual Report for the financial year 2022/2023 was reported in the independent newspaper¹⁰² to have stated that the absence of remand homes in most Districts in the country has led to delays in the disposal of juvenile cases. According to the Chief Justice, the absence of remand homes has created an inevitable breach of the well-intended provisions of the Children's Act and other laws and the high transport costs to the courts have inevitably caused congestion in the remand homes and exacerbated delays in case trials. Remand homes, particularly in Africa have been documented to lose their efficacy and intended aim of establishment which is to rehabilitate in a bid to reform the child offender, transforming them into better citizens. Child offenders have gone through remand homes and turned out worse than they were.

4.2.1 Incident of Juvenile death in Gulu Remand Home

In April 2023 the media was awash with reports that a juvenile named Lomiat Lokomolo from Lobanya, Kapeta Sub County Kotido District died in detention at Gulu Remand Home due to starvation. The Commission conducted investigations in line with its mandate and established that the UPDF had been conducting cordon and search operations in the region following a raise in cattle rustling in the region.

The Commission found that 300 people including children were arrested as a result of these operations. It was alleged that the arrested persons had been harvesting maize at the time of arrest. That they were taken to Lobanya Army detach where screening was done to release the elderly, sickly and the elites. Later 244 adults and 23 children were transferred to Kotido Central Police and 405 Brigade. There after they were transferred to Agago District. Due to limited space at the detention facilities in Agago, the adults and children were transferred to Patiko Government Prison and Gulu Remand Home respectively.

The Commission was informed that the juveniles were denied medical treatment while at the remand home, that they were starved and tortured. That they were forced to dig for long hours despite being starved and malnourished and that the officers at the prison would beat them using bamboo sticks while they were digging. The juveniles when interviewed alleged further alleged that they were detained with adults hence were exposed to Tuberculosis (TB). When tests were conducted, 5 juveniles had tested positive of TB while the test results of others were still being awaited.

The Juveniles informed the Commission that they were given inadequate food that composed of little posho and beans and were forced to drink a lot of water before eating their meals. That they ate cassava and sweet potatoes peels as well as jack fruit seeds to supplement the meals offered by the remand home since they were starving.

100 Part 10, Section 8 of the Children's Act Cap 59 and the UN Convention on the Rights of the Child

101 As at 31st December 2023

102 The Independent, 'Inadequate remand homes delaying justice for juvenile offenders,' October 21 2023/ <https://www.independent.co.ug/>

Due to public outcry the juveniles were released from the remand home and transferred to St Peter's Community Centre Church of Uganda Kotido-North Karamoja Diocese for rehabilitation seeing that they were malnourished and in need of medical treatment as well as psycho social support. The leadership at the center informed the Commission that they were able to provide rehabilitation and medical care for the children with the help of well-wishers such as religious groups, social groups and political leaders. The Centre established that some of the children tested positive for TB due to exposure with adults.

The Commission proceeded to conduct investigations into the violation of the rights of children that is to say protection from torture, cruel inhuman and degrading treatment, right to food and right to health.

4.2.2 Cases Committed by Juveniles

According to the statistics obtained from the Ministry of Gender, Labour and Social Development¹⁰³, theft was reported as the highest

committed crime by the juveniles with a total of 743 cases and this was followed by defilement with 466 cases. It was further expounded that children commit acts of theft as a result ofThe other commonly committed offences included; auto theft (231), burglary(130), murder(107), frequenting using a place for smoking(65), simple defilement(63), drug possession (58) simple robbery(57) among others. The least committed crimes were; underage alcohol consumption, prostitution, abduction and aggravated trafficking.

4.2.3 Institutional Staff Capacity

The findings indicated that although staff had been deployed to manage the remand homes, the number was inadequate in comparison to the number of juveniles found at the facilities hence creating cases of insecurity and inadequacy in supervision. The Commission noted that volunteers had been deployed to boost the staffing levels but the staffing gap still persists and the table below highlights staffing gap at the remand homes.

Table 9: Staffing of the remand homes and rehabilitation centre

| INSTITUTION | ACTUAL STAFF CAPACITY | | PLANNED STAFF CAPACITY | |
|---|-----------------------|--------|------------------------|--------|
| | MALE | FEMALE | MALE | FEMALE |
| Mbale remand home | 7 | 4 | 12 | 06 |
| Arua remand home | 6 | 4 | 10 | 14 |
| Naguru remand home | 7 | 5 | 8 | 8 |
| Kabale remand home | 6 | 02 | 8 | 4 |
| Fort Portal remand home | 7 | 7 | 9 | 6 |
| Masindi Remand home | 4 | 2 | 7 | 6 |
| Gulu remand home | 5 | 1 | 8 | 7 |
| Kampiringisa National rehabilitation centre | 7 | 7 | - | - |

The UHRC noted that Kampiringisa with a holding capacity of 220 juveniles has only 14 staff which is gravely inadequate and this makes the general management of the facility difficult. The inadequacy in staffing curtails supervision and also constant monitoring of juveniles behavior, well-being and security of the facility. It also compromises the effectiveness of all the required services and Programmes at the facility.

4.2.4 Institutional Ward Capacity

The Commission noted that some of the wards in the diverse remand homes were congested as many were found to have more juveniles than the planned capacity. Additionally, the limited infrastructure and resources contribute to a situation where the facilities are unable to accommodate the number of juveniles awaiting trial. Overcrowding was therefore seen to cause poor living conditions, lack of adequate space, and increased risks of violence or abuse.

103 www.mglsd/remand-home-mis/

Table 10: Number of juveniles at the remand homes and rehabilitation center

| INSTITUTION | HOLDING CAPACITY | | PLANNED CAPACITY | |
|------------------------------------|------------------|--------|------------------|--------|
| | MALE | FEMALE | MALE | FEMALE |
| Soroti Regional remand home | 80 | 05 | 40 | 05 |
| Arua remand home | 89 | 4 | 50 | 20 |
| Naguru remand home | 169 | 11 | 45 | 45 |
| Kabale remand home | 100 | -- | 90 | 30 |
| Masindi Regional remand home | 55 | - | 100 | - |
| Fort Portal remand home | 81 | 5 | 35 | 15 |
| Gulu remand home | 172 | 10 | 140 | 10 |
| Kampiringisa rehabilitation centre | 116 | 4 | 250 | 50 |

It can be observed that all the remand homes were congested save for Masindi; Naguru remand home was the most congested and this was due to the crime rate and the broad coverage. Overcrowding at the detention facilities creates habitation difficult in the wards due to the limited spacing and creates a risk of transmission of airborne diseases. The Commission also learnt that Masindi Remand home lacks a female ward and hence juveniles are transferred to Fort Portal remand home which is 250km away and juveniles have to be conveyed back during court hearings which is costly since the facility lacks means of transport. The table further indicates overcrowding at Kampiringisa rehabilitation center since it is the only national rehabilitation centre in the country and hence receives juveniles from across the country.

4.2.5 Remand Home Infrastructure

The UHRC noted that some remand homes had newly constructed wards with permanent structures while others were still under construction, for example; Moroto remand home had structures that were semi-finished. It was noted that Kabale Regional remand home had new structures that had been erected in 2016, Masindi Remand home also had new structures constructed by the Justice Law and Order Sector but lacked female wards, Naguru remand home had some renovations made but still had poor ventilation, Gulu remand was renovated in 2022 and Arua Regional remand home had structures constructed in 2009-2010.

The Commission noted that facilities like Kabale, Gulu and Masindi remand homes had adequate lighting and beddings for the juveniles specifically mattresses and blankets for each juvenile.



Administration blocks at Moroto remand home that is still under construction



UHRC officers in front of a male dormitory at Masindi remand home.

It was also observed that generally the sleeping arrangement was according to sex and thus the males sleep alone in their own ward and the females too. The commission further noted that Kampiringisa rehabilitation centre has five wards and the boys' dormitories were dilapidated.

The UHRC also noted that maximum security measures were in place at Kabale remand home since it was fully fenced while others lacked or

had only one security guard and these included; Naguru, Masindi, Fort Portal, Kampiringisa, and Mbale which was considered inadequate. The juveniles were protected from fire hazards through having smoke detectors, availability of fire extinguisher and sound alarm. However, Soroti regional remand home lacked fire extinguishers which is notably risky for the occupants in case of a fire outbreak.

4.2.6 Registry/Records Management

The Commission established that the visited remand homes had detailed information regarding juveniles detained at the facility in a number of hard copy registers as well as online registers. It was noted that the facilities had admissions registers, release registers, transfer of Juveniles register and medical registers for juveniles.

The UHRC further reviewed the registers and observed that the admission register captured information of every juvenile in regard to the date of admission, details of the commitment order, facts and reasons for confinement, details of parents or guardians and next of kin, authority that requested confinement medical details of the juvenile both physical and mental and the education level of each juvenile. The Commission established that the parents or next of kin of the juveniles are notified about the admission of the juvenile, in cases of transfer of the juvenile, release or serious ailment.

4.2.7 Reception and Admission of Juveniles

Registration and medical assessments of juveniles at admission is a key requirement in ensuring that proper records per juvenile is captured and also for follow up and action. The Commission was informed that it is mandatory to register juveniles at admission and they are verbally taken through the rules governing the remand home, their duties and responsibilities and the available legal aid service providers. The information was conveyed to all in the language they understood including those who are non-nationals through interpreters usually from among the detained juveniles or some assistant probation officers who are conversant with their language.

The UHRC learnt that medical/ psychological assessments are conducted for each juvenile on admission by social workers or Assistant proba-

tion Officers. The officers at Naguru remand home further stated that the assessment is done through a Police form 24 where the mental state of the juvenile is examined and better care given in case the juvenile bears any special conditions for example HIV. It was further revealed that prior to placement, sex was considered and females and males were placed separately. However, age, type of offence committed or even duration of detention was not put into consideration during placement as all the juveniles are placed together in the same ward to avoid discrimination, fear and stigmatization.

4.2.8 Access to food

The right to food is an essential human right of any human being and it is crucial to human survival, once it is missed, the existence of an individual will be in danger. The Commission established that juveniles were provided with three meals a day while at the remand home, that is, breakfast, lunch and supper and the commonest type of food served was posho and beans. During public holidays, the juveniles are provided with rice and beef and it was stressed that they also feed on greens, cassava which are grown in their own gardens.

UHRC was further informed that food was provided by the Ministry of Gender, Labour and Social Development through a contractor. It was noted that a child's age or religious affiliations are not taken into account while preparing food because it was the standard beans and posho served. That relatives to the juveniles are also allowed to bring raw food for the children to be cooked at the detention facility while in some facilities like Gulu remand home they were not allowed. The respondents at Arua Regional remand home stated that the juveniles going to far courts for example Nebbi, Koboko, Yumbe, Moyo and Paidha are provided with food while those going to nearby courts are not provided with food and this was also noted at Naguru regional remand home.

4.2.9 Access to Clean Water

The human right to water is indispensable and hence water is a key requirement for running a facility like a remand homes and everyone has a right to sufficient, safe, acceptable, accessible and affordable water. It was established that all the remand homes have access to piped water and also use water tanks or jerry cans for storage in cases of

scarcity. The UHRC found that the water was clean and adequate for personal use like bathing and washing and in cases of water shortage in some remand homes like Kabale water is obtained from a nearby well and a bore hole for Fort Portal remand home among others. It was however noted at Kampiringisa rehabilitation centre that the piped water system was not operational and thus the facility relied on rain and pumped water.

4.2.10 Sanitation

It is a requirement to have an adequate standard of living with the objective of ensuring cleanliness at the facility and also maintain a healthy environment. The Commission found that the remand homes had human waste disposal facilities, that is, flushable toilets in wards and external pit latrines; each sex had their own human waste disposal facility and that they were cleaned by the juveniles every morning. The juveniles were provided with brushes, rugs, liquid soap to clean their wards as well as their human waste disposal facilities. It was however noted that the flushable toilets at Kampiringisa were non-functional due to the breakdown of the water system.

It was also revealed that the juveniles are provided with essentials like soap, water, toilet paper, knickers and sanitary towels for females, toothpaste and body Vaseline. There was a general concern of inadequacy of uniforms as the juveniles were provided with one set of uniforms which was insufficient and yet they are not allowed to dress casually.



Some of juveniles at Masindi remand home dressed in their one of uniforms.

4.2.11 Access to health care

The Commission was informed that all the remand homes lack health facilities with in their establishments save for Gulu remand home which has a Health Centre II and Naguru Remand home which had a sick bay and a nurse supported by Government and some private organizations and complicated cases were referred to the nearby China-Uganda Hospital; that the juveniles have enough resting time since they sleep from 8:00pm to 6:00am. The Commission also noted that Kampiringisa rehabilitation centre has a health centre III with in its establishment hence sick juveniles are able to access health services respectively.

The Commission also learnt that juveniles living with HIV/AIDS are provided with health services such as ARVs and counselling sessions. Some of the remand homes like Kabale had in place measures to handle communicable disease because they have isolation centres to cater for the same.

4.2.12 Foreign Nationals

The Commission found that all the remand homes had foreign nationals and were mainly of Kenyan, Rwandese and Congolese origin. The UHRC was informed that these juveniles are provided with knowledge on how to make requests or lodge complaints and an interpreter is often availed to ensure that they understand whatever communication being is passed on. They are also able to access legal representation, diplomatic/consular representatives and their next of kin save for those of Soroti Regional office who do not have access to Diplomatic/consular representatives.

4.2.13 Juveniles with Disabilities

The Commission found that there were limited cases of juveniles living with disability in the remand homes and that those found majorly had physical disability. The UHRC observed that while remand homes like Kabale and Masindi had put in place measures to ensure accessibility for juveniles with disabilities like ramps and toilets, others like Fort Portal lacked the same. There were no complaints of discrimination reported across all the remand homes.

4.2.14 Work

The UHRC established that juveniles are exposed to homework and the same was compulsory for children that are healthy; for example, all the remand homes reported that children were engaged in simple gardening like planting flowers and greens in the compound, slashing, sweeping, mopping and generally cleaning their environment where they live; the work generally lasts from 30 minutes to 2 hours depending on the nature of work. The Commission further learnt that they are not paid for the work done because they are not allowed to execute work beyond their boundaries that would generate income.

4.2.15 Social Affairs

It is a requirement for all children to rest and leisure, engage in play and recreational activities and the standards require that a facility should be a correctional or educational rather than of a prison type. The Commission found that Masindi remand home had limited play/exercise area, Mbale and Arua have an exercise area, library and recreation room and the children are provided with reading material, educational activities and other skits like drama, and drawing through a civil society organization namely, JENGA and they also have access to information through television and radio; it was noted that Fort Portal remand home lacked a library and does not provide vocational or educational training since they lack facilities and equipment for the trainings. It was further established that the juveniles at Kabale Remand home are provided with vocational training through both external facilitators and the staff.

On the right to freedom of worship, it was noted that all the juveniles at the respective remand homes freely practice their religions in the wards and they pray according to their respective religious affiliations, for example, the Muslims are provided with a mat on which to pray. At Kabale remand home, it was stated that juveniles are visited by a nun from Buhara Catholic Parish who teaches them how to read and write and also some skills in bead and crafts making, the nun also caters for their spiritual and moral development on a voluntary service. The Commission further noted that juveniles at Naguru remand home are provided with learning skills of gardening, rabbit rearing and mushroom growing.

That Commission noted that the juveniles are also at liberty to receive visitors for example parents, guardians or relatives at least twice a week and the visits are supervised by the Assistant probation officers. The juveniles were allowed to communicate with the outside world through telephones provided by the remand home and supervised by the Probation officers.

4.2.16 Access to Justice

The UHRC was informed that Fort Portal and Kabale remand home adopted the use of audio-visual facility to hear cases involving juveniles while Mbale, Gulu, Naguru and Masindi lack the same. The respondents at Kabale remand home stated that two zoom sessions were conducted to hear cases especially for those from far bearing in mind that the remand receives juveniles from as far as Buhweju and Isingiro districts among others. As a result of the sessions, six (11) cases were heard, 4 released, 3 committed and 4 further remanded. It was also noted that juveniles at remand homes like Naguru and Masindi access legal aid services from the Uganda Law Society, Free Child Uganda among others.

4.2.17 Discipline and Management

The UHRC learnt that there were cases of discipline committed by juveniles across all the remand homes and these included, insubordination, escapes and use of vulgar language. It was however revealed that the cases attract punishment but not torture and some of the punishments given include, rendering extra cleaning duties and keeping in doors without going out of the ward to play.

4.2.18 Juvenile unrest and Escapes

The Commission established that there were incidents of unrest by juveniles in remand homes and that it was mainly as a result of trauma and distress. The respondents however informed the Commission that there were measures put in place to handle such cases which included psychosocial support like counselling, engaging the juveniles in participation of activities like rearing rabbits, backyard gardening in a bid to keep them busy.

4.2.19 Juvenile Rehabilitation and Reintegration

It was noted that the remand homes provided some rehabilitation Programmes like mushroom production, basket weaving, bead making, rabbit rearing, backyard gardening, planting and streaming of trees and this was observed at Kabale Remand home. The Commission established that there were reintegration Programmes that involved resettling the released juveniles with their parents through tracing the juvenile places of origin and sensitizing the parents and making follow ups on these juveniles. At Naguru remand home, the juveniles are provided with chapatti making skills, vegetable or matooke growing, and the juveniles are engaged in sports, entertainment, and prayer sessions among others.

4.3 KAMPINGIRISA NATIONAL REHABILITATION CENTRE

Kampiringisa National Rehabilitation Center also known as Kampiringisa Youth Rehabilitation Centre is a correctional facility located in Mpigi District that provides young offenders with education, vocational training, counseling, and other supportive services. The center is managed by the Uganda Ministry of Gender, Labour, and Social Development through the Department of Community-Based Services. Its primary objective is to rehabilitate and reintegrate young offenders who have been convicted and sentenced back into society as productive and law-abiding citizens. It caters for children between the age of 12 to 18 years.¹⁰⁴

The facility was found to have 14 staff comprising of seven (7) males and seven (7) females. Furthermore, the facility had 5 dormitories grouped according to ages with a planned capacity of 300 juveniles. The new comers also had a separate dormitory with a planned capacity of 50 juveniles each. However, the holding capacity at the time of the visit was 220 convicts of which 4 were girls and 116 boys.

The Commission also noted that Kampringisa offers rehabilitative activities and these include; the right to education in public schools, carpentry, metal fabrication, tailoring, modern agriculture,

bakery and psychological support; other activities included brass band which was hired out and sports like football, volleyball, basketball among others.



The Principal of Kampringisa and the UHRC team posing for a picture with some of the brass band members.



UHRC official looking at some of the rabbits reared by the juveniles at the facility during the visit.

104 <https://mglsd.go.ug>

Kampiringisa National Rehabilitation Centre, the only rehabilitation facility in the country was found to be in a sorry state and the living conditions are dire hence the plea for urgent intervention. The idea behind rehabilitation is that people are not born criminals, thus should be given a chance to be restored back into society. Rather than punishing them as a criminal, rehabilitation seeks by means of education or therapy, to make the juvenile in conflict with the law a better citizen. Therefore, the human rights situation at the only rehabilitation facility and remand homes across the country does not create an opportunity for the offenders to reform. Juvenile offenders should therefore be treated as children in difficult circumstances and the approach of the juvenile system should be aimed at addressing the vulnerabilities of children and ensuring their rehabilitation.

4.4 HUMAN RIGHTS CONCERNS IN REMAND HOMES

4.4.1 Inadequate transportation

The Commission's findings indicated that the remand homes of Masindi, Arua, , and Fort Portal lack vehicles to transport juveniles from the remand homes to courts of law; hence many have to incur costs of hiring vehicles or borrow from other Government entities to deliver juveniles to different courts with in their areas of jurisdiction. It was also emphasized that even those that have vehicles for example Gulu, Kabale Mbale and others lack fuel to facilitate the transportation of juveniles. It was further noted that many juveniles at these facilities miss out on court hearings due to lack of transport to reach the designated courts.

The UHRC also learnt that although Naguru remand home has a motor van, it serves over 60 courts that are spread across Eastern and Central Uganda which has led to missed court appearances; additionally it's the same vehicle that is used to reintegrate juveniles back into their communities upon release and was reported to be unsuitable for certain terrains across the country where the juveniles are integrated. The given circumstances therefore hinder access to justice for the juveniles contrary to Article 28 of the Constitution. Further still, the lack of vehicles also makes it difficult for the management to handle business of these facilities especially interms of emergencies.

4.4.2 Inadequate health facilities in the remand homes

It is a requirement that under international human rights law for one to fully enjoy the right to health, it must conform to the principles of availability, accessibility, acceptability and quality. The researchers established that all the remand homes have access to private or Government health facilities which are situated far away from the detention facilities save for Naguru and Gulu which have health facilities with in their establishment.

This however is a challenge especially in cases of emergencies where the officers have to find urgent solutions to the medical needs of the juveniles when they arise, for example Kabale Regional remand home accesses health services from Ndorwa Government Prison which is situated about half a kilometer from the remand home facility and incase of medical emergencies, the juveniles are referred to Kabale Regional Hospital for proper management; juveniles at Fort Portal remand were referred to Police Health Center III which is about 200 meters away and Fort Portal Regional referral hospital for complicated cases; Masindi Regional referral hospital accesses health services from a private clinic and the bills are catered for by a Non-Governmental Organization; Mbale Regional remand home provides health services within but serious cases are handled at Namakwere HCIII. Arua remand home accesses health services from Giligili Health centre II which is 500m away and incase of complicated cases, they are referred to Arua regional referral hospital. Therefore, the lack of health personnel on ground and the lack of health facilities within the establishment of the remand homes creates hardships in accessing and enjoyment of the right to health for juveniles.

4.4.3 Inadequate food supplies

States have an obligation not to starve those with in their control. Additionally, the realization of the right to food is multi-dimensional and requires adequacy and sustainability for it to be enjoyed. The UHRC was informed that the supply of food at the detention facilities is by the Ministry of Gender, Labour and Social Development and was in some cases inadequate. The Commission noted that some juveniles were malnourished in some of the visited remand homes like Gulu remand home. It was explained that the quantity of food keeps fluc-

tuating basing on the number of juveniles at the facilities.

It was further explained that the quarterly supply of food from the Ministry of Gender remains constant and does not take into consideration the increasing number of juveniles at the facilities; for example some of the remand homes receive 500kgs of posho and 1100kgs of beans per quarter which was inadequate for some of the remand homes. It was further noted that the food supply at Kampiringisa rehabilitation centre is inadequate and hence the facility has to supplement by growing additional food to cater for the inadequacy. This therefore puts the lives of the juveniles at stake since they are children who need an adequate and healthy foods for their growth and survival while at the facility; hence the right to food is a grave concern at these facilities.

4.4.4 Delayed disposal of juvenile cases.

Article 28 of the Constitution provides for the right to a fair hearing, including the right to a speedy trial. The Children's Act further provides for the maximum period with in which juveniles should spend on remand. Some of the juveniles complained of lengthy pretrial detentions and this was noted by the officers as juveniles spend long periods in remand homes awaiting trial or resolution of their cases.

The officers at Naguru remand home informed the Commission that about 30 juveniles were awaiting for high court sessions and further to that, the facility faces challenges of having court hearings in different courts and on the same date. This was cited as a major concern since the home has only one vehicle making it hard to transport the children to their respective courts hence hindering access to justice. It was noted that about 40 juveniles at Kabale remand home had been on prolonged remand for about 4 months and majorly because courts gave long adjournments and at times lack of fuel to take the juveniles to court. Prolonged detention leads to a violation of the rights to a speedy trial, as enshrined in international human rights standards.

4.4.5 Detention of juveniles with adults

Article 89(8) of the Children's Act¹⁰⁵ explicitly prohibits the detention of juveniles with adults. States are obligated under the United Nations Convention on the Rights of the Child to take all reasonable steps to ensure the separation of adults from minors by putting in place necessary facilities to fulfil this standard. However proper facilities are lacking in many institutions which also puts the juveniles at risk and hence many also end up in adult prisons due to limited remand homes in the country. It was also noted adult prisons like Luzira among others. It was further emphasized that the lack of facilitation of probation officers to transfer juveniles from court to the remand homes is also another attributing factor to this human rights concern.

4.4.6 Recidivism among juveniles

This refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Although recidivism was reported to be low at 10%, the causes were reiterated by some of the judicial officers who attributed it the soft law which made juveniles comfortable and that custodial sentence was a last resort which made no impact; other attributing factors were peer pressure, school drop outs, lack of parenthood among others.

4.4.7 Lack of a birth certificate by juvenile offenders

The lack of birth certificate by juvenile offenders is challenging in determining the actual age of the child. Age is a crucial factor in the juvenile justice system as it determines whether a person falls under the jurisdiction of juvenile courts or adult courts. However in practice, medical assessments are undertaken although sometimes they may not be accurate hence leading to discrepancies or disputes regarding the offender's legal status. This has also caused many juveniles to end up in adult prisons.

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4.5 RECOMMENDATIONS

- i) The Ministry of Finance, Planning and Economic Development should allocate more resources to improve and expand the infrastructure of remand homes, purchase motor vehicles and also to cater for the necessities required for running of the facilities.
- ii) The Uganda Police Force and the Judiciary should divert children the criminal justice system and use prison as a last resort.
- iii) The Ministry of Gender should further create rehabilitation and reintegration Programmes in all the facilities to ensure that juveniles are reformed and cases of recidivism are addressed.

4.6 CONCLUSION

Since the adoption and ratification of the United Nations Convention on the rights of the child, Uganda has had a remarkable progress concerning the protection of the rights of the children. That notwithstanding, the rights of children in conflict with the law have however continued to wither especially those in remand homes hence the need for an urgent intervention to address the growing human rights concerns. Focus therefore should be drawn to aggressive rehabilitation of the juvenile offenders, diversion of these cases, adequate funding to improve the general living conditions and facilitation of probation officers, integration of remand homes under the Uganda Prisons Service also construction of more remand homes.

THE RIGHT TO DEVELOPMENT: ASSESSMENT OF GOVERNMENT PROGRAMMES IN UGANDA IN 2023

5.0 INTRODUCTION

The right to development is an inalienable human right which every person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of the people to self-determination, which includes, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.¹⁰⁶ The right to development therefore seeks to have the state put in place measures that are geared towards progressive eradication of poverty in a bid to improve the well-being of its citizens.

In addition, the state has the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.¹⁰⁷ Furthermore, the right to development demands comprehensive and human-centred development policies which are undertaken through participatory development processes that facilitate social justice and equity.¹⁰⁸

Principles that underpin the right to development include; participation which is active, free and meaningful; equality, non-discrimination, transparency, accountability as well as international cooperation in an integrated manner.¹⁰⁹

In Uganda, the right to development has been recognized as a fundamental human right in the 1995 Constitution which guarantees the right to social and economic development of the people. It also provides for participation of the people in development efforts as well as ensuring equity and equal opportunities in development.¹¹⁰ The theme for the country's Vision 2040, of 'Accelerating Uganda's Socioeconomic Transformation' is well aligned with the right to development. Furthermore in a bid to 'leave no one behind' as articulated in the 2030 Agenda and the Sustainable Development Goals (SDGs), the Government has designed and funded a number of development programmes to improve wealth creation as a pathway for sustainable poverty reduction.¹¹¹ The stimuli for inclusive and sustainable development in the country include among others; ensuring security of person and property through disciplined military oversight, facilitating market privatization and liberalization to expand opportunities for the private sector, initiatives aimed at transitioning subsistence farming households into the money economy and addressing youth unemployment.¹¹²

106 https://www.ohchr.org/sites/default/files/Documents/Issues/Development/DeclarationRightDevelopment_en.pdf- Last visited on 5th February, 2024

107 Ibid

108 Ibid

109 https://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf- Last visited on 5th February 2024

110 The Constitution of the Republic of Uganda, 1995 as Amended; National Objectives and Directive Principles of State Policy IX, X & XI

111 A paper on the Right to development presented by Fred A.K Muhumuza, (PHD) at the UHRC Annual Report consultative meeting held on 8th December, 2023.

112 [file:///C:/Users/Director%20RS/Downloads/Musevenomics%20\(1\)-2.pdf](file:///C:/Users/Director%20RS/Downloads/Musevenomics%20(1)-2.pdf)- Last visited on 14th March, 2024.

It should be noted that while the right to development encompasses all human rights including, social, economic, political and cultural rights, this chapter focuses on economic rights. Accordingly, UHRC monitored the right to development specifically focusing on an assessment of selected Government programmes in selected districts in the country in 2023 in a bid to examine their implementation status, benefits and challenges. The UHRC further sought to establish interventions made by the Government to mitigate the implementation challenges in order to make informed recommendations. The Government programmes monitored include; Parish Development Model (PDM), Emyooga, a presidential initiative on job and wealth creation, Youth Livelihood Programme (YLP), Uganda Women Entrepreneurship Programme (UWEP), Small Business Recovery Fund (SBRF) and Agricultural Credit Facility (ACF). A total of 29 districts and cities that included; Arua, Arua City, Busia, Butebo, Buvuma, Masaka, Sembabule, Lwengo, Rakai, Kyotera, Masindi, Kiryandongo, Jinja, Karenga, Amudat, Rubanda, Rukiga, Kabale, Lira, Otuke, Alebtong, Kasese, Kabarole, Zombo, Nebbi, Pakwach, Moyo, Koboko and Yumbe were monitored. The respondents interviewed included; officials from the DLGs such as political leaders, community development officers, chief administrative officers, district planners, labour officers, statisticians, auditors, commercial officers, town clerks, probation and welfare officers; resident district commissioners, officials from CSOs, officials from the Uganda Police Force (UPF), officials from internal security and religious leaders. Community members and opinion leaders were interviewed as well.

5.1 LEGAL AND POLICY FRAME WORK

This section maps the international and regional treaties establishing state duties around inclusive development processes. It also entails national laws, planning policies and sector strategies that

codify commitments to fulfil aspirational development goals and human rights underlying improved well-being.

5.1.1 International Legal Frame work

The concept of the right to development emerged in the 1970s and was eventually formally recognized as a human right through the adoption of the 1986 UN Declaration on the Right to Development (DRTD).¹¹³ While not formally binding, the Declaration lays out key principles that have helped advance the right to development globally¹¹⁴ and provides the definition of the right to development.¹¹⁵ The 1993 Vienna Declaration and Programme of Action reaffirmed the DRTD and stressed the need to make it an operational reality nationally and internationally.

Many of the Declaration's provisions are anchored in the Universal Declaration of Human Rights¹¹⁶ as well as legally binding instruments, such as, the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹¹⁷ and the International Covenant on Civil and Political Rights (ICCPR)¹¹⁸, which commonly provide for the right to self-determination of all peoples. The ICCPR further espouses various aspects of the right to development, such as non-discrimination, and participation in developmental activities by all people¹¹⁹. The CEDAW provides for improvement of human well-being¹²⁰.

In addition, the 2030 Agenda for Sustainable Development aims to realise human rights, including the right to development through its comprehensive set of SDGs. It explicitly aims to 'leave no one behind' and targets disadvantaged groups, reflecting the core principles of the DRTD. More still, various UN Human Rights Council and General Assembly resolutions have also regularly reaffirmed commitment to the full realization of the DRTD and strengthened this pledge through additional recommendations and reporting procedures¹²¹.

113 The United Nations General Assembly Resolution 41/128.

114 Article 2(1), 2(3), 3(3), 4(2), 6(2) DRTD

115 Article 1 DRTD

116 Article 1 and 25

117 Article 1

118 Article 1

119 Articles 2, 25-27

120 Articles 7, 13-15

121 Examples include GA Resolution 41/133 and multiple HRC resolutions

5.1.2 Regional Legal Frame work

The African Charter on Human and Peoples' Rights¹²² obliges states to ensure "the right to economic, social and cultural development" individually and through collective means. The same article requires states "to eliminate all forms of foreign economic exploitation," echoing principles outlined in the UN DRTD regarding self-determination over resources. Article 21 specifically articulates rights to freely dispose of wealth and natural resources and obliges states to "undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies to enable their peoples to fully benefit from the advantages derived from their national resources. The Protocol to the ACHPR on the Rights of Women in Africa (Maputo Protocol) also recognises women's right to sustainable development and equal participation in the definition of development policies and programmes¹²³. In addition, the AU's Agenda 2063 is a continental development vision highlighting right-to-development priorities like structural economic transformation, social equity, environmental sustainability and good governance. It tracks progress towards these goals through its Africa Peer Review Mechanism and tracking of UN SDGs.

5.1.3 National Legal and Policy Frame work

At the national level, the 1995 Ugandan Constitution, national development plans, sector policies and other laws provide a framework for upholding the right to development, even if adequate implementation remains a challenge.

The Constitution lays out broad National Objectives and Directive Principles of State Policy which expand on these rights and provide guidance for development planning. The National Objectives and Directives of State Policy from IX to XIII provide for right to development and participation in affairs of Government individually or through representatives respectively. In addition, Uganda's Vision 2040 aspires to change the country from a predominantly low income to a competitive upper middle income country within 30 years with a per capita income

of USD 9,500. It sets out the goals and targets to be achieved to realise this desired socioeconomic transformation,¹²⁴ while the Third National Development Plan (NDPIII 2020/21-2024/25) provided guidance for the country's development.

5.2 SITUATIONAL ANALYSIS OF RIGHT TO DEVELOPMENT IN UGANDA

Over the years, the Government of Uganda has designed and funded development programmes to improve wealth creation as a pathway for sustainable poverty eradication. This is in the spirit of the transformative promise of leaving no one behind as articulated in the SDGs and is aligned to the theme for Uganda's Vision 2040, "Accelerating Uganda's Socioeconomic Transformation". The programmes have the objective of enhancing development through poverty alleviation at household level, enhancing productivity, access to finance, commercialisation of agriculture and providing enabling infrastructure in terms of water for production and irrigation facilities, feeder roads and agro-processing equipment.¹²⁵ Since 1990, the Government has implemented many projects and programmes targeting livelihood improvement. They include; the Plan for Modernisation of Agriculture, Entandikwa, Prosperity for All, Rural Financial Services Programme, Northern Uganda Social Action Fund (NUSAF), Agriculture Cluster Development Project, Warehouse Receipt System Policy and the Project for Financial Inclusion. It should be noted that with the progression of time, the programmes have evolved and among those selected that were being implemented in 2023 include; the PDM, Emyooga, YLP, UWEP, SBRF and ACF.

5.2.1 Poverty rates in Uganda in 2023

While the right to development in a country ought to facilitate a holistic approach to the issue of poverty by addressing its systemic and structural causes as well as strengthening the basis for pro-poor growth with special emphasis to the rights of the most marginalized population,¹²⁶ the

122 Article 22

123 Article 19

124 [https://www.greenpolicyplatform.org/sites/default/files/downloads/policy-database/UGANDA\)%20Vision%202040.pdf](https://www.greenpolicyplatform.org/sites/default/files/downloads/policy-database/UGANDA)%20Vision%202040.pdf) (page IV) – Last visited on 11th March, 2024.

125 A presentation at the UHRC 26th Annual Report Consultative meeting made on behalf of the PSST MoFPED on 7th December, 2023.

126 https://www.un.org/en/events/righttodevelopment/pdf/rtd_at_a_glance.pdf Last visited on 5th February 2024

poverty rate in the country along with other factors had a negative effect on development programmes in Uganda in 2023.

Absolute poverty is measured by the minimum amount of money required to meet basic needs, known as a poverty line. The international standard for measuring poverty is the extreme poverty line which has a threshold equivalent to USD1.90 per person per day. The Poverty line of Uganda is living below USD 1.04 per person per day which is lower than the World Bank's poverty line of USD 1.90 per person per day for extreme poverty line. In Uganda, absolute poverty is officially defined as a condition of extreme deprivation of human needs, characterised by the inability of individuals or households to meet or access the minimum requirements for decent human well-being such as nutrition, health, literacy and shelter.¹²⁷ Therefore, for an individual or a household to live in poverty is to lack the resources needed to meet basic human needs.

According to the Uganda National House Survey (UNHS) 2019/2020, the national poverty rate was at 20.3 percent down from 21.4 percent in 2016/17. It was however noted that the reduction was not significant given that in absolute numbers, the persons in poverty had increased from 8 to 8.3 million respectively over the same period. This implies that, one in five persons in Uganda lived in poverty. Overall, the incidence of rural poverty was revealed to be more than two times higher than that of urban poverty. However using the new poverty line of USD 1.77 per person per day increased the proportion of Ugandans living in poverty to 30.1 percent, representing 12.3 million poor persons. Hence using the upper poverty line increases the number of poor persons by 4 million from that estimated using the existing poverty line of USD 1.0 (8.3 million people).¹²⁸

A World Bank Report that was released in May 2023, revealed that national poverty rate was at

30.1% while the rural and urban rates were at 33.8 and 19.8% respectively. It was further revealed that the Eastern region had the highest rate at 41.7% followed by the Northern at 39.9%, Western at 26.6% and Central with the lowest at 15%.¹²⁹ This implies that the different programmes have not catalysed development to result into poverty reduction.

5.2.2 The Presidential Initiative on Job and Wealth Creation (Emyooga)

According to the National Population and Housing Census of 2014, 69.4 percent of the country's households (82% in rural areas and 29.2% in urban areas) derived their livelihood from subsistence farming.¹³⁰ They were thus outside the money economy and were therefore not benefiting from Government's existing wealth creation programmes at the time including the YLP and OWC among others.¹³¹ This state of affairs thus left them vulnerable to cross-generational poverty.¹³²

Accordingly, the Presidential Initiative on Wealth and Job Creation commonly known as Emyooga was established in 2019 as part of a broader Government strategy targeting to transform the 69.4 percent households from subsistence to market oriented production with the overall objective of promoting job creation and improving household incomes. The UHRC found that Emyooga Programme targeted 18 specialized enterprises of the financially-excluded Ugandans engaged in similar specialized enterprise categories. The enterprises were facilitated with both technical and financial support to enhance the performance of their projects and ultimately their incomes.¹³³ The groups and enterprises included boda-boda riders, women entrepreneurs, carpenters, saloon operators, taxi operators, restaurant owners, welders, market vendors, youth leaders and persons with disabilities, produce dealers, mechanics, tailors, journalists, performing artists, veterans, fishermen, and elected local leaders.

127 <https://devinit.org/resources/poverty-uganda-national-and-regional-data-and-trends/> - Last visited on 13th February, 2024

128 https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf - Last visited on 14th February, 2024.

129 <https://www.monitor.co.ug/uganda/news/national/eastern-northern-regions-top-in-poverty-wb-report-4231850> - Last visited on 13th February, 2024.

130 https://www.ubos.org/wp-content/uploads/publications/03_20182014_National_Census_Main_Report.pdf - Last visited on 6th February, 2024.

131 <https://Parliamentwatch.ug/blogs/is-Government-failing-its-programmes/> - Last visited on 14th February, 2024

132 A presentation at the UHRC 26th Annual Report Consultative meeting made on behalf of the PSST MoFPED on 7th December, 2023.

133 <https://www.msc.co.ug/emyooga/> - Last visited on 6th February, 2024.

Emyooga is implemented by MoFPED through the Microfinance Support Centre.¹³⁴

5.2.2.1 Operations of Emyooga

A revolving fund referred to as Apex Emyooga SACCO was formed across the country for each specialized enterprise at the constituency level, with operations at the parish level where the parish associations were based.¹³⁵ Furthermore, the membership of the constituency Emyooga SACCO comprised of the respective Emyooga parish associations within that constituency. The UHRC also established that the parish associations were formed by any 7-30 individuals engaged in similar targeted specialised enterprises or groups and operating or residing within a particular parish. It was established that where the number exceeded 30 individuals, another group of the same specialized enterprise would be formed. A minimum of five registered parish-based associations formed a constituency Emyooga SACCO. Each Apex Emyooga SACCO category was eligible to receive UGX 30 million as seed

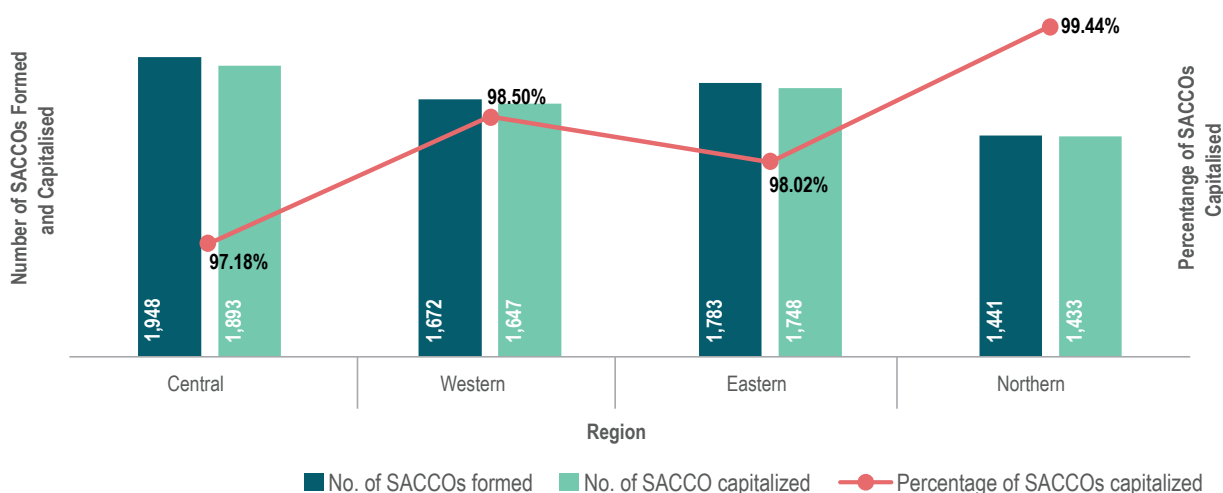
capital while the Emyooga for elected local leaders received UGX 50 million.¹³⁶

Furthermore, UHRC established that the loan did not require any collateral and had a low interest rate of 8 percent annually.¹³⁷ For effective management of the Emyooga, the Microfinance Support Centre worked closely with Emyooga District Task Forces established in all districts, whose leadership comprised of the resident district/city commissioner (RDC/RCC), officials from the DLG and Ministry of Trade, Industry and Cooperatives, to facilitate effective management of the revolving fund.

5.2.2.2 Capitalization Status of Emyooga SACCOs in 2023

The UHRC found that as of end March, 2023, Microfinance Support Centre had disbursed seed capital amounting to UGX 259.1 billion to bank accounts of 6,721 Emyooga SACCOs, as elaborated in figure below.

Figure 4: Number of SACCOS formed and capitalized by region by March 2023



Source: MoFPED

From the figure above, the capitalization of SACCOS formed was very good ranging from 99.44 percent in northern region to 97.18 percent in the central region, while the overall national capitalization was at 97.63 percent.

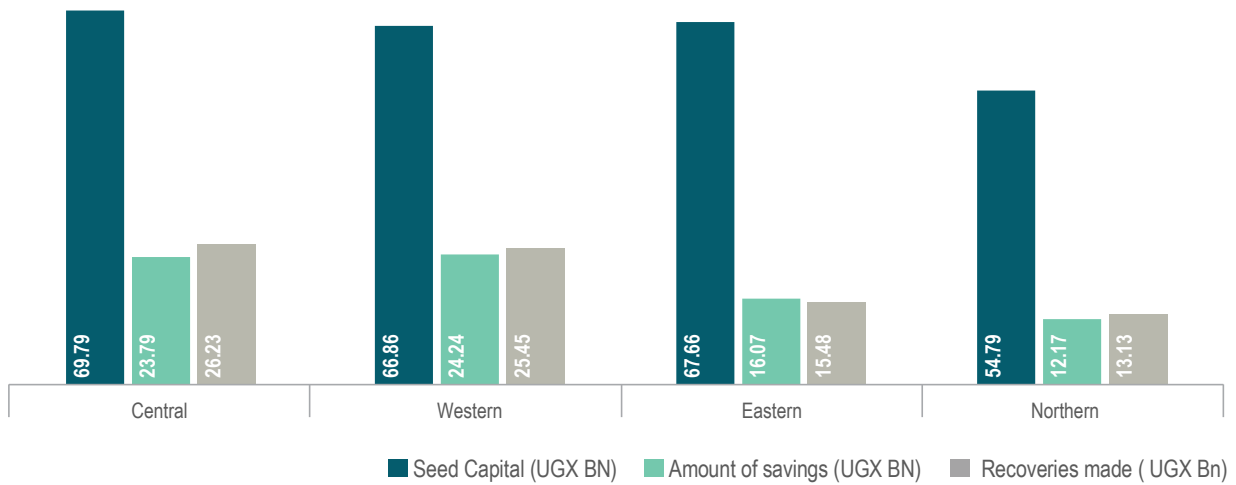
134 <https://www.msc.co.ug/emyooga/> - Last visited on 6th February, 2024

135 <https://www.msc.co.ug/emyooga/> - Last visited on 7th February, 2024.

136 A presentation at the UHRC 26th Annual Report Consultative meeting made on behalf of the PSST MoFPED

137 <https://www.pmldaily.com/news/2022/02/emyooga-interest-rate-should-not-go-beyond-8-per-cent-minister-kasolo-maintains.html> - Last visited on 16th February, 2024.

Figure 5: Capitalisation and recoveries of Emyooga according to region by March, 2023



Source: MoPFED

From the figure above, it is evident that the capitalization of the SACCOs across the four regions in the country was fairly distributed from UGX 69.79bn in the central to UGX 54.79bn in the northern region. In addition, the recoveries were below average with the highest recoveries registered in western region at 38.6 percent followed by central with 37.58 percent, northern at 23.96 percent and Eastern at 22.88 percent. The overall recovery countrywide was 30.1 percent.

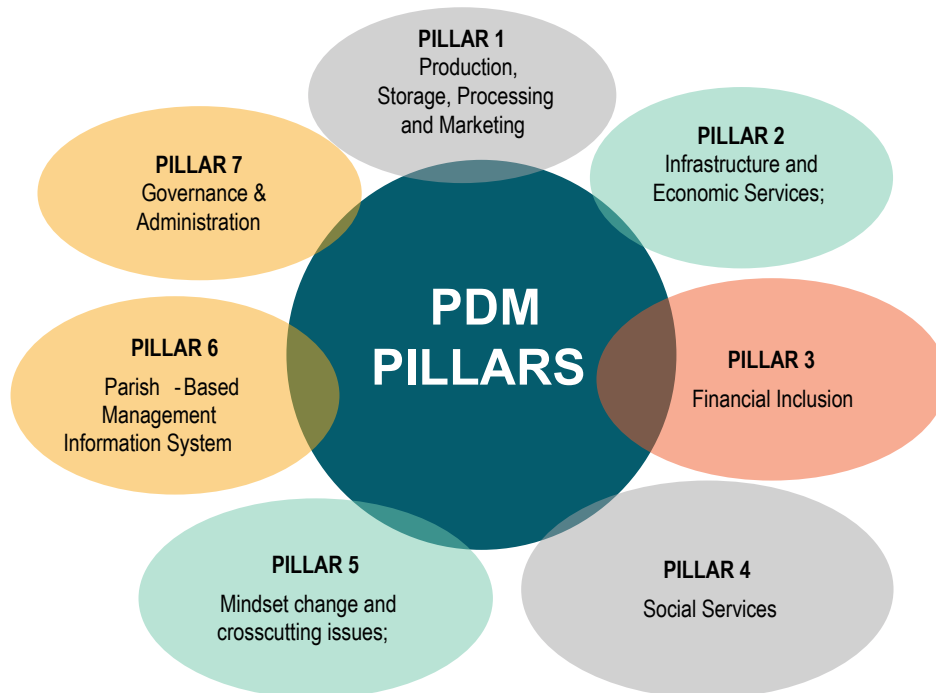
5.2.3 Parish Development Model

The UHRC noted that Government in February 2022 launched PDM as a strategy to strengthen parishes as the lowest planning and administrative units

for all Government services. It was found to be an extension of the whole-of-Government approach to development as envisaged under NDP III, with the parish as the lowest administrative and operational hub for delivering services closer to the people and hence foster local economic development. It was envisioned that the PDM would transition the 39 percent (3.5 million households) in the subsistence economy to the money economy thereby improving incomes and welfare at household level. It was observed that services under the PDM are delivered through seven pillars, all of which are necessary to facilitate a holistic Government approach to development.¹³⁸ The seven pillars are indicated in the figure below.

138 A presentation on the Right to Development: An Assessment of Government Programs presented by Fred A. K. Muhumuza, (PHD) during the UHRC Annual Report Consultative meeting on 8th December, 2023

Figure 6: Parish Development Model Pillars



Source: Implementation Guidelines for Parish Development Model

5.2.3.1 Parish Development Model Interdependence and Inter-relatedness of Human Rights

It should be noted that underpinning the PDM strategy to development is the principle of interdependence and interrelatedness of human rights. The principle is to the effect that each right contributes to the realization of a person’s human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. That the fulfilment of one right often depends, fully or partially, upon the fulfilment of others.¹³⁹ Hence the seven pillars work together to bring about holistic development of the households that were previously living outside the money economy.

5.2.3.2 Implementation status of the PDM in 2023

The UHRC established that since its launch in 2022, implementation of the PDM has gradually progressed under pillars 3 – Financial Inclusion, 5- Mindset Change, 6- Parish-based Management

Information System and 7- Governance and Administration. Administrative structures that promote effective management of the PDM were in place and included; PDM Secretariat, Parish Development Committees, Parish Chiefs, Pillar Working Groups, Enterprise Groups and PDM SACCOs. It was also established that harmonised training guides, manuals & templates had been developed with the assistance of Uganda Cooperatives Saving and Credit Union, Uganda Cooperative Alliance, Enterprise Uganda, Operation Wealth Creation / UDF, PDM Secretariat, MoLGSD, MTIC & MAAIF whereas training of households was still on-going. Furthermore, the Parish-based Information Management System was developed with baseline data collected on 7,444,538 households (76%) while 148,320 enterprise groups with 1,627,307 members were reported to have been profiled on the PDM IT system.¹⁴⁰

It was observed for instance that PDM SACCOs in 71 LGs including Kisoro, Bugiri, Arua City, Butebo, Kamuli, Kapchorwa, Kiboga, Kikuube and Moroto among others were performing very well and had

139 <https://www.unfpa.org/resources/human-rights-principles>- Last visited on 14th February, 2024.

140 Presentations on the Right to Development: An Assessment of Government Programs presented by Fred A. K. Muhumuza, (PHD) and a representative of the PSST MoFPED during the UHRC Annual Report Consultative meeting on 8th and 7th December, 2023.

disbursed over 90 percent of the funds to beneficiary households. the UHRC also noted that 2,484 PDM SACCOs and 346,000 members had been onboarded on Wendi mobile wallet. In addition, UGX 140.473 billion had so far been accessed as PDM loans by the beneficiary households via the mobile wallet which further enhanced access to credit and financial inclusion.¹⁴¹

The UHRC further established that eligibility to PDM funds/loans included; being a resident of the parish; a member of a PDM enterprise group & SACCO; a subsistence household and one had to be borrowing for Pillar 1 activities; production, processing, storage and marketing.

From Figure 7, it is evident that there was a 34.8 percent increase in the number of SACCOs capitalized in FY 2022/23 as compared to FY 2021/22.

From Figure 8, it should be noted that there was a remarkable increase in capitalisation of the PDM SACCOs by UGX 986.31 billion in FY 2022/2023.

From Figure 9, UGX 976.452 billion was disbursed to households in FY 2022/2023. It should be noted that no funds were disbursed to households in FY 2021/2022 as the DLGs and urban authorities were still undertaking profiling of the households.

5.2.4 Uganda Women Entrepreneurship Programme (UWEP)

The UHRC established that the Uganda Women Entrepreneurship Programme (UWEP) is an initiative of the Government aimed at improving access to financial services for women and equipping them with skills for enterprise growth, value addition and marketing of their products and services. It was further established that UWEP was being implemented as a rolling programme under the Ministry of Gender, Labour and Social Development with the overall goal of empowering Ugandan women to improve their income levels and enhance their contribution to economic development. The UWEP was first implemented in the FY 2015/16 in 19 DLGs and Kampala Capital City Authority (KCCA) and later rolled out throughout the country in the FY 2016/2017.¹⁴²

Figure 7: Number of PDM SACCOs funded in FY 2022/23 and FY 2021/22

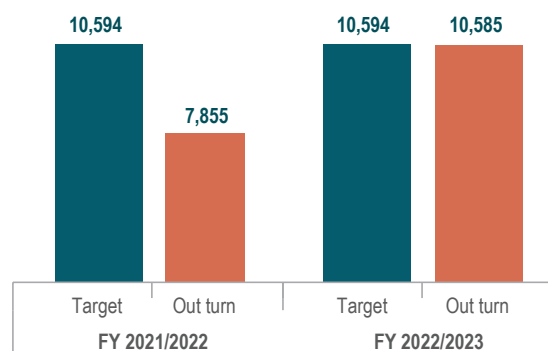


Figure 8: Capitalization of Parish Development Model SACCOs FY2022/23 and 2021/22

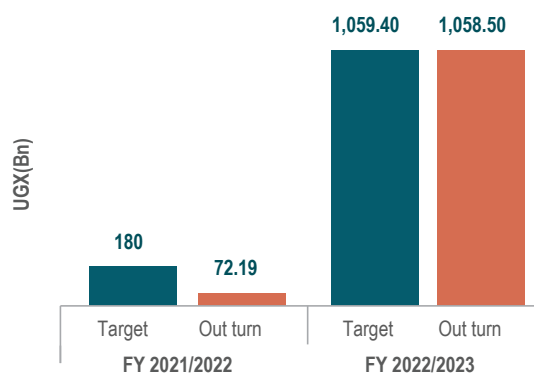
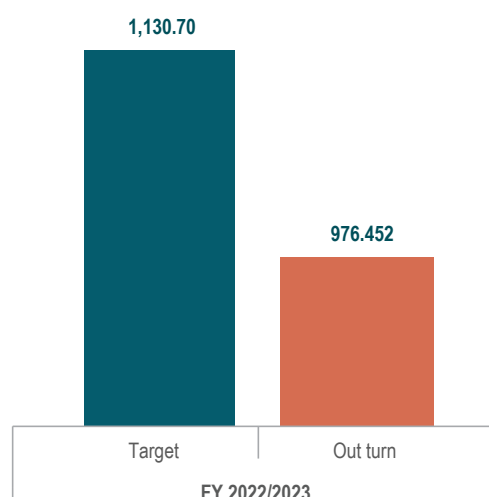


Figure 9: Funds disbursed to households under the Parish Development Model in FY2022/2023



141 Presentations on the Right to Development: An Assessment of Government Programs presented by Fred A. K. Muhumuza, PHD during the UHRC Annual Report Consultative meeting on 8th December, 2023

142 <https://mglsd.go.ug/uwep/> - Last visited on 7th February, 2024.

Furthermore, the UWEP was designed to address the challenges women faced in undertaking economically-viable enterprises including limited access to affordable credit, limited technical knowledge and skills for business development, as well as limited access to markets and information regarding business opportunities. These challenges were to be addressed through; strengthening the capacity of women for entrepreneurship development; provision of affordable credit and support access to other financial services to enable women establish and grow their business enterprises; facilitation of women's access to markets for their products and services as well as promotion of access to appropriate technologies for production and value addition. It was envisaged that the UWEP would increase participation of women in business development, increase their incomes, livelihood security and overall quality of life.¹⁴³

5.2.4.1 Scope and Eligibility to the UWEP

UHRC noted that the primary target beneficiaries of UWEP were women within the age bracket of 18-65 years. The assumption was that those beyond 65 years would be catered for under the Social Assistance Grants for Empowerment of Elderly Persons (SAGE) Programme. Moreover, since the Youth Livelihood Programme (YLP) targeted youth aged 18 – 30 years with the requirement that 30 percent of the youth interest group members should be female, the female youth already benefiting from the YLP were not considered as beneficiaries for the UWEP. Furthermore, the UWEP strongly emphasized the integration of the following categories of women into beneficiary groups: unemployed women; vulnerable groups e.g. single young mothers, widows and GBV survivors; women with disabilities; women living with HIV/AIDS; women heading households; women slum dwellers; women living in hard-to-reach areas as well as ethnic minorities.¹⁴⁴

In addition, UHRC established that the beneficiary women groups were identified and selected through a community participatory process that

involved LC1 and women council leaders as trusted members of the community. The catchment area for the group membership stretched from a village, parish and would not go beyond a sub county/ town council/ city division.

The UHRC further noted that approval of the proposals was multifaceted starting from the Sub County Technical Planning Committee, the District Technical Planning Committee, to the MGLSD to ensure that equity issues were taken care of. It was found that the districts had an approval threshold of up to UGX 12.5million while proposals exceeding his amount, up to a maximum of UGX25 million were approved at the MGLSD.¹⁴⁵ Moreover, the loans were interest-free for repayments made within the first one year and a service fee of 5% per annum was levied on the repayments made thereafter to cater for inflation.¹⁴⁶

5.2.5 Youth Livelihood Programme

The Youth Livelihood Programme (YLP) is a Government-financed programme that was designed as one of the interventions in response to the high unemployment rate and poverty among the youth in the country. The YLP was launched in January, 2014 and operates in all districts in the country including KCCA and the regional cities of Mbale, Jinja, Soroti, Lira, Gulu, Arua, Hoima, Fort Portal and Mbarara. The UHRC established that the YLP provided interest-free revolving funds to unemployed and poor youth aged 18-30 years under the following categories; drop-outs from schools and training institutions; youth without formal education; single parent youth; youth with disabilities; youth living with HIV/AIDS as well as youth who have completed secondary school or tertiary institutions but remain unemployed.¹⁴⁷

The UHRC further observed that the YLP was intended to empower the beneficiaries to harness their socio-economic potential and increase self-employment opportunities and income levels.

143 <https://mglsd.go.ug/uwep/> - Last visited on 7th February, 2024.

144 <https://mglsd.go.ug/uwep/> - Last visited on 7th February, 2024.

145 https://www.womenconnect.org/web/uganda/empowerment/-/asset_publisher/XQBgJ3EoYwZ1/content/uganda-women-entrepreneurship-programme-uwe-1 - Last visited on 7th February, 2023.

146 https://www.womenconnect.org/web/uganda/access-to-capital/-/asset_publisher/Syxndy8L1Ett/content/uganda-women-entrepreneurship-programme-uwep - Last Visited on 17th February, 2024./asset_publisher/Syxndy8L1Ett/

147 <https://mglsd.go.ug/yyp/> - Last visited on 9th February, 2024.



A youth under the YLP doing carpentry. © The Independent¹⁴⁹

The specific focus of the programme included; provision of marketable vocational skills and tool kits for self-employment and job creation to the beneficiaries; provision of financial support to the beneficiaries to enable them establish income generating activities; provision of entrepreneurship and life skills to the youth as an integral part of their livelihoods as well as provision of relevant knowledge and information for attitudinal change.¹⁴⁸

5.2.5.1 Implementation of the YLP in 2023

The UHRC found that implementation of the YLP was mainstreamed into Government structures at national and local government levels. At the national level, the Programme is implemented under MGLSD while at the local government level, the programme is implemented through the existing structures at the districts, cities and municipal councils under the community development department. While the MGLSD provided technical guidelines, supported capacity building, financing,

and overall coordination of the programme, the local government structures were responsible for mobilisation and sensitisation, beneficiary selection, project preparation, appraisal and approval, monitoring and support supervision as well as recovery of funds.¹⁵⁰

Furthermore, it was observed that beneficiary selection was conducted through community participatory mechanisms undertaken in the community.¹⁵¹ Moreover, YLP support was being provided through youth interest groups that comprised a minimum of five members, at least 30 percent of them female and were being provided with a revolving funds of up to UGX 12.5 million depending on the nature of the enterprise, to establish income generating activities of their choice. The funds were being disbursed directly to the beneficiary groups that had been successfully vetted. The UHRC further established that the YLP had cumulatively received UGX 207.248 billion out of an approved budget of UGX 314.672 billion by January, 2021.¹⁵²

148 <https://mglsd.go.ug/ylp/> - Last visited on 9th February, 2024.

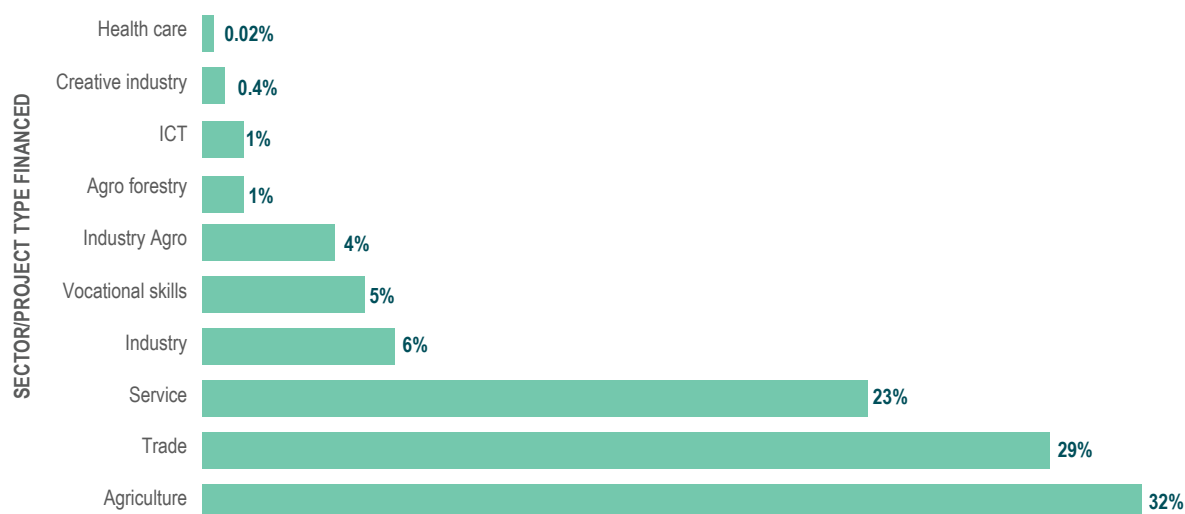
149 <https://www.independent.co.ug/lack-of-funds-cripples-recovery-of-ylp-loans-in-gulu/> - Last visited on 27th February, 2024.

150 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

151 https://opm.go.ug/wpfd_file/youth-livelihood-program-ylp-impact-study/ - Last visited on 9th February, 2024.

152 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

Figure 10: Graph showing investments by sector under the YLP since inception to 2021



Source: MGLSD

From the figure above, majority of the projects financed under the YLP were in the agricultural sector (32%), followed by trade (29%), services (23%), and industry (6%) among others.

5.2.6 Small Business Recovery Fund

The Small Business Recovery Fund (SBRF) was established in 2021 to facilitate the provision of loans to small businesses that had suffered financial distress arising from the effects of the COVID-19 pandemic. The scheme operated as a public-private partnership between the Government of Uganda and participating financial institutions (PFIs) that included commercial banks, micro deposit-taking institutions (MDIs) and credit institutions (CIs). Its operations were governed by a Memorandum of Agreement in which the Bank of Uganda (BoU) was the fund administrator. It was also observed that the BoU received UGX 100 billion from the Government under the SBRF to facilitate provision of loans to small businesses that had suffered financial distress arising from the effects of the COVID – 19 pandemic. The UHRC further observed that the PFIs were required to match the Government contribution with an additional UGX 100 billion to bring the total pool of loanable funds to UGX 200 billion.¹⁵³

5.2.6.1 Performance of the SBRF in 2023

There was a massive turn around by small businesses that demanded for the SBRF in 2023, registering an increase in applications by 73 percent as at 30th June 2023 with a resultant increase in the value of applications by UGX 9.91bn to UGX 14.6bn from the UGX 4.7Bn that was registered in 2022. It should be noted that out of the 1,129 applications received in 2023 only 899 were approved, up from 22 that had been approved out of the 305 applicants in 2022. Accordingly, UGX 10.4bn was disbursed in 2023 as compared to UGX 1.7bn in 2022, an increase of UGX 8.78bn.

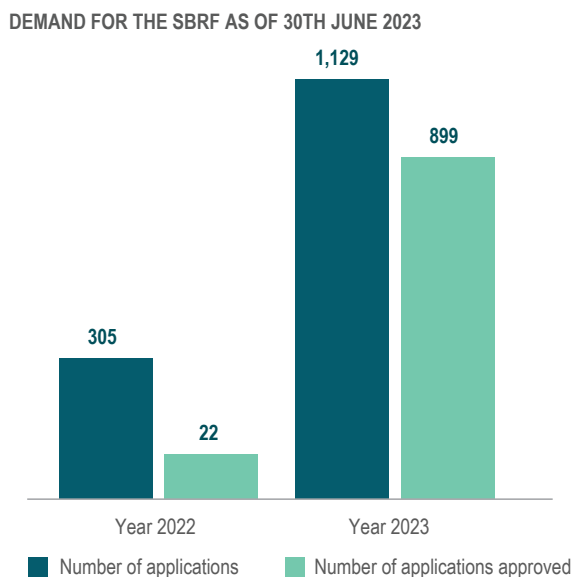
The increase was attributed to revision of the SBRF Memorandum of Agreement by the MoFPED in which restrictions to the uptake of the Fund were removed. The revisions made included; discounted interest rate at 10%, loans from the Fund allowed to settle existing non-performing loans, loan amount increased from UGX 100m to UGX 200m as well as permitting businesses with as low as two employees to access the credit facility.¹⁵⁴ As of September 2023, UGX. 15.9bn had been disbursed to cater for 1,365 loans.¹⁵⁵

153 Presentation on the Right to Development: An Assessment of Government Programmes presented on behalf of the PSST MoFPED at UHRC Annual Report consultative meeting held on 8th December, 2023.

154 <https://www.monitor.co.ug/uganda/business/markets/hundreds-of-small-businesses-run-to-bank-of-uganda-to-access-cheaper-loans-4406190-> Last visited on 12th February, 2024

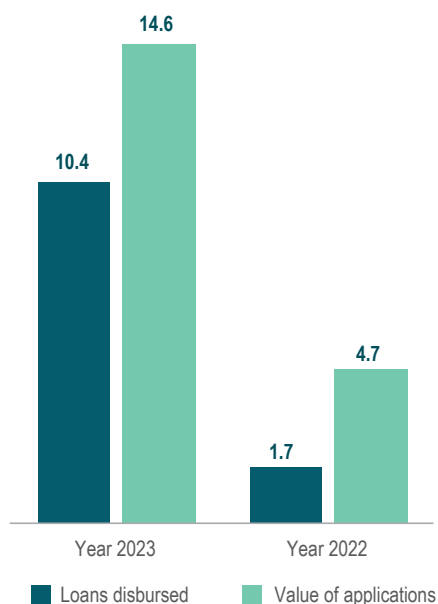
155 Presentation on the Right to Development: An Assessment of Government Programmes presented on behalf of the PSST MoFPED at UHRC Annual Report consultative meeting held on 8th December, 2023.

Figure 11: Demand for the SBRF in 2023 as at 30 June 2023



Source: The Daily Monitor

Figure 12: Value of SBRF applications and loans disbursed as of 30th June, 2023 compared to the same period in 2022



Source: The Daily Monitor, Thursday, October 19th, 2023¹⁵⁶

From the figure above the value of the applications increased by 67.8 percent while the loans disbursed rose by 83.7 percent from June 2022 to June 2023.

5.2.6.2 Scope and Eligibility of the SBRF

The UHRC further established that small businesses operated by individuals, companies and groups as well as partnerships with an average number of employees between 2-49 and an annual turnover of about UGX 10 million-300 million were eligible to borrow from the fund. Furthermore, the businesses were required to demonstrate their capacity for recovery. It was however noted that agri-businesses and other agricultural activities that were eligible under the Agricultural Credit Facility (ACF) and those that had already been financed under the Facility were not eligible for funding under the SBRF.

In addition, eligible borrowers would access loans only through PFIs, which included all the commercial banks, CIs and MDIs regulated by the BoU with a minimum loan repayment period of six months and a maximum of four years. A grace period of a maximum of one year for loan repayment would be given under exceptional circumstances. The maximum loan amount was at UGX 200 million and no minimum loan amount was prescribed. Collateral or security was a precondition for accessing the loans which were being offered at an interest rate of 10 percent per annum, on the reducing balance.¹⁵⁷

5.2.7 Agricultural Credit Facility

The UHRC established that ACF operations started in October 2009 and was aimed at facilitating the provision of medium and long term financing to projects engaged in agriculture and agro processing whose focus was mainly on commercialization and value addition. Loans under the ACF were disbursed to farmers and agro processors through PFIs at more favourable terms than conventional loans.¹⁵⁸

156 <https://www.monitor.co.ug/uganda/business/markets/hundreds-of-small-businesses-run-to-bank-of-uganda-to-access-cheaper-loans-4406190>- Last visited on 27th February, 2024.

157 file:///C:/Users/Director%20RS/Downloads/Access-To-Small-Business-Recovery-Fund-And-Agricultural-Credit-Fund.pdf - Last visited on 12th February, 2024.

158 Presentation on the Right to Development: An Assessment of Government Programmes made on behalf of the PSST at UHRC Annual Report consultative meeting held on 7th December, 2023.

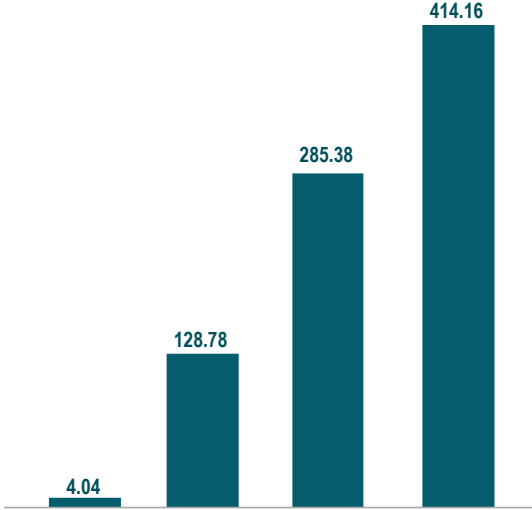
In addition, the ACF was being administered by the BoU and its operations guided by the Memorandum of Understanding (MoU) signed by all the stakeholders with the MoFPED representing the Government. The ACF operated on a refinance basis in such a way that the PFIs would disburse the entire loan amount required by a beneficiary and would seek for a re-imburement from the BoU. Eligible projects for ACF included; acquisition of agricultural machinery, post-harvest handling equipment, storage facilities, agro processing and mechanization as well as any other related agricultural and agro-processing machinery and equipment.¹⁵⁹

5.2.7.1 Performance of the ACF in 2023

The UHRC found that as of June 30, 2023, the cumulative Government contribution to the PFIs stood at UGX 414.16 billion, while loan repayments made by the PFIs amounted to UGX 285.38 billion representing 69% of the total Government contribution refinanced to the PFIs. The outstanding loans with the PFIs stood at UGX 128.78 billion, while the distressed loans remained at UGX 4.04 billion with a non performing asset (NPA) ratio of 0.98 percent compared to the aggregate NPA ratio of 5.93 percent for commercial banks.¹⁶⁰ The analysis is as indicated in figure below;

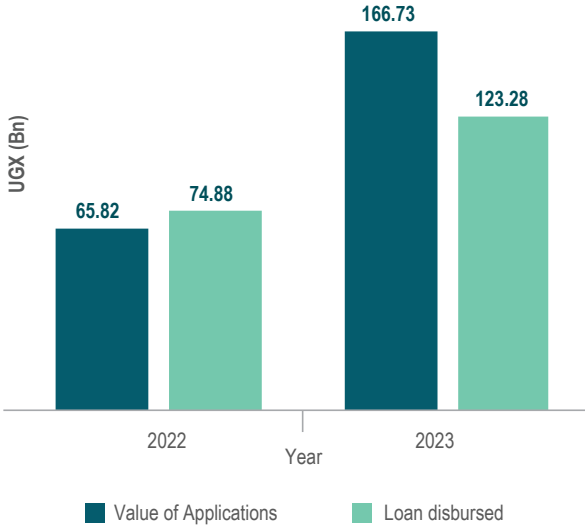
The UHRC further established that loans under the ACF increased by 14 percent in the year 2023 reflecting an increase in mechanisation and commercialisation of agriculture. The applications registered in 2023 were 1,458 up from 1,275 in 2022. Accordingly, value of loans applied for under the Facility increased by UGX 100.9 billion from UGX 65.82 billion in 2022 to UGX 166.73 billion in 2023 (153% increase). While disbursement increased by UGX 48.5 billion, from UGX 74.88 billion in 2022 to UGX 123.28 billion in 2023 (65%).¹⁶¹

Figure 13: Loans disbursed and recoveries made under the ACF



Source: Presentation by MoFPED to UHRC, 8th December, 2023

Figure 14: Value of loan applications and loans disbursed in FY 2022/2023 and FY 2021/22



Source: The Daily Monitor, Thursday, October 19th, 2023.¹⁶²

159 Presentation on the Right to Development: An Assessment of Government Programmes made on behalf of the PSST at UHRC Annual Report consultative meeting held on 7th December, 2023.
 160 Presentation on the Right to Development: An Assessment of Government Programmes presented on behalf of the PSST MoFPED at UHRC Annual Report consultative meeting held on 7th December, 2023.
 161 <https://www.monitor.co.ug/uganda/business/markets/hundreds-of-small-businesses-run-to-bank-of-uganda-to-access-cheaper-loans-4406190> - Last visited on 12th February, 2024.
 162 <https://www.monitor.co.ug/uganda/business/markets/hundreds-of-small-businesses-run-to-bank-of-uganda-to-access-cheaper-loans-4406190>- Last visited on 27th February, 2024.

5.2.8 Presidential Initiative for Skilling the Girl/ Boy Child

Skilling for the Girl/ Boy Child programme was initiated by the President of the Republic of Uganda in 2017 with the aim of empowering underprivileged youth in Kampala through skilling. Since inception to October 2023, 35,728 students had enrolled in the programme and in early October, 2023, 16,797 beneficiaries graduated. Most of the beneficiaries were street children and those from slum areas. The programme enrolled persons aged between 16 to 35 years and no other qualifications were required.¹⁶³ The programme primarily operated within five divisions of Kampala; Rubaga, Nakawa, Makindye, Kawempe, and Kampala Central through nine strategically located skilling centres.

The centres offered an extensive array of skills training, ranging from carpentry and shoemaking to electronics and bakery, among others. The UHRC established that the skilling centres were fully equipped and staffed with highly qualified instructors who provided comprehensive training. In addition, the training was structured as a six-month semester-based programme, culminating in certification through the Directorate of Industrial Training (DIT), a credential that not only validates the skills acquired but also opens doors to formal employment opportunities.¹⁶⁴

The programme was thus a beacon of hope given that it offered a lifeline to the country's youth who grapple with limited opportunities. In addition to addressing unemployment, the programme played a pivotal role in shaping the nation's future by empowering vulnerable urban youth with practical skills. This not only enhanced their self-reliance but also contributed significantly to crime reduction and the creation of a more prosperous society.¹⁶⁶

5.3 IMPACT OF SELECTED GOVERNMENT PROGRAMMES

Over the years the Government has designed and funded development programmes to improve wealth creation as a pathway for sustainable poverty eradication. This is believed to have culminated into improved livelihoods at household level, enhanced productivity, improved access to finance, commercialization of agriculture and availability of infrastructure like water for production and irrigation facilities, feeder roads and agro-processing equipment among others. The programmes assessed include; the YLP, PDM, UWEP, Emyooga, SBRF, Presidential Initiative on Skilling the Girl/Boy Child and ACF.



Some of the youth who enrolled for the Presidential Initiative in Skilling the Girl/Boy Child at the Wabigalo centre

163 <https://ubc.go.ug/2023/10/31/thousands-turn-up-for-presidential-skilling-program-registration/>- Last visited on 14th March, 2024.

164 <https://www.gcic.go.ug/the-inspiring-journey-of-skilling-centers-transforming-lives/>- Last visited on 14th March, 2024.

165 <https://ubc.go.ug/2023/10/31/thousands-turn-up-for-presidential-skilling-program-registration/>- Last visited on 14th March, 2024.

166 <https://www.gcic.go.ug/the-inspiring-journey-of-skilling-centers-transforming-lives/>- Last visited on 14th March, 2024.

5.3.1 Improved Livelihoods

A livelihood is defined as means of securing the basic necessities of life such as food, water, shelter and clothing.¹⁶⁷ UHRC established that livelihoods of beneficiaries and their households as well as communities had improved following implementation of the Government Programmes. For instance a grinding mill constructed by Lamoki Loyo Kwor Youth Group in Nwoya District in 2019 after they received funds from the YLP not only changed the lives of the beneficiaries for better but also the lives of the women in the area. The grinding mill removed the long-standing burden shouldered by women in the community, of grinding grain by hand or travelling long distances to access a mill.

As a result of the construction of the grinding mill, the women were not only able to provide food with more ease but also had more time to engage in other activities like farming that greatly improved their livelihood. The UHRC further established that the livelihoods of the beneficiaries and their households had improved tremendously because through their mill enterprise, they had each invested privately in grocery shops, butcheries, barber shops, tailoring businesses, agriculture as well as livestock farming which helped them in their daily needs.¹⁶⁸

The UHRC also established that through accessing the revolving fund under the YLP, the youths had accumulated assets that included; machinery, livestock, and physical assets such as land among others. These enabled them to increase their earnings, expand and diversify their enterprises and ultimately improved on their general standard of living.¹⁶⁹ In addition, it was found that through Emyooga, women had received funds that they had utilized to grow their businesses which had culminated into improvement in their living stan-

dards.¹⁷⁰ Beneficiaries of ksilling the girl/boy child too had acquired practical skills that had turned around their lives as many engaged in weaving, hair dressing and baking among others, which improved their livelihood.¹⁷¹

Relatedly UHRC established that as a result of Emyooga programme, a significant number of beneficiaries had accumulated some assets such as goats, poultry, mattresses, iron sheets, plots of land, household utensils, motorcycles, radios and chairs that had been utilised to further improve upon their livelihoods.¹⁷² For instance Rubabo Boda Boda Emyooga SACCO in Rukungiri comprising of 200 members, received UGX 30m and had grown their savings to UGX 289 million. The SACCO had procured 15 motor cycles for their members and assisted them in obtaining relevant documentation like permits which had gone a long way in improving their daily income and enhancing their livelihoods.¹⁷³ Furthermore, the YLP had improved the well-being of youths as evidenced from Apado Youth Grain Milling Project in Alebtong district which was established by a youth group comprised of seven members after they received UGX 11 million in August 2023.¹⁷⁴

Similarly, UHRC noted that the UWEP had tremendously improved the livelihoods of women and their households. For instance it was found that the incomes of women in Kabale district had greatly improved as a result of being beneficiaries to the UWEP fund and they were able to pay school fees for their children.¹⁷⁵ The UHRC further found that in Amudat district, malnutrition had reduced and access to basic needs had improved among the people, owing to improvement in livelihoods that had emanated from participation in different Government programmes.¹⁷⁶

167 <https://en.wikipedia.org/wiki/Livelihood> - Last visited on 14th February, 2024.

168 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

169 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

170 <https://newvision-media.s3.amazonaws.com/cms/5655ece1-c908-4f2c-bed6-5e6018120cd1.pdf> - Last visited on 7th February, 2024.

171 <https://www.gcic.go.ug/the-inspiring-journey-of-skilling-centers-transforming-lives/> - Last visited on 14th March, 2024.

172 UHRC's interaction with the District Community Development Officer and other Officials in Mbarara City in December, 2023.

173 https://www.newvision.co.ug/category/news/rukungiri-emyooga-saccos-grow-savings-share-c-NV_167732 - Last visited on 7th February, 2024.

174 UHRC's interaction with the beneficiaries and District Community Development Officer, Alebtong district in January, 2024.

175 UHRC's interaction with respondents in Kabale District in November, 2023.

176 UHRC interaction with Officials from Amudat DLG in January, 2024.

5.3.2 Enhanced Financial Inclusion and Improved Access to Credit

Accessing credit facilities from banks through conventional loans ordinarily requires one to have some collateral. However, UHRC found that accessing credit facilities through the YLP, PDM, Emyooga and UWEP among others, did not require collateral. This resulted into enhanced financial inclusion given that the targeted beneficiaries of these programmes that included; marginalised women, poor and unemployed youth, and subsistence farmers among others could not access conventional loans owing to lack of collateral.

Indeed, UHRC noted that one was not required to present any form of collateral in form of physical assets or other security such as land titles but rather the youth co-guaranteed each other to access the revolving funds under the YLP. Consequently, as of January, 2021, the Programme had led to an improvement in access to financial services by 4.5 percent. The percentage of beneficiaries with bank accounts had also increased from 21 percent in 2017 to 24.7 percent in 2018. This had enhanced their access to financial services such as savings, loans, business development advice and other banking services. In addition, it was established that since its inception, the YLP had disbursed UGX 162.972 billion to finance a total of 20,522 youth projects thereby benefiting 245,870 youth, 46 percent of them female.¹⁷⁷

Furthermore, according to the chairperson of Masindi Municipality Women Entrepreneurs Emyooga SACCO, Ms Margaret Birungi, Emyooga had enabled women to live better lives unlike before when getting funding for women's projects was difficult because they could not afford collateral required by the formal banking institutions to secure a loan. This was also echoed by Ms Florence Asaba, the chairperson Hoima West Women Entrepreneurs Emyooga SACCO, a dealer in produce and piggery in Hoima City, who stated that before she joined the Emyooga SACCO, her business was

struggling because she did not have enough capital to invest in it, but that after she received money from the SACCO, her businesses was growing. She also revealed that they initially got UGX 30 million as seed capital and later received an extra UGX 20 million after they had performed well in accordance with the set guidelines.¹⁷⁸

The UHRC further established that the terms of payment of the loans for majority of the programmes were very user friendly and the interest rate was much lower than what was provided for by commercial banks and other lending intuitions. For instance the loans under the YLP and the UWEP revolving funds were interest free for all repayments made within the first year and only 5 percent annual service fee was being charged for repayments exceeding one year to cater for inflation. Moreover the groups had up to three years to complete repayment of funds.¹⁷⁹ Furthermore PDM funds were interest-free while Emyooga and ACF loans were accessed at annual interest rates of 8 percent and 12 percent respectively which were much lower than the rates in commercial banks and other lending institutions that ranged from 20 percent and above.

5.3.3 Creation of Employment Opportunities

Furthermore, UHRC found that the programmes created employment opportunities beyond the beneficiaries as some enterprises and projects required additional labour. The unemployment rate in Uganda which is the measure of the number of people actively looking for a job against the existing labour force remained unchanged at 2.9 percent in 2023 and 2022¹⁸⁰. On the other hand, the youth unemployment rate was at 6.58 in 2022 up from 6.54 in 2021,¹⁸¹ thus a reduction in unemployment however small is a positive step. For instance Chelekura Youth Vegetable Growing Project in Pallisa that received UGX 10 million from the YLP in March 2019 and invested it in cultivating vegetables and fruits on a six acre piece of land¹⁸² utilized labour from other people given

177 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

178 <https://newvision-media.s3.amazonaws.com/cms/5655ece1-c908-4f2c-bed6-5e6018120cd1.pdf> - Last visited on 7th February, 2024.

179 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

180 <https://tradingeconomics.com/uganda/unemployment-rate/> - Last visited on 15th February, 2024.

181 <https://www.statista.com/statistics/813127/youth-unemployment-rate-in-uganda/> - Last visited on 15th February, 2024.

182 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

that six of their members abandoned the group. Furthermore, it was established that by January 2021, the YLP alone had had a positive contribution of 4 percent to job creation in the country. This was revealed to have been achieved through the creation of over 200,000 direct jobs and 500,000 indirect jobs through multiplier effects at household and community levels.¹⁸³

In addition, it was revealed by Honourable Evelyn Anite, the State Minister for Investment that the ACF had grown by over 25 percent, benefiting a total of 3,455 Ugandan farmers as well as small and medium enterprises, especially those engaged in agro-processing. She added that the fund had grown from an initial UGX 200 billion in 2009 to UGX 815 billion as of June, 2023.¹⁸⁴ This thus reflected an increase in number of job opportunities created over the years following the growth of the fund.

5.3.4 Contribution to the Consolidated Fund

It is a known fact that majority of the beneficiaries of programmes such as the UWEP, YLP, PDM, Emyooga, SBRF among others were operating informally and therefore did not contribute to the consolidated fund through taxation and other user fees such as registration. However, UHRC established that the percentage of youth with businesses paying taxes increased from 24.7 percent in 2017 to 29.1 percent in January, 2021. Similarly, improvement was observed in the proportion of youth that registered their businesses with authorities from 17.3 percent to 21.65 percent in the same period. This therefore implied that the businesses owned by the youth as a result of accessing funds through the programmes contributed to the consolidated fund through payment of taxes and other fees levied on registered businesses.¹⁸⁵

5.3.5 Contribution to import substitution

Furthermore, UHRC noted that the YLP had contributed to promotion of import substitution

as projects that were engaged in value addition were using locally available materials. Moreover, the items produced were being consumed locally some of which had previously been imported into the country. Examples include leather products such as shoes, women and men's sandals, wallets, belts and bags, banana wine, pineapples, mushrooms and hibiscus among others.¹⁸⁶ Skilling thus contributed to import substitution.

5.3.6 Mindset and Behavioural Change

The UHRC further found that through trainings on mindset change, group dynamics and other thematic areas, the YLP had led to a 10 percent decrease in the prevalence of alcohol consumption among the beneficiaries. Consequently significant progress was registered in rebuilding and refocusing the minds of the youth towards production. In addition, through the group approach, the youth and women were able to build networks which increased productivity amongst them, enhanced mutual trust and support thereby enhancing their social capital.¹⁸⁷ Similarly, UHRC established that the beneficiaries of Emyooga, through exchange visits facilitated by the Micro Support Centre, had obtained exposure to other entrepreneurs which had widened their scope of operation as well as market. Moreover, Skilling of the Girl /Boy programme that targeted vulnerable youth in Kampala helped beneficiaries overcome challenging lifestyles/situations like being associated with city gangs, engaging in street life, or hailing from extremely vulnerable families. The programme was found to have redirected the paths of the youths way from criminal activities through equipping them with valuable skills.¹⁸⁸

5.3.7 Skills Training

The UHRC noted that many beneficiaries of the programmes had acquired skills in different fields related to their enterprises as well as management of their enterprises. For instance a number of youths who were beneficiaries of Emyooga in

183 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last accessed on 14th February, 2024.

184 <https://www.harvestmoney.co.ug/agricultural-credit-facility-grows-to-sh800b/> - Last visited on 15th February 2024

185 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

186 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last accessed on 14th February, 2024.

187 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last accessed on 14th February, 2024.

188 <https://www.gcc.go.ug/the-inspiring-journey-of-skilling-centers-transforming-lives/> - Last visited on 14th March, 2024.

Sironko district had learnt entrepreneurial skills in the areas of financial management, leadership, management and business. The skills helped to boost their confidence to engage in business, boosted their business knowledge, stabilized their businesses and encouraged them to take calculated risks.¹⁸⁹ Relatedly, it was established that Apado Grinding Mill Youth Group had acquired skills in business and financial management which helped them track the progress of their business.¹⁹⁰

5.3.8 Realisation of other Human Rights

The UHRC established that as a result of improvement in livelihoods emanating from engagement in income generating activities such as operating retail shops; boda bodas; carpentry; welding; dealing in produce; farming; and handcrafts among others by the beneficiaries of the different programmes, corresponding realization of other human rights was registered. It was for instance found that the beneficiaries were able to access health services, improve on their feeding, housing as well educate their children. This was echoed by Ms Margret Birungi a member of Emyooga SACCO in Hoima City who stated that all the members had benefited from their businesses and were able to pay school fees for their children as well as improve their welfare at home. Another beneficiary of Emyooga Ms. Sarah Monday, a member of Masindi Municipality Women Entrepreneurs' SACCO, who dealt in handicrafts had this to say, *"I first received UGX 1.2 million that I invested in my handicraft business which has helped me pay school fees for my children. Paying back has not been difficult because the money belongs to the SACCO members and at very low-interest rates"*.¹⁹¹

Similarly, UHRC noted that with the improvement in livelihoods of beneficiaries of the various programmes, realization of other human rights were enhanced. It was found that after acquiring funds, people engaged in enterprises and were able to access medical care, education for their children as well as afford good meals.¹⁹²

5.4 CHALLENGES IN IMPLEMENTATION OF SELECTED GOVERNMENT PROGRAMMES

Whereas the Government put in place programmes to facilitate the socio-economic transformation of average households from subsistence production to the money economy and market-oriented production and thus enable the beneficiaries escape from poverty, implementation across the country was negatively affected by a number of challenges thereby curtailing their impact on the households, communities and the entire economy. The challenges were found to include; poverty, inadequate funding, negative mindset of the beneficiaries, irregularities in selection of beneficiaries as well as in disbursement of funds, corruption, natural disasters, low recovery rate, and lack of capacity by some DLGs to monitor the programmes, among others.

5.4.1 Inadequate Funding

Like other programmes in the country that rarely received adequate funding due to limited resources amidst many demands, the YLP, Emyooga, UWEP and PDM suffered from funding challenges. The UHRC established that some programmes had not been allocated adequate funds to enable effective implementation by the beneficiaries in order to cause social economic transformation. For instance it was found that the YLP had since inception cumulatively received UGX 207.248 billion out of an approved budget of UGX 314.672 billion (66%) by 2021.¹⁹³ This therefore implied that not all targeted beneficiaries were reached. Moreover, some of the youth interest groups that benefited from YLP revealed that the funds they had received were not adequate enough for them to undertake economically viable projects that would create a multiplier effect in terms of growing their scope of investment as well as creating employment opportunities for other youth in the community.¹⁹⁴

189 A research Conducted by Mafabi Dickson in January, 2023 available at <http://dissertations.mak.ac.ug/bitstream/handle/20.500.12281/14373/Mafabi-CHUSS-BSWSA.pdf?sequence=1> - Last visited on 15th February, 2024.

190 UHRC's interaction with members of Apado Youth group in Alebtong district in ----

191 <https://newvision-media.s3.amazonaws.com/cms/5655ece1-c908-4f2c-bed6-5e6018120cd1.pdf> - Last visited on 7th February, 2024

192 UHRC's interaction with respondents in Kabale district in November, 2023.

193 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

194 UHRC's interaction with beneficiaries in Mbarara district in December, 2023.

5.4.2 Poverty

Whereas the programmes were aimed at lifting people from a subsistence economy to the money economy, increasing employment opportunities and breaking barriers to accessing credit among others which ultimately would result into poverty alleviation and social economic transformation of the country, the poverty rate in the country did not register a remarkable change in 2023. According to the Uganda National Household Survey (UNHS) 2019/2020, the national poverty rate was at 20.3 percent down from 21.4 percent in 2016/17. It was however noted that the reduction was not significant given that in absolute numbers, the persons living in poverty had increased from 8 million to 8.3 million respectively over the same period. This implied that, one in five persons in Uganda lived in poverty.¹⁹⁵ Moreover, a World Bank Report that was released in May 2023, revealed that the national poverty rate was at 30.1 percent (rural 33.8% and urban 19.8%).¹⁹⁶

Similarly, UHRC established that owing to lack of resources by some of the beneficiaries to meet their basic needs such as food, housing and clothing, they had abandoned the ventures for which they received the funds. They had instead used the funds to meet their short term basic needs that were more pressing to them than improving their livelihoods which would have long term benefit. For instance a one Abia Kakayi of Namisindwa district when asked about the progress of her project that was funded under the PDM had this to say, *'I received one million shillings intended for planting onions however my house was about to collapse and I did not have any money to repair it. I hence used the money to repair the house instead.'*¹⁹⁷

It was further revealed that a number of the beneficiaries of the revolving funds under YLP, UWEF and PDM had utilised either all or part of the funds they had received for paying school fees for their

children, feeding, as well as medical care among others. The beneficiaries had therefore failed to implement the projects for which they had been funded thereby jeopardising the aims of the programmes and exposing their households to perpetual poverty. It was also established that PDM Pillar 1 which is on Production, Storage, Processing and Marketing required that one should have land to benefit from services under Pillar 3 on Financial Inclusion yet owing to poverty some would-be beneficiaries did not have land.¹⁹⁸ Poverty thus resulted into exclusion of would-be beneficiary households thereby exposing them to intergenerational poverty.

5.4.3 Negative Mindset and Negative Practices

The UHRC further established that implementation of some of the programmes suffered a challenge of negative mindset and bad practices by the beneficiaries that had resulted into diversion of funds. It was reported for instance that some youths had a negative mindset about the kind of projects that would attract funding under the YLP through the youth interest groups. Hence a number of the beneficiaries had instead shared the money amongst themselves and abandoned the ventures which they had intended to implement using the revolving fund. It was revealed that some had utilised it for other purposes such as betting, buying food, buying smart phones and marrying wives.¹⁹⁹

The matter was said to have been exacerbated by the fact that many youths lacked fixed assets like land that would enable them to concentrate on productive activities to in order pay the money back²⁰⁰. It was further established that alcoholism in Karamoja sub region had affected the productivity of the youth who had instead diverted funds received for investment to drinking.²⁰¹

195 https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf - Last visited on 14th February, 2024

196 <https://www.monitor.co.ug/uganda/news/national/eastern-northern-regions-top-in-poverty-wb-report-4231850> - Last visited on 13th February, 2024.

197 UHRC's interaction with a PDM beneficiary in Namisindwa district in December, 2023.

198 UHRC's interaction with the LCV Chairperson Mbarara District, Ag. DCDO Mbarara City and Executive Director, Kakiika Womens' Group in Mbarara District in December, 2023.

199 UHRC's interaction with respondents in Karenga district, Kabale and Mbarara City in November and December, 2023 and January 2024.

200 UHRC's interaction with LCV Chairperson Mbarara District, Ag. DCDO Mbarara City and Executive Director, Kakiika Womens' Group in Mbarara District in December, 2023.

201 UHRC's interaction with District Local Government Officials in Karenga and Amudat districts in January, 2023.

The UHRC also found that some programmes had suffered as a result of the negative mindset of some of the beneficiaries more so the youth who perceived the revolving fund as intended to improve their livelihood and contribute towards promotion of the right to development as 'free money'. They thus either invested part of the funds or misappropriated it altogether. For instance, it was found that the YLP had almost made no progress in Otuke district because a lot of money that had been injected into the interest groups had been perceived as 'free money' given to the people by the Government.²⁰² Relatedly the YLP in Alebtong district was revealed to have been the most disastrous in the district without any tangible achievement.²⁰³

5.4.4 Effect of Natural Disasters

In addition, UHRC found that the performance of some of the programmes had been negatively affected by natural disasters. It was for instance revealed that in Nwoya district, most of the Emyooga SACCO members had invested the loans in agriculture which had been heavily affected by drastic changes in weather patterns that had resulted in low yields.²⁰⁴ It should be noted that low yields as well as bumper harvests without post-handling services culminated into low sales. This ultimately had negatively impacted on the intended aim of the programme with regard to getting people out of subsistence into the money

economy.

5.4.5 Low Recovery Rate

The Commission established that recovery of funds under the revolving funds of the YLP and the UWEP as well as loans under the Emyooga and ACF was below average. This was attributed to; misappropriation of funds owing to negative attitude of the beneficiaries that was exacerbated by poverty, natural disasters, insecurity in Karamoja as well as low yields as a result of poor weather patterns. Other factors included; destruction of crops by wild animals among the communities living around Kidepo National Game Park and poor health that affected productivity of the people, among others.

The Commission for instance established that in Kayunga district, 54 SACCOS and 93 Emyooga associations had received UGX 1.68 billion yet recoveries stood at UGX 580 million and a total of 1.1 billion remained outstanding, thus the district's performance was at 25 percent, revealed to be below average²⁰⁵. It was also established that out of the UGX 1.2 billion Emyooga funds received by Otuke District in 2022, only UGX 18 million had been recovered in 2023 after some arrests had been made.²⁰⁶

Consequently, the low rate of recovery of the funds and loans limited revolving of funds to finance new projects, which was detrimental to the intended social-economic transformation of the country.



Kayunga District Emyooga Task Force Committee in joint meeting with a team from Microfinance Support Centre.

202 UHRC's interaction with the DISO of Otuke district in December, 2023.

203 UHRC's interaction with the Deputy Resident Commissioner of Alebtong district in December, 2023

204 <https://thecooperator.news/emyooga-nwoya-district-struggling-to-recover-over-shs-500mln/>- Last visted on 7th February, 2024

205 <https://kayunga.go.ug/emyooga-task-force-meeting-held-14112023-> Last visited on 7th February 2024.

206 UHRC's interaction with District officials in Otuke district in December, 2023.

5.4.6 Irregularities in Selection of Beneficiaries and Disbursement of Funds

The Commission noted that in some local governments, selection of beneficiaries as well as disbursement of funds to the beneficiaries were marred by irregularities. The irregularities were attributed to deliberate violation of guidelines by some stakeholders such as community development officers and sub-county chiefs.²⁰⁷ It was further revealed that there was no fairness and equity in selection of beneficiaries as well as disbursement of funds to beneficiaries owing to interference by people in authority. It was for instance alleged that during selection of beneficiaries of the PDM in Butebo district, the process had been manipulated to benefit a few people many of whom were closely related to those in authority.²⁰⁸

In addition, it was found that the unfairness in the disbursement of the funds had been compounded by corruption. It was reported that in Kyanamila sub county, Kabale district, some beneficiaries had received UGX 500,000 instead of UGX 1,000,000. It is a known fact that some of the programmes benefited people outside the scope of the targeted population such as civil servants and political leaders. Consequently, the targeted recipients of these programmes benefited minimally, resulting into more vulnerability.

5.4.7 Inadequate Information and Sensitization about available Programmes

In addition, UHRC established that lack of adequate information as well as sensitization about the available programmes negatively affected their accessibility and implementation. It was for instance revealed that would-be beneficiaries of the ACF were not aware of its availability because PFIs preferred promotion of loans that attracted higher interest rates than the ACF.²⁰⁹ Moreover, it was noted that some of the beneficiaries of these programmes were not adequately sensitized about the terms and conditions of the programmes

resulting into misappropriation of the funds received. Some other targeted citizens were not aware of the development programmes and hence did not participate. This therefore defeated the purpose for which the programmes were designed.

The UHRC further established that some of the beneficiaries did not possess the requisite skills to manage and sustain their funded enterprises that had culminated into losses and consequently defeating the aim of the programmes. For instance Ms Mujuni Peace a resident of Rwobuyenje village, Kakiika parish, Mbarara City North Division shared about her experience, *“In 2018 I got money under the UWEP programme to operate a wine business under the name of PEM Wine. The business started well. We were able to get the first round of production successfully. On the second round, the products did not come out because of a bacteria infestation as a result of some processes that did not go well owing to lack of adequate knowledge. The situation was exacerbated by COVID-19 and I could not get more capital to revive the business. The city leadership had promised to give us some more money under the programme but I am hesitant to re-engage much as I have the equipment to use”*.²¹⁰

5.4.8 Inadequate Capacity by Officials at Local Governments

Furthermore, UHRC established that low technical capacity in some LGs such as understaffing, slow action and inadequate facilitation negatively affected performance of the programmes.²¹¹

It was noted that whereas there was need to recover funds to allow for the fund to revolve as well as to enable more people access loans under other programmes like Emyooga, the offices that were tasked with the responsibility were not adequately facilitated.²¹² It was for instance observed that the Department of Community Based Services in Namayingo district did not have adequate transport to regularly monitor the performance of the

207 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

208 UHRC's interaction with PDM beneficiaries in Butebo District in January, 2024.

209 https://www.newvision.co.ug/category/news/agricultural-loans-bou-woos-bunyoro-farmers-NV_176909- Last visited on 15th February, 2024.

210 UHRC's interaction with a beneficiary of the UWEP in Mbarara City in February, 2024.

211 <https://mglsd.go.ug/wp-content/uploads/2021/03/YLP-IMPLEMENTATION-PROGRESS-REPORT-Jan-2021.pdf> - Last visited on 14th February, 2024.

212 Response from the DCDO, Mbarara District Local Government

programmes. The district community development officer and one community development officer lacked official transport while three community development officers had old motorcycles.²¹³

5.4.9 Inadequate Participation by Beneficiaries/ Stakeholders

It was further found by the UHRC that there was inadequate active, free and meaningful participation right from designing of the programmes up to deciding on the mode of implementation. It should be noted that underpinning the right to development is the principle of active, free and meaningful participation which connotes that stakeholders are included in every facet of the development process, ensuring they understand and have the capacity to make decisions about the project, and respecting the right of the local population to decline a project.²¹⁴ It was noted that the Programmes were an imposition on the beneficiaries given that they had not been consulted.²¹⁵

5.4.10 Other Challenges in Implementation of the Programmes

Other factors that negatively affected implementation of the Government development programmes included; insecurity in Karamoja sub region, bureaucracy by Government officials and poor road infrastructure.

Insecurity in Karamoja sub region was revealed to have affected productivity of the beneficiaries. This resulted into low recovery that constrained revolving of the funds. It was also noted that owing to delays as a result of bureaucracy by Government, the disbursement of PDM funds to Karenga DLG delayed hence beneficiaries who had identified agriculture as an enterprise could not access the money because the season had already passed and they had to wait for following year, 2024. In addition, poor road infrastructure inhibited access to the community thereby increasing the cost of doing business, and affecting productivity that not only resulted into low recoveries but also limited revolving of the funds.²¹⁶

5.5 GOVERNMENT INTERVENTIONS TO ADDRESS CHALLENGES IN IMPLEMENTATION OF THE PROGRAMMES

Interventions by the Government focused on mitigation of the challenges the programmes faced during implementation in order to ensure that their intended purpose of bringing about social economic transformation in the country is achieved. The interventions are highlighted below;

- i) Regular support to the local governments by the MGLSD in collaboration with the Ministry of Local Government as well as involvement of accountability and enforcement agencies such as the Inspectorate of Government in invoking sanctions and administrative and legal actions against DLG officials that deliberately violate the YLP guidelines.
- ii) There is provision for rescheduling of repayments and or refinancing of projects genuinely affected by natural calamities under the YLP, UWEP, Emyooga and SBRF among others.
- iii) The MGLSD and DLGs have embarked on regular stakeholder sensitization and media programmes to mobilize beneficiaries for recovery of funds.
- iv) The MGLSD has developed a simplified template for the group constitution to provide benchmarks and standards to enhance group cohesion for YLP, UWEP and Emyooga programmes.
- v) The MGLSD reviewed guidelines for the YLP to facilitate increase in the uptake of the loans. In addition, the MoFPED removed prohibitive provisions from the MOU to facilitate more borrowers to access the ACF.
- vi) Local governments stepped up their provision of routine technical support to provide guidance to those beneficiaries who may be facing challenges in their enterprises, in a bid to limit unplanned diversions of project funds and enhance recoveries.

213 UHRC's interaction with the DCDO Namayingo DLG in February, 2023.

214 <https://www.escri-net.org/resources/practitioners-guide-rights-based-approach-participation> _ Last visited on 19th February, 2024.

215 UHRC's interaction with respondents from Karenga and Amudat districts in January, 2024.

216 UHRC's interaction with respondents in Karenga district in January, 2024.

vii) Plans are underway to engage an agro-insurance consortium to undertake mass sensitization on agriculture insurance to fortify the beneficiaries against natural calamities.

5.6 RECOMMENDATIONS

Despite interventions made by the Government, challenges in implementation of the programmes still abound. There is therefore need for further intervention as recommended below;

1. The MoFPED should increase funding to the programmes under the revolving funds to enable increase of beneficiaries to bring about the desired change of social economic transformation in the country.
2. The MoFPED and the MGLSD should support certification and registration of the Emyooga products with UNBS and URSB respectively to increase productivity and improve marketing. This would assist enterprises to scale up to allow for integration into supply chains and Government procurement systems.

3. The MoFPED should adequately fund and retool the departments of community based services and production at the DLGs and ULGs to enable them to adequately undertake supervision, monitoring as well as offer extension services to beneficiaries.

4. The Government through the MAAIF and MGLSD should encourage and make affordable, climate-smart technologies to provide resilience to the beneficiaries that engage in agricultural enterprises.

5.7 CONCLUSION

The right to development is a cornerstone of holistic development in the country. While the Government has designed, implemented and continues to implement different development programmes ultimately geared towards alleviation of poverty and therefore bringing about social economic transformation in the country, there is need to fully apply human rights approaches throughout the entire processes in order to leave no one behind. This will culminate into fair and equitable distribution of resources and hence realisation of the right to development for all.

THE 2023 ADF TERROR ATTACKS IN KASESE

6.0 INTRODUCTION

The Allied Democratic Forces (ADF) is a rebel group whose members are Islamic fundamentalists who wish to topple the Government and establish Sharia law in Uganda. The ADF, originally a Ugandan-based insurgency, now operates in eastern DRC as its base and is listed as a terrorist organization. In June 2023, ADF rebels made several attacks in Kasese, including a devastating attack on a secondary school in Mpondwe Lhubiriha Town Council. The tragic incident resulted in the loss of 42 lives including 38 students. The assailants used petrol bombs and machetes in this attack which was similar to the Kichwamba massacre of 1998 where ADF militants killed 80 students.

6.1 LEGAL AND POLICY FRAMEWORK

6.1.1 International Legal Framework

The international human rights law and the international humanitarian law are the two principle legal entities applicable to armed conflict. Whereas the former is designed to protect and promote human rights of all persons even in situations of armed conflict, the latter seeks to limit the effects of armed conflict. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare.

International human rights law includes the UDHR, the ICESCR and the ICCPR. Article 3 of the Universal UDHR states that everyone has the right to life, liberty, and security. It is fundamental to the enjoyment of all other rights. The ICCPR in Article 6 states that every human being has the inherent

right to life. This right shall be protected by law and no one shall be arbitrarily deprived of his life.²¹⁷

The International humanitarian law consists of the Geneva Conventions that are a set of four international treaties that establish the standards of conduct during armed conflicts and the protection of civilians and persons of war. They contain guidelines for the treatment of the sick, wounded and shipwrecked soldiers.

The International Criminal Court was established by the Rome Statute of the International Criminal Court(1998) to investigate, prosecute and try individuals accused of genocide, war crimes and crimes against humanity and to impose prison sentences upon individuals who are found guilty of such crimes. The ICC and the laws of the Geneva Conventions are very instrumental in ensuring accountability for war crimes and violations of international human rights and humanitarian laws.

6.1.2 Regional Legal Framework

Article 11 of the ACHPR states that “State parties shall in accordance with the obligations incumbent upon them under international humanitarian law protect civilians including women, irrespective of the population to which they belong in the event of armed conflict”.²¹⁸

6.1.3 National Legal Framework

Article 3(1) of the 1995 Constitution of Uganda prohibits any person or group of persons to take or retain control of the Government of Uganda except in accordance with the provisions of the Constitution.²¹⁹ The National Objectives and Directive Principles of State Policy IV enjoins the state

²¹⁷ ICCPR

²¹⁸ ACHPR

²¹⁹ The Constitution of the Republic of Uganda,1995



Musa Baluku, the ADF Leader (Centre) with his other Commanders²²¹

and citizens of Uganda at all times to defend the independence, sovereignty and territorial integrity of Uganda.²²⁰

The Amnesty Act, 2000 provides for amnesty for Ugandans involved in acts of war-like nature in various parts of the country.²²²

6.2 BACKGROUND OF THE ALLIED DEMOCRATIC FORCES

The ADF is a rebel movement that was formed in September 1995 to oust the Government. It's establishment followed an alliance between the National Army for Liberation of Uganda (NALU) a rebel faction operating in the Rwenzori Region and two Moslem Tabliq sects – the Uganda Muslim Salvation Front (UMSF) and the Uganda Muslim Freedom Fighters (UMFF). The ADF roots, can also be traced to the 1991 violent attack on Old Kampala Mosque by the Tabliqs leading to the jailing of Jamir Mukulu and about 400 others, attempting to take control over Uganda Muslim Supreme Council.²²³ These were arrested and charged before courts of law.

Upon their release 1994, the group formed the Salafi Foundation (Jihadists) and fled to Hoima in western Uganda where they set up training bases. The direct confrontation between the Salafi Jihadists and the Government started in 1995 in Buseruka (Hoima) where their bases were overrun by the UPDF forcing them to flee to the DRC, where they linked up with NALU to form the ADF as a multi-ethnic front. The new alliance (calling itself ADF/NALU) also included West Nile Bank Front fighters who were loyal to former Ugandan President Idi Amin and allegedly backed by some foreign Governments.²²⁴

On 13th November 1996, the ADF/NALU launched their first attack in Mpondwe Town on the Uganda-DRC border in Kasese District. They were repulsed by the UPDF and then retreated with huge casualties mainly back to the DRC. However, others fled and took refuge into the vast Rwenzori Mountain areas where they continued to wreak havoc for many years that followed. The ADF operations remained a localized threat between 1996 and 2001 and inflicted substantial suffering on the population in areas of the Rwenzori sub-region especially in the districts of Kasese, Bundibugyo, Kabarole, Kyenjojo and Mubende. Other Districts

220 ibid

221 <https://www.thedefensepost.com>

222 The Amnesty Act,2000

223 <https://africacenter.org/spotlight/the-ever-adaptive-allied-democratic-forces-insurgency/> Accessed on 27th March 2024

224 <https://ucdp.uu.se/conflict/314> accessed February,2024

like Rubirizi, Kagadi, Kisoro and Kanungu were also affected by ADF in the period between 2001 to 2006. The group is currently operating in the DRC but constantly crosses over to carry out acts of terrorism in Kasese and other parts of the country. The ADF has committed gross human rights violations against humanity for which it must be held accountable.

6.2.1 ADF Leadership Structure

The ADF leadership structure has largely been obscure. However, by 2013 Jamil Mukulu was the overall spiritual and political leader of ADF. Other top leaders included Hood Lukwago as the military commander, Amis Kasadha as deputy military commander, Musa Baluku as the chief judge and chief political commissar. Mohamed Kayiira as the head of combat operations, Benjamin Kisokeranio as the head of internal intelligence and Filipino Bogere as the head of special operations. Other notable leaders included, Ssengooba Kyakonye Mukongozzi, Zubair Naseem Atamvaku, Henry Matovu and Goretti Nabulime among others.

Jamil Mukulu led the ADF up to 30th April, 2015 when he was arrested by Tanzanian forces and extradited to Uganda where he is currently imprisoned in Luzira Maximum Prison facing multiple charges including crimes against humanity. After his arrest, the ADF leadership was assumed by Musa Baluku.

6.2.2 Objectives of the ADF Movement

Although the ADF has been described as “a rebellion without a cause”²²⁵, the group espouses both political and religious motives. The ADF has been said to pursue a radical Islamic agenda to overthrow the NRM Government led by President Yoweri Museveni and replace it with an Islamic state based on Sharia law²²⁶. The group’s leadership and early members had links with the Jamaat al-Tabligh movement and were actively involved

in Uganda’s Salafist movements.²²⁷ Ex-combatants have said that the group follows strict Sharia law in its conduct and operations²²⁸. It should however be noted that recently, the ADF has taken on a more violent extremist ideology. Researchers have said that some online propaganda contentment posted by some ADF members between 2016 and 2017 indicate a “shift in the rhetoric employed by the movement, from a war against the Ugandan Government to a broader struggle for Islam,”²²⁹. For instance, it is reported that in some of the videos posted, some ADF members say that they derive happiness from “slaughtering the kafiris” (non-believers), who were “trying to fight Islam” and “infidels who hate the Quran.”²³⁰

The ADF has used the name Madina at Tauheed Wau Mujahedeen (City of Monotheism and Holy Warriors—MTM) to either refer to itself as an organization or to ADF’s headquarters camp since at least 2012. This is a reflection of international jihadist groups like Al Qaeda. The group has used violent and gruesome methods including beheadings and suicide bombings common to similar groups. Some sources have quoted the Congo Research Group saying there is evidence to link the ADF to other international extremist groups including the ISS, Al-Shabaab, Boko Haram and Al Qaeda.²³¹



ADF flag with the words, “Madina at Tauheed Wau Mujahedeen (MTM)” – The City of Monotheism and Holy Warriors.

225 <https://www.tandfonline.com/doi/epdf/10.1080/17531055.2012.664708?needAccess=true> Accessed on 27/02/2024

226 https://www.thedefensepost.com/2018/12/04/tentative-ties-allied-democratic-forces-isis-dr-congo/?expand_article=1 Accessed on 29/02/2024

227 *ibid*

228 Presentation on “Kasese ADF Terror Attacks and Human Rights Implications”, by Moses Baluku, ex ADF Child Soldier and Executive Director FORARO made at the 26th Annual Report consultative meeting (December, 2023)

229 <https://www.thedefensepost.com>

230 *ibid*

231 *ibid*

232 <https://www.thedefensepost.com>

However, there is debate on the actual motive of the ADF with some others arguing that this could be a strategy for the group to achieve its political goals. It has been said that the ADF was born out of discontent with its founders claiming excessive marginalization of Muslims in Uganda by the Government²³³.

Many of the ADF recruits in the 1990s joined the group because they were frustrated with the Ugandan political system.²³⁴ In 1997, the ADF produced a manifesto in which they explained that their objective was to overthrow the Government of Uganda. At one point, they sent an invitation to the President for talks. Many times, they threatened to attack Ugandans and foreign citizens of Western countries that render support to President Museveni²³⁵. The ADF also promised to re-write the National Constitution by removing “articles unacceptable to Ugandans and to hold multi-party elections within two years upon taking over power and hand over to a democratically-elected president. However, recently the political agenda seems to have vanished and given way to the more violent extremist agenda²³⁶.

6.2.3 ADF Locations

The ADF has been part of the complex social-economic and political factors at play in the East African Region. The restive Eastern DRC region has produced a multitude of armed groups which has helped the ADF to thrive in the DRC²³⁷. According to Titecak, et al (2012)²³⁸, the Congolese conflicts of 1996-2003 led to the establishment of many armed actors having several shifting alliances leading to the “fragmentation of the Congolese-Ugandan-Burundian border region”²³⁹. Armed groups like the ADF turned into proxy forces serving the interests of other actors.

At different times, the ADF was allegedly used by the Sudanese and Congolese Governments in

their schemes to destabilize the Ugandan Government²⁴⁰. Furthermore, past successive Governments in the DRC, also rendered support to the ADF in order to disrupt the Ugandan and Rwandan military presence in their country²⁴¹. Besides this, the ADF has been a beneficiary of the Islamic networks that have played a role in providing it (ADF) with external support in their objective of establishing an Islamic state in Uganda²⁴².

6.2.4 ADF Support Base

Initially, the ADF external support base was allegedly said to be mainly Sudan and Zaire (*now DRC*) under the then presidents Omar Bashir and Mobutu Sese Sseko respectively. After 2001 the ADF transformed itself into a transnational threat operating outside Uganda’s borders, exploiting the existing ungoverned spaces. It therefore continued to recruit from DRC, Rwanda, Tanzania, Burundi, Kenya and Somalia, thus posing a threat to the whole region. The ADF has been linked with other international terrorist organizations including the Islamic State, Al-Shabaab and Al-Qaeda²⁴³. The group has been designated as a terrorist group by the US State Department and has also labelled it “Islamic State of Iraq and Syria – Democratic Republic of the Congo (ISIS-DRC)²⁴⁴.

In 2019, the Islamic State claimed responsibility for an ADF attack in Central Africa. The Islamic State group has in the past claimed that ADF is its Central African offshoot. It has been reported that Jamil Mukulu received extensive Al-Qaeda training in Sudan and Afghanistan following his stay with the late Osama Bin Laden (the then Al-Qaeda leader) in Sudan between 1991 and 1996. The link between ADF and Al-Shabaab also became noticeable after 2006. A special security report on East Africa by the Max Security Solution published in September 2013 indicated that Al-Shabaab fighters from Somalia have been fighting with the ADF, helping to orchestrate the operations.

233 <https://www.africa.upenn.edu/Hornet/irin-120899c.html>

234 KTiteca & V.Koen, “Rebels without borders in the rwenzori borderland? A biography of the allied democratic forces”(2012)

235 ibid

236 ibid

237 KTiteca & V.Koen, “Rebels without borders in the rwenzori borderland? A biography of the allied democratic forces”(2012)

238 ibid

239 ibid

240 ibid

241 ibid

242 ibid

243 <https://extremism.gwu.edu>

244 <https://www.africa.upenn.edu/Hornet/irin-120899c.html>

The ADF's local support base was mainly from areas such as Busoga, Buganda and Western Uganda where there are large sections of poor and radicalized Muslim populations. In particular, recruiters in the ADF ranks targeted three risk groups namely, children, new converts and common criminals. The recruitment process did not only take place in mosques but also targeted prisons, refugee centres and places with many immigrants, which were venues susceptible for activities designed to convert young Muslims into militants. The recruiters usually tried to disguise as providing guidance to the target groups to the right path, while also addressing their welfare concerns.

6.3 SITUATION ANALYSIS

6.3.1 Past ADF Terror Attacks In Kasese

The first attack in Kasese District was in towns and villages of Bwera in Mpondwe-Lhubiriha Town Council on 13th November 1996. Approximately 50 people were killed and another 25,000 displaced. On 16/08/1997, the rebels attacked St. John's Minor Seminary in Kiburara, Kasese District where they killed 17 students, abducted around 21 students and 2 school workers and burnt 2 school trucks. They also looted other school property. In the years between 1997 and 2006, the rebels carried out heinous attacks on several villages and towns across the district including Kasese Town itself where, in a night attack, an unspecified number of people were killed and several properties including vehicles burnt. Other areas included Kyondo Village (Kyondo Subcounty), where 19 people were killed on 10th October 1997, Kaberere Village (Kyondo Subcounty) with 197 killed, Nyabirongo Village (Kisinga Subcounty), 6 people abducted, Nyaruzigati Village (Lake Katwe Subcounty) 29 people killed and Kabingo Primary School, 5 farmers killed. In Kitholhu Subcounty, the rebels killed the entire LC1 Executive Committee of a village.²⁴⁵

6.3.2 ADF Attack on Mpondwe-Lhubiriha Secondary School

On the night of Friday 16/06/2023, ADF rebels attacked Mpondwe-Lhubiriha Secondary School

in Mpondwe-Lhubiriha Town Council, Kasese District and killed 42 people including 37 students, community members and 1 security guard. Six students were abducted and 8 were admitted in hospital in critical condition. Twenty students were reportedly hacked with machetes before the rebels threw a grenade into the dormitory killing 17 other students with some bodies burnt beyond recognition²⁴⁶.

6.3.3 Ambush on a Trailer

On Friday 13/10/2023 at around 1.00 am, ADF rebels ambushed a trailer at Katojo junction along the Bwera-Kinyamaseke-Kasese highway and shot dead the driver, Joseph Matovu and a female passenger called Biira Nzoghera. They burnt Biira to ashes. Two other people including the turn man, Magyezi Assyline Munezera and another passenger called Edreda Biira survived with bullet wounds.²⁴⁷

6.3.4 Attack on Tourists

On Tuesday 17/10/2023 ADF rebels suspected to have crossed from the DRC attacked a tourist vehicle along the Katunguru-Katwe road in Queen Elizabeth National Park, Kasese District and killed two foreign tourists named David Barlow and his wife Emmaretia Geyer Barlow. Their Ugandan tour guide Eric Ayai was also killed. David was a British national while Geyer was a South African who were said to have recently married and were on honeymoon. In the attack, the rebels burnt the land cruiser vehicle registration number UBF 303 C belonging to Wild Gorilla Safaris²⁴⁸.

6.3.5 Attack on a family in Ngoko Village, Kisinga Subcounty, Kasese District

On 5/12/2023 ADF rebels attacked a family in Ngoko Village, Kisinga Subcounty Kasese District and hacked to death a 47 year old lady called Betty Biira. They also cut her 14 year old nephew Harrison Masereka with an axe on the head but he survived. It was reported that a one Aston Agaba aged 50 years was abducted in that night raid. In the same attack, the rebels looted maize and other food items from the village gardens.²⁴⁹

245 <https://www.newvision.co.ug>

246 Uganda Police website: <https://www.upf.go.ug>

247 The Nile Post Online

248 The Observer Newspaper

249 The Daily Monitor



Trailer burnt by the ADF at Katojo along the Bwera-Kasese Highway. © The Daily Monitor Newspaper



A cordoned off area after the ADF attack at Kyabandara



Bunk beds and a few personal items are all that was left in the burnt-out boys' dormitory of Mpondwe Lhubiriha Sec School.



The burnt house in which three victims died in an ADF attack in Nyabitutsi Village © The Observer



A tourist vehicle burning following the ADF attack in Kasese



One of the dormitories burnt by the ADF during the attack at Mpondwe Lhubiriha Secondary School.

6.3.6 ADF Attacks in Kamwenge District

From Kasese, the rebels crossed over to the neighbouring Kamwenge District and terrorized the district in two separate attacks. On 18th December 2023, in Kyabandara Parish, Kamwenge Sub-County at around 1.00 am, they hacked to death 6 people who were out in the gardens guarding their crops from monkeys around Kibaale Forest. They then proceeded to Kyitehurizi Trading Centre at around 2.00 am and burnt four people in a house. After the incident, they broke into a store and looted produce including 300kgs of beans, a sack of irish potatoes, 3 trays of eggs and 50 kgs of maize. They also set a motorcycle ablaze.²⁵⁰

On the Christmas night, ADF rebels attacked Nyabitutsi Village in Businge Parish, Kamwenge Subcounty and set a house ablaze killing three people including an elderly lady called Adrine Ngwabiji (78) and her two grandchildren: Ammon Niwalinda (5) and Mathias Byamukama (13). They also looted 10 goats and 5 cows.²⁵¹

In November 2021, Uganda and the DRC signed a Memorandum of Understanding to conduct a joint military operation against the ADF in Eastern DRC following escalated attacks by the rebels in both countries in 2021. The recent attacks happened two years after the Ugandan army together with their Congolese counterparts had intensified operations targeting ADF hideouts inside the DRC. According to Major General Dick Olum, the Operation Shujaa's overall Commander and also the Commander of the UPDF Mountain Division in Fort Portal, the recent terrorist attacks were intended to divert them from their main mission of pursuing the ADF in the DRC. "They wanted to showcase that they were back in Uganda but those were kicks of a dying horse."²⁵²

6.4 HUMAN RIGHTS CONCERNS ARISING OUT OF THE ADF TERROR ATTACKS

6.4.1 Attacks, Abductions and Raids on civilians

The ADF terrorist group has been known for village raids/attacks as one of their numerous recruitment methods. The group has been known to abduct individuals, including women and children for forced labour and sexual exploitation. During their recent attacks in Kasese District, the ADF abducted at least six male students from Mpondwe Lhubiriha Secondary School and one man aged 50 years from Ngoko Village. The ADF also attacked Mitandi Secondary School and abducted 30 school girls on 20th February, 1998.

6.4.2 Forced recruitment of children and use of child soldiers

Most of the past and current ADF combatants are child soldiers, abducted from homes, high-ways and schools including St. John's Seminary, Kichwamba Technical College in Kabarole and recently, Mpondwe-Lhubiriha Secondary School.²⁵³ According to the Police²⁵⁴ the ADF uses forced and brutal recruitment of large numbers of children some of them as young as 10 years. Children may

be recruited into the ADF through kidnap, abduction, coercion through threats or purchase from traffickers.

Children living in poverty, without parental care, and street children are mostly targeted and are lured with prospects of education and a better life. Children are recruited to carry out a variety of roles including front-line fighting, carrying out executions of hostages or prisoners or carrying out terrorist attacks, including as suicide bombers. Others have support roles as messengers, porters, smugglers or spies, or are treated as slaves and subjected to sexual abuse. Girls are particularly targeted for various reasons including sexual exploitation. This is a violation of the children's rights as protected under international legal frameworks.

6.4.3 Massacre and Murder of innocent civilians

The ADF carries out indiscriminate massacres of innocent civilians often in a gruesome way such as by beheading, crucifixion, cutting pregnant women's bellies removing their fetuses and leaving them for dead (as in the case of Kabere-Kyondo Subcounty), bombings and burning houses.

Many people in communities have been left injured or maimed during ambushes, landmines and attacks by the DF. The group is blamed for unnumbered killings of people both in Uganda and the DRC. For instance, the UNJHRO reported the summary executions of at least 496 civilians - 142 women, 25 children and 329 men by the ADF in the DRC. The majority of the victims were killed either by hacking or being shot²⁵⁵.

Most of the victims were injured in attacks on villages, while they were in the field like in the case of Kamwenge District, or during ambushes. The UN also reported abductees who were victims of serious violations of the right to physical integrity during their captivity. For example, it is reported that that in May 2019 a dozen people who had been abducted by the ADF during a series of ambushes

252 The Newvision Online

253 Moses Baluku, ex ADF Child Soldier

254 Uganda Police website(<https://www.upf.go.ug>)

255 https://www.ohchr.org/sites/default/files/Documents/Countries/CD/ADF_EN.pdf accessed on 4/03/2024

were beaten during their captivity²⁵⁶. This is in contravention of the right to life as protected by the both the international human rights and international humanitarian law.

6.4.4 Use of banned weapons

The ADF continues to use a lot of banned military materials including landmines and other improvised explosive devices (IEDs) that were strewn all over the Rwenzori region. This is in contravention of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (or Mine Ban Convention), adopted in 1997. Many people have lost their lives and others have been maimed after coming into contact with them in the formerly ADF infested areas.²⁵⁷ This has posed a threat to the security of persons as well as led to loss of life.

6.4.5 Theft, looting and destruction of property

The ADF is implicated in the destruction of homes, markets, schools, health centres, and other infrastructure, depriving communities of basic services. This has been done by looting of merchandise from shops, food from the gardens, livestock from homes, clothes, shoes and many more items from homes etc. In all their recent attacks in Kasese District, the ADF either destroyed or robbed property including vehicles, animals, money, foodstuff and other merchandise. The right to property is protected by international, regional and national human rights instruments.

6.4.6 Sexual violence

The ADF uses sexual violence as a weapon of war and has been accused of carrying out systematic rape and other forms of sexual violence against women and girls. Many ADF captives are often married off at a tender age, sexually abused and used as sex slaves in contravention of international human rights and international humanitarian law. Sexual violence is used to instil fear and exert

control over communities. The United Nations Joint Human Rights Office (UNJHRO) reported at least 235 women and 166 girls were victims of sexual violence perpetrated by the ADF in Eastern Congo between 2019 and 2020.²⁵⁸ A 2014 report of the UN Secretary General on Conflict-Related Sexual Violence identified the ADF on its list of parties suspected of committing sexual violence in situations of armed conflict.²⁵⁹

6.4.7 Disregard to Humanitarian Situation

Thousands of people have been displaced due to the ADF attacks, causing humanitarian crises in the affected areas across the Rwenzori region. It is reported that between the period of 1996 to 2001 when the ADF attacks were heightened, more than 150,000 people were displaced with disastrous humanitarian and socio-economic impact in the region.²⁶⁰ In that period, tax revenue from the affected districts dropped by 75 percent as farmers were faced with continuous insecurity from the landmines and abductions.²⁶¹

6.4.8 Violation of the right to education

The ADF usually targets schools, with students, teachers and other community members either killed, abducted and school property destroyed. Schools also often remain closed for long periods. Even though the violence affects all children, girls are more affected than boys since they are raped, abducted and forcefully married to the combatants. The violence often leaves behind a disenfranchised and traumatized community with far-reaching direct or indirect implications. It also is challenging for girls to return to school since parents are more likely to keep them at home for fear of their safety.²⁶²

6.4.9 Forced conversion to Islam

The ADF forces its captives to forcefully convert to Islam or lose their lives.²⁶³ Numerous testimonies from former ADF combatants describe the religious indoctrination that took place in some of the

256 https://www.ohchr.org/sites/default/files/Documents/Countries/CD/ADF_EN.pdf accessed on 4/03/2024

257 The Newvision

258 https://www.ohchr.org/sites/default/files/Documents/Countries/CD/ADF_EN.pdf accessed on 4/03/2024

259 <https://www.un.org/securitycouncil/sanctions>

260 KTiteca & V.Koen, "Rebels without borders in the rwenzori borderland? A biography of the allied democratic forces"(2012)

261 ibid

262 <https://reliefweb.int/>

263 Moses Baluku, ex ADF Child Soldier

camps, as well as the forced conversion of members who were not originally Muslim. Abductees who refuse to convert to Islam are killed. According to the testimonies of former captives, the ADF observe Muslim prayers and “...want us all to be Muslims.”²⁶⁴

6.4.10 Loss of Livelihoods

As a result of the recent ADF terror attacks, many people’s businesses were affected, with many closing as the people continued to live in fear of the attacks. Online media reports quoted Moses Tsutsu, the Chairperson LC3 Isango Subcounty in Kasese District as saying that the local business communities near and along the border had abandoned their businesses for fear of the ADF attacks.²⁶⁵

Furthermore, the ADF terror attacks on foreign tourists posed a threat to the country’s tourism sector. For instance, after the murder of the foreign tourists in Queen Elizabeth National Park on 17th October 2023, the UK Government issued out an advisory to its citizens to avoid travelling to certain parts of Uganda including the Queen Elizabeth National Park. It was also reported that the incident had sent shockwaves into the tourism industry and as a result, tour operators reported cancellations by tourists who had planned trips to Uganda. Tourism is a top foreign exchange earner in Uganda contributing about 10 percent of the GDP in 2022²⁶⁶.

6.5 GOVERNMENT INTERVENTIONS

6.5.1 Operation “Shujaa”

In November 2021, Uganda and the DR Congo signed a Memorandum of Understanding to conduct a joint military operation code-named “Operation Shujaa” against the ADF in Eastern DR Congo following escalated attacks by the rebels in both countries in 2021. This has enabled the UPDF to conduct joint operations with FARDC against the ADF in the DRC. While presenting a statement on the operations of the UPDF in the DR Congo during plenary on Wednesday, 25 January 2023, the

Minister of State for Defence and Veteran Affairs, Hon. Jacob Oboth Oboth, said it had registered significant achievements.

“Operation Shujaa has evolved through phases renewable after every two months. The joint operation remains on course with significant achievements. For example; in 2022 alone, 424 ADF terrorists were killed, 81 others were captured, 115 abductees were rescued and 118 firearms with assorted ammunition and 10 IEDs were recovered,” Oboth said.²⁶⁷ He added that the joint forces have continued to mount pressure against the ADF in order to decisively neutralize the terror group.

6.5.2 Construction of Kasindi-Beni-Butembo Road

The Government of Uganda has invested in the construction of a 223 KM Kasindi-Beni-Butembo all-weather road which is estimated to cost USD 334.3 million of which Uganda will contribute USD 65.9 million. This will not only allow interconnection and facilitate trade between DRC and Uganda, but also enhance joint security across the common border.

6.5.3 Rwebisengo Ferry

The Government is currently working on the ferry docking points of Rwebisengo and Kasindi in Ntoroko and Kasese districts respectively to enhance trade and facilitate movement of forces towards ensuring peace in the region.

6.5.4 Pearl Africa SAT-1

The Government launched Uganda’s first satellite named PEARL AFRICA SAT-1 into orbit in November 2022 from the International Space Station with ground controllers in contact with the device. In addition, the country has constructed an Earth station in Mpoma. It is expected that these two facilities will be helpful in availing Government with security-related data crucial in fighting ADF.²⁶⁸

6.5.5 Budgetary allocations

In the financial year 2023/24, Government allocated UGX 8 trillion shillings to the Ministry of

264 <https://adf-magazine.com/2024/01/female-hostages-recount-harrowing-ordeal-in-eastern-drc/>

265 <https://www.independent.co.ug>

266 <https://www.theeastafrican.co.ke>

267 <https://www.Parliament.go.ug/news>

268 UPDF

Defence and Veteran Affairs to facilitate recruitment of more personnel and the procurement of military hardware and other logistics to facilitate the fight against ADF.

6.5.6 Amnesty to ADF

Government has granted amnesty to ADF rebels who have denounced the rebellion. On 23rd August 2023, a total of 48 former ADF rebels were granted amnesty. It is expected that the former rebels will be rehabilitated and the action will encourage others to denounce the rebellion.

6.5.7 UPDF Counter Offensive

Following the several attacks in Kasese and surrounding areas, the UPDF launched a counter offensive against the ADF splinter groups that were causing mayhem in several places. The response that included increased motorized patrols in the Queen Elizabeth National Park was meant to flush them out and bring to book those that would be captured. On Thursday 2nd November, 2023 the UPDF gunned down at least 11 suspected ADF rebels including a group that is said to have killed the tourists in Queen Elizabeth National Park.

According to the Deputy Army Spokesperson Lt. Col Deo Akiiki, six ADF rebels that were involved in the terrorist attack were killed on Lake Edward off Kayanja Landing Site in Kasese District²⁶⁹. In this raid, Abdul Rashid Kyote alias Njovu a top ADF commander who was the head of the group that killed the tourists was captured.²⁷⁰ He was arraigned in court on 13th November, 2023 and charged with terrorism, murder and aggravated robbery.

On 27th December, 2023 the UPDF mounted a hunt for the attackers in Kibaale Forest National Park where the rebels had fled. According to the UPDF, in the exchange that ensued, a top ADF Commander called Musa Kamusi was injured and two of his body guards were killed. The army also recovered 25 SMG rifles.²⁷¹

6.5.8 Recruitment of LDUs

In December 2023, the President ordered the UPDF to recruit Local Defence Unit (LDU) personnel

in Kasese, Kamwenge, Bunyangabu and other surrounding districts. According to the UPDF, the recruitment would be conducted in sixty parishes and would augment local security structures to protect local communities from the ADF.



ADF Commander Njovu upon his arrest (Source: The Daily Monitor)



ADF Commander Njovu in court. (Source: Daily Monitor)



Two bodies of the ADF rebels that were killed in Kibaale Forest (Source: UPDF)

269 ibid

270 ibid

271 The Daily Monitor

6.6 RECOMMENDATIONS

1. Local Governments need to strictly implement and supervise vigilance of local councils in the registration of their residents in the affected districts. This will be important in identification of unknown persons in the communities.
2. While the move to recruit and train LDUs by the UPDF is a very welcome move, the Ministry of Defence and Veteran Affairs should ensure their motivation through good remuneration to boost their efforts to fight the ADF.
3. The Government, through the Ministry of Foreign Affairs should ensure continued cooperation and bilateral relations with DRC where the ADF is based to enable the Government concretise with its operations against the rebel outfit.

6.7 CONCLUSION

The past and recent ADF terror attacks on Kasese District have resulted into massive human rights violations including loss of life and property, abductions and displacement. The rebel group's affiliation to international terror organisations such as ISIS as well as her terror operations outside Uganda pose a serious local and regional security challenge that ultimately impacts on the enjoyment of human rights. The Government's military and non-military efforts in Uganda and regionally, aimed at eliminating the rebel group, are commendable. However, there is need for Government to address the underlying causes of terrorism in order to completely stem the rebellion.

COMMUNITIES IN UGANDA AT RISK OF STATELESSNES

7.0 INTRODUCTION

A stateless person as someone who is not recognised as a national by any state under the operation of its law.²⁷² In simple terms, a stateless person is someone who does not have the nationality of any country. Millions of people in the world cannot exercise their basic human right to nationality and are stateless.

Without citizenship, stateless people are unable to enjoy many fundamental rights that others take for granted, such as the right to vote. They also often lack access to: education; employment; health care; registration of birth, marriage, and property rights. Stateless people may also encounter travel restrictions, social exclusion, and heightened vulnerability to sexual and physical violence, exploitation, trafficking in persons, forced displacement, and other forms of abuses. Without nationality documentation, many cannot access social, financial and other services, and entire communities are barred from fulfilling their potential. This holds back social and economic development, while the risks posed by marginalization and exclusion, in terms of social cohesion, cannot be underestimated.

Upon the introduction of the mass national identification registration drive in Uganda, various communities learned that they did not have access to Ugandan citizenship. Majority of these tribes were excluded from Third Schedule of the 1995 Constitution and these include the Benet, Bakingwe, Bahaya, Baziba, Maragoli, and the Sabaot among others.

According to The United Nations Human Rights Commissioner for Refugees,²⁷³ there are 4.4

million stateless people in the world of whom approximately one-third are children in nearly 100 countries. While limited data is available on the magnitude of the stateless persons in Uganda,²⁷⁴ it is estimated that tens of thousands of people are affected by statelessness, which relates strongly to gaps in the law and practice to guarantee the right to nationality for vulnerable groups, including minority groups and those affected by forced displacement. The lack of legislative safeguards coupled with ethnic discrimination, is the main cause of statelessness in Uganda. This chapter assesses the human rights concerns that stateless people face in Uganda and makes recommendations to address them.

7.1 LEGAL FRAMEWORK

7.1.1 International legal framework

Uganda is a State Party to the 1954 Convention relating to the Status of Stateless Persons since 1965. However, it has not yet acceded to the 1961 Convention on the Reduction of Statelessness. The convention guarantees the protection of stateless persons and their rights which include:- non-discrimination, right to education, housing, health, employment, access to justice and identity documentation, among others. It also provides for the right to nationality at birth and the right to facilitation of naturalisation.

Article 3 of the ICCPR provides for equal rights of men and women to the enjoyment of all civil and political rights. Article 15 of the UDHR states, “everyone has the right to a nationality” and “no one should be arbitrarily deprived of their nationality or denied the right to change their nationality”. This right is often pronounced in tandem

²⁷² Convention relating to the Status of Stateless Persons, 1954

²⁷³ Human Rights/Global Issues 11/04/2023, <https://www.dw.com/en/at-least-44-million-people-are-stateless-un-says/a-67304876>

²⁷⁴ UNHCR-Global focus, available at <https://reporting.unhcr.org>.

with the principle of non-discrimination where states are urged to eliminate any form of discrimination based on race, colour, nationality, religion or ethnic origin.

Other key instruments include the Convention Relating to the Status of Refugees, 1951 and the Convention on the Reduction of Statelessness, 1961.

7.1.2 Regional human rights framework

Article 5 of the African Charter on Human and Peoples' Rights (ACHPR) provides for the freedom from discrimination on grounds of nationality, race or ethnic group, among others. The African Charter on the Rights and Welfare of the Child (ACRWC), on other hand, focuses on the children's right to nationality without any grounds of discrimination.

7.1.3 National legal framework

The Constitution of Uganda contains provisions under Chapter 3 on the different means of attaining citizenship status, recognises the principle of non-discrimination and the rights of marginalised groups and ethnic minorities.

The Registration of Persons Act, 2015 deals with the criteria for registration of persons and establishes the mandate for National Identification and Registration Authority. The Citizenship and Immigration Control Act, 2009 operationalises Chapter 3 of the Constitution of Uganda and goes further to stipulate the grounds for denial of nationality status.

7.2 CAUSES OF STATELESSNESS

People usually acquire a nationality automatically at birth, either through their parents or the country in which they were born. However, one or more of the following factors can give rise to statelessness:

i) Discrimination:- A significant cause of statelessness is discrimination on the basis of race, ethnicity, religion, language or gender. Non-inclusion of specific groups in the body of citizens for discriminatory reasons is linked to protracted and large-scale statelessness in the country of birth. States can also deprive citizens of their nationality through changes in law using discriminatory criteria that leave whole

populations stateless. In fact, the majority of the world's known stateless populations belong to minority groups. Gender discrimination in nationality laws is a significant cause of childhood statelessness. The laws in 25 countries do not let women pass on their nationality on an equal basis with men. Consequently, children can be left stateless when fathers are stateless, unknown, missing or deceased.

ii) The legal framework:- Gaps in nationality laws are a significant determinant of statelessness. Every country has laws which establish the circumstances under which someone acquires nationality or can have it withdrawn. If these laws are not carefully drafted and correctly applied, some people can be excluded and left stateless. An example is children who are of unknown parentage in a country where nationality is acquired based on descent from a national. Fortunately, most nationality laws recognize them as nationals of the state in which they are found.

iii) Migration:- When people move from the countries where they were born, conflict of nationality laws can give rise to the risk of statelessness. For example, a child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone and if the country of origin does not allow a parent to pass on nationality to children born abroad.

iv) Emergence of new States:- Another important reason is the emergence of new states and changes in borders. In many cases, specific groups can be left without a nationality and, even where new countries allow nationality for all, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.

v) Deprivation of nationality:- Statelessness can also be caused by loss or deprivation of nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for a long period of time.

vi) Absence of birth registration:- Individuals may be at risk of statelessness if they cannot prove

that they have links to a State. Being undocumented is not the same as being stateless. However, lack of birth registration can put people at risk of statelessness as a birth certificate provides proof of where a person was born and parentage – key information needed to establish a nationality.

7.3 SITUATIONAL ANALYSIS

7.3.1 Categories of Citizenship

The 1995 Constitution recognises different forms of citizenship such as by origin, birth, registration, and naturalization. Under Article 9, every person who, on the commencement of the Constitution was a citizen of Uganda, continued to be a citizen. Article 10 of the Constitution stipulates who qualifies to be a citizen by birth. These include:- Every person born in Uganda, one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within borders of Uganda as at the first day of February 1962, and set out in the Third Schedule, and every person born in or outside Uganda one of whose parents or grandparents was at the time of birth of that person a citizen of Uganda by birth.

According to the Constitution, foundlings of five years and below qualify to be citizens of Uganda. The foundlings include children of not more than five years of age, found in Uganda, whose parents are not known; and children under the age of 18 years neither of whose parents is a citizen of Uganda, who are adopted by a citizen of Uganda. Article 12 and 13 of Constitution also provide for categories of persons that qualify or are eligible to apply for citizenship by registration and naturalisation. Non-Ugandans who meet the criteria for citizenship by naturalization or registration, are granted Ugandan citizenship. Under Article 15, Ugandans can also acquire dual citizenship.

However, persons who acquire citizenship by naturalization or registration can lose it when it is repealed, or, when they volunteer in armed forces or security forces of a country hostile to or at war with Uganda, when citizenship is acquired by fraud, deceit, bribery or having made intentional and deliberate false statements in his or her application and participating in espionage against Uganda.

The current Constitution and Citizenship and Immigration Control Act (as amended in 2009) also provides for attribution of nationality at birth and other acquisition of nationality later in life (citizenship by registration and citizenship by naturalization). The Constitution attributes nationality at birth (citizenship at birth) only to those that are members of 65 ethnic groups or descendants of one the listed communities. The law also provides for a gender equal framework on nationality.

A person married to a Ugandan is entitled to register as a citizen after three years of marriage under Article 12(2)(a) of the Constitution. The Constitution under Article 15(5), further provides that in the case the law of another country requires a person to renounce the citizenship of their origin country, for example in the case of acquisition of citizenship through marriage, a former citizen of Uganda has the right to reacquire their Ugandan citizenship upon the dissolution of that marriage.

7.3.2 Groups at risk of statelessness in Uganda

There are a number of tribes not recognized in the Third Schedule of the 1995 Constitution which are at risk of statelessness. These include the Benet who hail from Kween District, Bakingwe and Bagabo from Kasese District, Bahaya from the Kagera region, Baziba(Luuka, Buyende and Kamuli Districts), Maragoli (Kiryadongo, Masindi and Hoima District) and the Sabaot from Sebei District. Other groups at risk include pre-independence migrants like the Asian returnees, and Isaaq Somalis as well as the long term refugees especially Rwandan and Congolese refugees who have lived in Uganda for over 50 years. Tribes like the Banyarwanda are passing off as Baganda, the Benet are being assimilated as Sabinu and they are losing their identity in the process which renders them stateless. Several ethnic communities have complained of their exclusion from Ugandan citizenship under the Third Schedule of the 1995 constitutional provisions defining indigeneity. These include:-

7.3.2.1 Benet

The Benet community comprises approximately 18,000 people.²⁷⁵ They have lived in the Mount

275 Uganda: Evicted from their ancestral land 13 years ago, the Indigenous Benet people still await justice - Amnesty International



Kapchewuut cave in Benet Sub-County in Kween District still acts as a home for some of the people who were evicted 13 years ago from their ancestral home.

Elgon area of Sebei in eastern Uganda for 500 years. The Benet lost their ancestral land in the 1930's when the colonialist classified their ancestral land as a forest reserve. The Benet faced forced evictions from their ancestral forest lands in Mount Elgon by the Uganda Wildlife Authority (UWA) in 1990 and also in 2008. Despite Government promises to address their plight, the Benet continue to live in temporary settlements with inadequate access to essential services like water, sanitation and healthcare.

The Benet's right to health, adequate housing and education has been severely impacted by these evictions, they accuse UWA of arbitrary killings, unlawful use of force and extortion when they attempt to enter the forest for cultural rituals or livelihood activities. Their situation remains unresolved and the Benet seek recognition as the indigenous inhabitants of the Elgon Forest and seek restoration of their ancestral home.

On 27 October 2005, the court in a judgment commonly referred to as the "Consent Judgment", which was settled and agreed to by the affected Benet community, the UWA, and the Attorney General of Uganda, recognized the Benet as the historical and indigenous inhabitants of the forest that the Government had classified a national park in 1993. The judgment underlined the need to "redress the imbalance" facing the Benet in educa-

tion, infrastructure, health, and social services, provided for under Article 32 of Uganda's Constitution.

Despite the court ruling, the Benet are still not permitted to build permanent structures and live in small huts constructed from sticks and mud in temporary resettlement camps, with no electricity and potable water. The restriction has impacted the Benet peoples' agro-pastoral lifestyle and other economic, social, and cultural rights such as the right to access cultural sites for rituals, fruit gathering, bee keeping, and hunting.

7.3.2.2 Bakingwe and Bagabu

They are an Indigenous Minority Groups (IMG) living on the shores of Lake George and Lake Edward. Before colonization the Bakingwe lived on the Eastern Shore of Lake Edward and traded in salt from Lake Katwe.²⁷⁶ Currently, their source of livelihood is fishing since the Ministry of Energy issued an exploration license to Rwenzori Shinning Start Ltd a company co-owned by Chinese and Uganda businessmen. They also were pushed out of Queen Elizabeth National Park when it was gazetted. There are 2000 Bakingwe living in Kasese according to research conducted by Kasese District Development Network.²⁷⁷

The Bakingwe migrated from the Lake George area

276 Bakingwe Tribe requests Constitutional Recognition :: Uganda Radionetwork

277 Supra

between 1914 and 1915 to escape a sleeping sickness epidemic and forced labour in Congo under the Belgian rule. The Bakingwe currently live in Katwe-Kabatoro Town Council in Kasese, a district that is dominated by the Bakonzo, Basongora and Banyabindi.²⁷⁸ Other minority tribes like the Bagabu, Barondo and Bahunde live in the Rwenzori region.

7.3.2.3 Bagabu

The Bagabu are estimated to be 100,000 people of this IMG living in Kasenyi in Kasese District around Lake George, known to them as Lake Bunyampaka. This IMG was evicted from their ancestral land Bunyampaka Chieftdom by the British colonialists upon gazetting Queen Elizabeth National Park. The Bagabu used to live along the shores of Lake George Kazinga Channel and Lake Edward in Western Uganda. Fishing was their source of livelihood but it was later banned upon the establishment of Kazinga Game Reserve. The Bagabu also used to rely on hunting and cattle keeping as a source of livelihood. This IMG migrated to Nyarwambu, Kasenyi and Kyakatanda when there was an epidemic of sleeping sickness and elephantiasis. Currently the Bagabu live in Kasese, Bunyangabu, Hoima, Kyegegwa, Kyenjojo, Kitagwenda and Kamwenge.²⁷⁹

7.3.2.4 Bahaya

There is limited information on the Haya people of Rakai District also known as Bahaya an ethnic group based in Kagera Region of northwestern Tanzania, situated on the western side of Lake Victoria. The Haya migrated further north in the Great Lakes region between 800 and 1500 AD and were part of the founders of the Bunyoro Kitara and Buganda Kingdom.

7.3.2.5 Maragoli

Among the various groups who face this reality, the Maragoli community living within Uganda's Bunyoro Kingdom are a key example. The Maragoli community are a part of the broader Luhya ethnic community found in Kenya. According to the Maragoli community, their migration history into Ugandan dates back to the 19th century or earlier. Their community in Uganda is known to

have grown during the 20th century when the Maragoli arrived to support the construction of the Uganda Railway. In 1957, the king of the Bunyoro Kingdom (*Omukama of Bunyoro Kitara Kingdom*) extended an invitation for members of the Maragoli community to settle in his home region of western Uganda and allocated them land. They were given pass warrants (equivalent of passport at the time) and were allocated land in the place which was un-named in Bunyoro Kitara under the British Protectorate. They were allocated land in various acreages and they cleared the land for settlement and subsequently named the place Kigumba referring to the trees which were as hard as bone to cut (Kigumba meaning Bone) in the Marogoli language. This place has since remained known as Kigumba in the current Kiryandongo District, Kibanda County in Bunyoro.

It is alleged that this community has remained marginalized and unrecognized as one of the tribes or citizens of Uganda. The Constitution of the Republic of Uganda does not take cognizance of this community that applied for consideration and inclusion in the Third schedule of the Constitution but it was not possible. On 11th July 2012, Hon. Sam Amooti Otada, Kibanda County MP wrote to the Hon. Minister of Internal Affairs requesting for the inclusion of the Maragoli Community as a tribe in the Uganda Constitution and formalization of their immigration but this was not done.

On 14th May 2015, during the consideration of the Constitution, the Office of the Clerk to Parliament wrote to the Chairperson of the Community requesting the Community to meet the Legal and Parliamentary Committee after receiving a petition from them. The Committee requested the community to make a submission on their request to include in the Third Schedule of the Constitution of the Republic of Uganda. The Legal and Parliamentary Committee did not consider the issues since it was not one of the Cabinet Constitutional amendment proposals. This allegedly put them in a predicament as they allegedly could neither acquire the national identity cards nor partake of the right to participate in elections. The Community is not part of the Third Schedule of the Constitution of the Republic of Uganda.

²⁷⁸ Supra

²⁷⁹ The Oral History, Cultures and Traditions of the Bagabu in Bunyampaka by Cross Culture Foundation Uganda 2022

7.3.2.6 Sabaot from Sebei District

The Sabaots are one of the sub-ethnic groups of the Kalenjin tribe that live around the Mount Elgon slopes both in Uganda and Kenya. In Uganda they live in Kapchorwa, Kween and Bukwa districts. Despite being an indigenous group of Uganda they are not among the recognized indigenous communities of Uganda.

7.3.2.7 Banyarwanda

The Banyarwanda community of Uganda have been grappling with significant challenges related to their citizenship rights. Despite being recognized as an indigenous tribe under the 1995 Constitution, they face challenges in obtaining citizenship documents and are also mistaken or categorized as foreigners due to their tribe's name. The Constitution now limits citizenship by birth right only to persons whose parents or grandparents belong to one of the indigenous groups of Uganda.

The Banyarwanda are mainly descendants of people who lived in the former provinces of the Rwanda Empire. These provinces, including Ankole, Kigezi, Toro and Bunyoro, were annexed by British colonial authorities in the late 19th and early 20th centuries. Today, these regions are part of Uganda.²⁸⁰ Banyarwanda are native to Uganda, including those from Bafumbira that became part of Uganda Protectorate under British dominion after the Brussels Convention of 1910. They became indigenous due to border adjustments, with February 1, 1926, marking the last such adjustment.²⁸¹ Banyarwanda have lived in Uganda for centuries. During the colonial period, the Rwandans crossed into Uganda from the 1930's to work as casual labourers on coffee plantations within the Buganda Kingdom.²⁸² Others migrated to Uganda to flee the political and economic instability in Rwanda and Burundi between the 1960's and 1990's as illegal migrants and refugees. The refugees were hosted at Nakivale, Oruchinga, Rwamwanja, Kyaka II and Kyangwali refugee settlements. According to Uganda's progressive refugee policies, refugees have the right to work, freedom of movement within the country, access to basic services, right to live in local communities as well as in defined settlements.

Due to stigma, the Banyarwanda adopted Kiganda and Bantu names as well as cultures. Banyarwanda from Western Uganda easily blended among the Banyankole, Bakiga and Bahororo due to similar features and stood out in Buganda due to distinct features. The Banyarwanda in Uganda are categorized into three, that is to say the Banyarwanda of Kisoro commonly known as Bafumbira, economic migrants who migrated for work and political refugees that fled the political war between the Hutu and Tutsi.

When Uganda gained independence, the Constitution stipulated that anyone born or residing in Uganda, whose parent was a Ugandan citizen as of October 8, 1962, automatically became a citizen. However, the status of Rwandese living in Uganda became contentious during the 1970s. They were accused of working as intelligence agents during Idi Amin's rule. The Milton Obote regime subsequently placed them in refugee camps and even compelled some to return to Rwanda. Additionally, the Obote Government accused them of participating in the NRA guerrilla war.

During the Constitutional review process in 1994, the Tutsi community expressed a desire to be referred to as Banyarwanda while the Hutu community preferred the term Bafumbira. Both tribal identities were officially recognized. However, despite the Banyarwanda being acknowledged as an indigenous group in Uganda, those born and raised in Uganda but whose parents are not Ugandan citizens and lack proof of their grandparent's residence in Uganda are denied citizenship.

On account of Ugandans not differentiating between the Banyarwanda and Rwandan nationals, some Banyarwanda seek to change their tribe's name to "Abavandimwe" meaning "brethren" in Kinyarwanda, in an effort to gain recognition and acceptance. Abavandimwe originates from the word Ubuvandimwe or Ubuntu. This move aims to reduce segregation among the respective communities they live in. This move seeks to recognize all Banyarwanda living in Uganda including illegal migrants that have taken advantage of Uganda's progressive refugee policies and laws. Unfortunately, the Abavandimwe fail to give clarity on the Banyarwanda who were in Uganda

280 Banyarwanda: The Supra Ethnicity of Uganda - Here in Uganda

281 Supra

282 <https://www.theafricareport.com/320665/no-place-to-call-home-for-the-banyarwanda-of-uganda/>

before the promulgation of the constrictions, the legal migrants, illegal migrants and refugees. The Banyarwanda question therefore remains contentious due to historical ties, misconceptions and broader socio-political factors in Uganda. The challenge lies in recognising their Ugandan identity while respecting their heritage and history.

7.3.2.8 Refugees who have lived in Uganda for over 50 years

The lack of clarity in the law on whether refugees' are eligible to acquire citizenship in Uganda. Despite a sizable number of the country's refugees having lived in Uganda between 20-40 years, the time they have spent in Uganda is not considered in relation to the country's citizenship laws.²⁸³ A sizeable number of refugee communities in Uganda are multigenerational refugees who do not have Ugandan citizenship, and in some cases do not have access to the citizenship rights of their origin countries.

Uganda is a signatory of the 1951 UN Convention and Protocol Relating to the Status of Refugees²⁸⁴ which states the need for refugee-hosting states to extend every effort to the "assimilation" and "naturalisation" of refugees in a timely and cost-efficient manner.

The Refugees Act of 2006 under Article 45 of this Act provides that a refugee is eligible for naturalisation based on the "Constitution and any other law in force in Uganda regulating naturalisation". According to this provision, the naturalisation process for refugees is based on the 1995 Constitution. Unfortunately, these legal instruments fall short of granting tangible pathways for refugee communities to access citizenship in Uganda, and subsequently face significant legal challenges in the naturalisation process.

When assessing the possibility of refugees becoming citizens through registration based on 10 years' residence in the country, Article 12(2) of the Constitution and Article 14(2) of the Uganda Citizenship and Immigrateion Control Act (UCICA) directly exclude refugees. Article 12(2)(b) of the Constitution requires registration for citizenship

to be on the basis of a person having "legally and voluntarily migrated" to Uganda, a status which excludes refugees by definition given their forced displacement into Uganda. Article 14(1)(a)(ii) of the UCICA, providing for registration of those born in Uganda and residence since 1962, provides that citizenship through registration is only available in the case "neither of his or her parents and none of his or her grandparents was a refugee in Uganda".

Article 13 of the Constitution also provides that "Parliament shall by law provide for the acquisition and loss of citizenship by naturalisation". UCICA Article 16 specifies the conditions which must be satisfied to naturalise. This includes a 20-year residence period, knowledge of a prescribed vernacular language or English, being of good character and the intention to permanently reside in Uganda. There is no specific exclusion based on 'legal and voluntary' migration.

The desire for refugees to fully integrate into Ugandan society through citizenship, and especially those who have no intention of returning to origin country and are long-term refugees, continues to be a challenge in the Ugandan citizenship context. This lack of clarity in legal interpretation prompted the Refugee Law Project, a non-profit organization providing legal aid to refugees and asylum seekers throughout the Great Lakes Region, to seek clarification on refugees' rights to citizenship with respect to the 1995 Constitution and UCICA. A petition was filed calling upon to Uganda Constitutional Court to provide clarification on whether refugees are eligible for citizenship either by registration, naturalisation, or both.

In October 2015, the Uganda's Constitutional Court issued a ruling which deemed that refugees are indeed eligible for citizenship through naturalisation but cannot access citizenship through registration because they did not "voluntarily migrate" to Uganda. The Court held that refugees could not access citizenship through registration however, they were eligible for naturalization under the UCICA. This ruling marked a crucial step in recognizing the rights of refugees in Uganda, even though it did not fully address their immediate

283 International Rescue Committee, Uganda: Citizens' Perceptions on Refugees, June 2018. <https://www.rescue.org/sites/default/files/document/2858/ircuganda.pdf>

284 Convention and Protocol Relating to the Status of Refugee. United Nations High Commission for Refugees. <https://www.unhcr.org/3b66c2aa10.html>

access to citizenship. The journey toward inclusion and belonging continues for those who have made Uganda their home.

In 2012 the Government had established a committee comprising state actors, refugees and humanitarian agencies to discuss the naturalization of refugees particularly those who had entered the country in the 1960s and 1990s,²⁸⁵ primarily from DRC and Rwanda. The goal was to address the situation of refugees who had lost touch with their countries of origin and had been residing in Uganda for extended periods. By granting naturalization, these refugees would become citizens entitled to live, work and lead productive lives within the country.

7.3.2.9 The Ugandan Asian community

The children of Ugandan Asians who later returned to Uganda have faced challenges securing citizenship. This is because the registration or naturalisation of one's parents does not transfer to the child following the parent's acquisition of Ugandan citizenship. In addition, the children of registered or naturalised citizens do not acquire citizenship at birth, even if born in Uganda.²⁸⁶ Thus, in some cases, the children of Ugandan Asian "returnees" do not have Ugandan citizenship despite having grown up or been born in Uganda. Others, on the other hand, might be stateless in the case their parent renounced their citizenship to another country in order to acquire Ugandan citizenship prior to dual citizenship being permitted.

The 1972 mass deprivation of Ugandan nationality of Ugandan Asians by the Amin regime (1971-1979) was a critical landmark in the discourse regarding citizenship rights in Uganda. The nationality deprivation led to expulsion of citizens and residents of South Asian descent for socio-economic reasons. However, targeting a specific ethnic community with nationality deprivation also had a discriminatory effect.

7.3.2.10 Isaaq Somalis

The Somali ethnic community has been growing in Uganda since the 1990s following the collapse of the Somali state. Despite many Somalis in Uganda

maintaining refugee status, there is a sizeable community which descends from pre-independence migrants who originate from Somaliland. The Isaaq Somali migrants were considered British protected persons and by virtue, would be eligible either for automatic citizenship acquisition or through registration.

Despite Somalis not being a recognized indigenous community of Uganda, authorities do recognise Isaaq Somalis who presented with evidence of belonging to this community. Nevertheless, this community continues to face challenges in obtaining national ID cards or passports. Somalis are meant to prove that they meet the requirements of citizenship acquisition during independence in 1962. For those who were not alive, they then have to prove that either a parent or grandparent was born in Uganda prior to independence, or that they meet the requirement of applying for citizenship either through registration or naturalisation. It has so occurred that those who met the requirement for Ugandan citizenship through automatic acquisition at independence have been turned down—an issue which prevents their children from rightfully enjoying citizenship on the basis on descent.

7.3.2.11 Children Born Out of War

Children born during Uganda's civil war, particularly those whose mothers were forcibly married or raped, face a complex situation regarding their citizenship. Many of these children lack identity and birth registration, rendering them almost legally non-existent. Over 1,000 children born under the captivity of the Lord's Resistance Army (LRA) in DRC, Central African Republic and South Sudan are struggling to acquire Ugandan citizenship since they do not have the details of the origin of the fathers of their children. In response to this issue, the Ugandan Government set out an exercise to roll out a special birth certificate registration programme for children born during the LRA war in northern Uganda.²⁸⁷ This process will go a long way in addressing the citizenship status of these children and providing them with the recognition they deserve.

285 Government plans naturalization of refugees - Uganda | Relief Web

286 1995 Constitution, Article 19(b) Only 2% of children born in Uganda are registered annually.[1]

287 Uganda: Gov't to register children born during LRA war : Citizenship Rights in Africa Initiative (citizenshiprightsafrika.org)

7.3.2.12 Nomadic pastoralist and cross-border populations

Access to nationality for people with nomadic and/or pastoralist lifestyles recognizes the likelihood that their migratory routes or daily lives may involve crossing borders. This implicitly acknowledges that risks of statelessness may arise due to historic and/or contemporary migration, and suggests that attention should be given to migrants and their descendants, including non-pastoralist/nomadic individuals.

By considering how nomadic or pastoralist lifestyles can complicate the establishment of the 'habitual residence' on which some forms of acquisition of nationality depend, and obliging States to ensure these persons enjoy the nationality of at least one State with which they have appropriate connections, there is need to remedy the frequent omission of such groups in Uganda's laws.

7.3.3 Birth registration and registration of citizens

Uganda continues to face challenges in registering births and providing certificates to the entirety of its populations, the majority of whom reside in rural and remote communities. In addition, many Ugandans do not know/acknowledge the importance of registering their children at birth. The children not registered at birth or whose parents are not known are not acknowledged by the 1995 Constitution of Uganda.

Uganda is a signatory to both international and regional treaties, which seek to uphold the rights of children with respect to ensuring their proper identification and preventing statelessness, in addition to mirroring these initiatives in the country's own domestic legislation. The CRC also requires that a child shall be registered immediately after birth and shall have the right from birth to a name, and the right to acquire a nationality.²⁸⁸ The CRC further requires that "State Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless." Regionally, Uganda is a party to the

ACRWC, which in Article 6 notes that:-

1. Every child shall have the right from birth to a name;
2. Every child shall be registered immediately after birth;
3. Every child has the right to acquire a nationality.

These provisions are reflected in Uganda's domestic legislation, which states that "The State shall register every birth, marriage, and death occurring in Uganda" (1995 Constitution, Article 18).

Uganda's domestic framework is further supported by the Registration of Persons Act 2015, which upon its establishment of the NIRA, was designed to provide a national identification card and alien identification cards. The Act characterizes one of the key functions of NIRA as being to register citizens of Uganda²⁸⁹ as well as to register births and deaths.²⁹⁰ The Act also deems the free and compulsory registration of births through Article 28.

Despite the existing legal structures however, the process of ensuring all children are documented has proven to be one of immense complexity. This can be attributed to lack of awareness among parents who do not differentiate between notifying of their child's birth as opposed to acquiring a proper birth certificate, in addition to being unaware of how to access the services which would grant their child documentation (despite them being free). Although birth registration and documentation may pose minimal significance during the earlier course of a child's life, the ramifications of not having documentation especially as a refugee, vary from the inability to eventually access both humanitarian and socio-economic resources (i.e. education and health care), to more broader consequences like the risk of becoming stateless or being excluded from the opportunity to eventually access citizenship either in Uganda, or in their origin country should they repatriate.

7.3.4 Unaffordable fees levied on birth certificates

The fees levied for registration and application for birth certificates and national identity cards are not

288 Article 7, Convention on the Rights of a Child

289 Registration of Persons Act - Article 5(b)

290 Ibid Article 5(d)

affordable to many Ugandans. Majority of vulnerable individuals especially in the villages cannot afford the fees hence do not have birth certificates and national identity cards.

7.4 HUMAN RIGHTS CONCERNS

7.4.1 Gaps in the law under naturalisation

Citizenship by naturalisation is non-transferable. Children cannot acquire citizenship automatically through their parents who acquired nationality through registration or naturalization. Uganda's naturalisation laws have a major gap as pertains to children because in the case a child's parent has become a citizen through means of naturalisation, a child must also undergo the same process in order to acquire Ugandan citizenship. The 20-year residency period does not apply to minors despite having either been born or grown up in Uganda. Therefore, in practice, once a minor becomes an adult at the age of 18, they have the opportunity to naturalise 20 years later at the age of 38 years.

A safeguard for all children born in Uganda who would otherwise be born stateless (e.g. if cannot inherit a nationality from parents, e.g. if not part of a scheduled ethnicity), pursuant to Article 1 of the 1961 Convention. In line with Article 11 (2) of the draft AU Protocol on specific aspects of the right to nationality and the eradication of statelessness in Africa, the issue of children being unable to hold dual nationality should form part of a holistic reflection on children's nationality rights.

7.4.2 Travel restrictions

Without possession of identification documents such as a national identity card or passport, many persons and communities in Uganda who are not recognised by law face travel restrictions and challenges. Limitations in movement and travel often affects people's employment opportunities and the ability to improve their socio-economic conditions.

Stateless persons are likely to encounter travel restrictions, social exclusion, violence, discrim-

ination, exploitation, and are at risk of forced displacement and prolonged or indefinite arbitrary detention. There is also worry and anxiety linked to arrests or attempted and repeated deportations and where they will be returned to, as they are not linked to any country. The lack of a legal status, leads to a precarious and degraded position of illegal and undocumented immigrant, resulting in a protection deficit and deprivation of critical rights. Denial of rights can lead to trauma for a stateless person.

7.4.3 Marginalisation, discrimination, and insecurity

Stateless persons are discriminated and marginalised in the communities they live. This puts them at heightened vulnerability to sexual and physical violence, exploitation, trafficking in persons, forced displacement, and other forms of abuse.

Statelessness is often accompanied by the deprivation of basic rights and discriminatory treatment and these gaps between rights and realities must be tightened and closed. This is because the plight of stateless people is a matter of human security and the deficits of statelessness can, be transmitted from one generation to the next, continuing the cycle of degradation, rights violations, and hopelessness. Both de facto and de jure stateless people are unable to access the privileges, services, protections, and rights that citizens can demand from their Governments. Due to lack of country affiliation and subsequent protection, stateless persons lack a sense of belonging and legal protection. They are referred to as 'outcasts'²⁹¹ from the national political system, or as 'legal ghosts',²⁹² illegal immigrants, and counted as 'undifferentiated aliens'. This is because they are considered as 'non-individuals', 'nowhere people' and 'nowhere individuals' since they do not have a country to call home.²⁹³

7.4.4 Legal protection and social exclusion

Stateless individuals and their families generally have limited opportunities within the communities

291 UNHCR 'The problem of statelessness has become a live issue again' UNHCR Department of International Protection, Geneva (1996) para 2, available at www.unhcr.org/protect/PROTECTION/3b837ec14.html

292 UNHCR 'The world's stateless people. Questions and answers' UNHCR Media Relations and Public Information Service, Geneva (2007) 1 at 5, available at <https://www.refworld.org/docid/47a707900.html>.

293 4 Bill Frelick & Maureen Lynch 'Statelessness: A forgotten human rights crisis' (2005) FMR 65 at 66, available at <https://www.fmreview.org/sites/fmr/files/textOnlyContent/FMR/24/39.html>.

they live in. They often lack access to education, do not have a national identity, and are subjected to social stigma, forced evictions, discrimination, violence, and harassment.²⁹⁴ Statelessness is often transmitted from one generation to the next. This causes many children to start out life without a nationality, on a pathway to childhood statelessness. Violation of the right to nationality is directly linked to the violation of other rights such as education, nationality, political participation, arbitrary detention, property ownership, and freedom of movement.

Without citizenship, one cannot be issued an identity card or move with ease - which can lead to unemployment, labour rights violations, and exploitative, insecure, and unpredictable employment. This then has an impact on accessing basic services such as housing, food, and education. Stateless individuals are excluded from social security, pension entitlements, disability allowances and other social assistance or financial services, thus having inadequate standards of living. Family life, functioning and relationships can also be severely impacted by statelessness and the official invisibility. From a family systems perspective, one family member lacking citizenship can be a challenge to the functioning of that family and the preservation of relationships and the family unit.

There may be difficulty in contracting marriages, finding a partner, or desiring to marry or start a family. Threats of arrest, detention and deportation affect the enjoyment of family life and can lead to physical family separation. The stateless often face insoluble problems on property rights or the custody of children following spousal death or separation.

7.4.5 Heightened vulnerability

Stateless individuals are among the world's most vulnerable groups, least known, least heard, and least visible. Being stateless not only presents legal and policy challenges for national, regional, and international law, it also creates psychosocial challenges for the individual and their families as their lives are on hold. Indeed, statelessness can mean a lifetime of hardships if it remains unchallenged and unresolved.

The vulnerabilities of stateless people are gener-

ally increased as they are considered and marginalised as 'other' or 'outsiders, with their survival, rights, and dignity already compromised by social exclusion mechanisms such as legal invisibility, geographic segregation, and social ostracism. Citizenship means access to rights and thus, speaking out is possible. For many stateless people speaking out or acting when wronged or faced with a situation of abuse can also become problematic or increase their vulnerability. The lack of citizenship silences stateless persons and robs them of their voices.

It is therefore crucial to consider the direct and indirect impact of statelessness through a human rights lens because statelessness is associated with discrimination in accessing basic rights and it could render the person at risk of other human rights violations. Individuals and families who are stateless for prolonged periods of time, out of frustration and a sense of agency take it upon themselves to resolve their cases to the best of their abilities and use the limited resources that they have. This often means that they may negotiate to be smuggled or their vulnerability leads them to trafficking perpetrators. In addition, women may purposely marry local men for nationality. Statelessness can thus perpetuate child marriages and trafficking in persons and vice versa and attempts to fight one may implicate the other.

7.4.6 Lack of access to education, healthcare and employment

Statelessness creates challenges of accessing basic services such as housing, food, and education. When it comes to healthcare, statelessness not only exacerbates the risk of infections, it further limits options for access to medical care, including maternal and child health care.

7.4.7 Mental and psychological effects

What makes statelessness traumatic are the experiences that are both visible or hidden, and that involve a threat to a person's functioning, physical or emotional well-being and that of their family members. Being in a state of statelessness can be overwhelming. It can foster helplessness and result in intense feelings of fear, anxiety, and lack of control.

²⁹⁴ Tharani Loganathan et al. (2022) op cit note 28 1 at 18.

The knowledge of being stateless, is bound to change and influence the way that person understands themselves, relationships, the world, and others. It is also important to understand culture-specific descriptions and manifestations of trauma or of stressful experiences. These are aspects that any professional who works with stateless individuals and families ought to know and acknowledge.

From an intergenerational perspective, the stress, anxiety, or depression linked to stateless parents or caregivers can increase the internalised symptoms of their child. In addition, the timing and duration of exposure to the contextual stressful incidents can have consequences on children's developmental outcomes. Cumulative risk or prolonged multiple risks and limited future economic prospects can affect the severity to which a person's mental health is affected.

Daily stressors associated with the lives of stateless persons can be of more urgent concern than past traumatic events. This is because they play a significant role in mental health outcomes and ought to be considered as potential areas for intervention, in reducing mental health symptoms and increasing functioning and wellness. This is consistent with the belief that healthy coping and resilience can be fostered by supportive recovery environments.

7.5 GOVERNMENT INTERVENTIONS AND POSITIVE DEVELOPMENTS

To end statelessness, the Government of Uganda has carried out a number of interventions which include:

i) Uganda accepted dual citizenship under the UCIC Amendment Act 2009. The original versions of the Constitution prior to the amendments of 2005 and 2009 which allowed for dual nationality, provided for automatic loss of citizenship by birth by any person who retained or voluntarily acquired another citizenship (except through marriage), and simi-

larly for citizens by birth or registration.²⁹⁵ These provisions were repealed when the absolute prohibition on dual citizenship was ended.

- ii) Concerning the Maragoli, the Government of the Republic of Uganda intervened in the situation of the Maragoli who have been a stateless community since the adoption of the 1995 Constitution. They are part of the larger Luhya ethnic group of Kenya. It is estimated that there are around 18,000 Maragoli in Uganda²⁹⁶ The 2014 -2015 countrywide national identification registration exercise by NIRA led to the withholding of National IDs of the Maragoli because they did not meet the constitutional requirements to acquire Ugandan nationality. In recognition of their plight, the Government offered the Maragoli citizenship by naturalization which however submitted them to a discretionary process based on 20 years of residency in Uganda and not allowing them to transmit their citizenship to the next generation thus providing a temporary solution²⁹⁷.
- iii) In 2014, the Maragoli community filed a petition to the Parliament seeking recognition as an indigenous Ugandan tribe. In 2015, community leaders were invited to present their case to the Legal and Parliamentary Affairs Committee of Parliament which was considering a Constitutional Amendment Bill. The Committee recommended the establishment of a Constitutional Review Commission. In 2016, the Solicitor General advised NIRA to issue National IDs to the Maragoli pending the constitutional amendment to include the Maragoli among the indigenous communities listed in the Third Schedule of the Constitution.
- iv) The need to provide the Maragoli with National IDs was attributed to the challenges they faced in accessing education, healthcare, employment as well as birth registration. Following consistent lobbying efforts fuelled by the urgent need of national IDs, NIRA released the formally withheld national IDs in 2018 and 14 members of the Maragoli community were appointed to the Constitutional Review

295 Constitution Articles 13-15

296 Bronwen Manby, *Statelessness and Citizenship in the East African Community*, UNHCR, (2018), p.91

297 Johanna Seid, *Quest for citizenship-the story of the Maragoli* (January 2019), <http://refugee-rights.org/wp>

Commission.²⁹⁸ In August 2020, a Private Members Bill for Constitutional Amendment was tabled in Parliament seeking the recognition of the Maragoli as one of the indigenous tribes in Uganda. The Bill then sought for the amendment of the Third Schedule of the Constitution to include the Maragoli as one of Uganda's indigenous tribes.

- v) Banyarwanda have been accepted as Ugandans under the Constitution of the Republic of Uganda 1995. They are recognised as one of the official tribes of Uganda in the Third Schedule.
- vi) The Registration of Birth and Deaths Act 2015 provides for compulsory registration of children at birth²⁹⁹ and that every child should be allocated a National Identity Number at birth by NIRA and identified as a citizen of Uganda or an Alien Identification Number to a child identified as an alien.

7.6 RECOMMENDATIONS

1. The Ministry of Justice and Constitutional Affairs and Parliament of Uganda should amend the Constitution to include minority indigenous tribes that were excluded from Schedule III.
2. Government through the Ministry of Internal Affairs should have the Constitution and the UCIC Act Cap 66 amended to enable children acquire citizenship automatically through their parents irrespective of whether their parents

acquired nationality through registration or naturalization.

3. National Identification and Registration Authority should have personnel stationed at medical facilities for effective registration at birth.
4. Ministry of Gender, Labour and Social Development should carry out advocacy and raise awareness on the effects of statelessness and right to identity.
5. The Ministry of Internal Affairs should review the Age limit (five years) of the foundling to cover children above five years whose parentage are unknown.
6. The Ministry of Internal Affairs should review/removal of the fees levied for registration and application for birth certificates and national identity cards.

7.7 CONCLUSION

In conclusion, to be without a legal identity is to be in a state of perpetual helplessness and frustration. Stateless persons often lack access to: education; employment; health care; registration of birth, marriage, or death and property rights. Stateless people may also encounter travel restrictions, social exclusion, and heightened vulnerability to sexual and physical violence, exploitation, trafficking in persons, forced displacement, and other forms of abuse. The Government of Uganda needs to come up with deliberate efforts to end statelessness.

298 Radio One, "The Maragoli tribe" to petition Parliament, Citizenship Rights in Africa Initiative; (July 2014), available at <https://citizenshiprights.africal.org>

299 Section 28

WITNESS PROTECTION IN UGANDA: THE HUMAN RIGHTS CONCERNS

8.0 INTRODUCTION

All criminal justice systems have a duty to put in place procedures to provide measures for the protection of persons whose cooperation with the criminal justice system in an investigation or prosecution, puts them, or persons closely associated with them, at risk of serious physical or emotional harm.³⁰⁰ As crime rates increase in Uganda, the need for stronger witness protection measures becomes even greater.³⁰¹

States have a responsibility to respect the fundamental rights of victims, assist them in accordance with their special needs, and protect them from further harm. Improving legal protection supports access to justice. In the criminal justice system, witnesses play a critical role in providing evidence about crimes to enable the courts arrive at a just conclusion about the guilt of an alleged perpetrator. It is therefore imperative that witnesses are protected and supported to provide their evidence without intimidation or fear for their lives. Victim and witness protection enhances the capacity and integrity of investigations, prosecutions or special commissions of inquiry services.

Protection of witnesses refers to the application of all measures that can contribute to preventing and minimizing the risk of harm and or reduce any threats that can jeopardize the life or physical integrity of cooperating persons and or stop harm from being inflicted on them.³⁰² Oftentimes witnesses are also victims of crime. The ability to provide effective protection to witnesses, as well as assistance and protection to victims, is critically important in ensuring successful investigations and prosecution of organized criminal groups. The purpose of this

mechanism is also to protect witnesses in criminal cases from potential retaliation or intimidation. Witnesses have a right to safety and security when testifying, which is a fundamental human right. It is an opportunity for the State to perform its duty of care to ensure protection of its citizenry from any harm or intimidation and to ensure rule of law.

This chapter seeks to review the existing legal and policy framework for protection of witnesses and the human rights concerns arising therefrom.

8.1 LEGAL AND POLICY FRAMEWORK

8.1.1 International Framework

The Rome Statute/Rules. Through various responsibilities shared across its organs, the International Criminal Court is obligated under Article 68(1) of the Rome Statute to provide for the protection of victims and witnesses appearing before the court, including ensuring their safety, dignity, privacy, and physical and psychological well-being.³⁰³ The ICC has made substantial progress toward setting up effective systems of victim and witness protection and support. Protection and support for witnesses and victims has consistently received high-level attention across all the organs of the court. The Rome Statute establishes a Victims and Witnesses Unit (VWU) within the Registry.

The United Nations Convention against Torture and cruel, inhuman or degrading treatment or punishment. Article 13 of the UN Convention against Torture and Cruel, Inhuman or degrading treatment (UNCAT) provides that steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or

300 <https://www.unodc.org/unodc/organised-crime>.

301 The Crime Report 2023 indicates that rates of crime

302 <https://www.ohchr.org/publications>, Accessed on 29th January 2024 at 8:04pm.

303 <https://www.hrw.org/reports/icc0708/9.htm>

intimidation as a consequence of any complaint or evidence given. By including this obligation alongside the provision to ensure victims of torture have the right to complain and to have their case promptly and impartially examined, the drafters of the Convention recognized the importance of protecting victims and witnesses and its centrality to the fight against impunity for torture. Victims' right to protection is also central to the realization of the right to redress and reparation under Article 14 of the UNCAT, as elaborated in the Committee Against Torture's General Comment 3, which recognizes the failure to ensure protection as not only a violation of article 13, but also of article 14 as well as other articles in the Convention.³⁰⁴

The United Nations Convention against Corruption. Article 32 of the United Nations Convention against Corruption (UNCAC) enjoins state parties to take appropriate measures in accordance with the domestic legal system and within their means to provide effective protection from potential retaliation or intimidation of witnesses and experts who give testimony concerning offences established in accordance with the UNCAC and as appropriate for their relatives and other persons close to them.

One key to fighting corruption is an effective whistle-blower and witness protection system. To this end, states are required to provide effective protection from retaliation or intimidation for witnesses, experts and victims who give testimony in relation to UNCAC offences, as well as their relatives and others close to them. Protection against unjustified treatment for anyone reporting facts regarding these offences must also be considered. Measures are required to be taken to enhance the likelihood of cooperation with law enforcement authorities of persons who have participated in the commission of an offence, including by mitigating punishment of, or granting immunity to, an accused person who provides substantial cooperation in the investigation or prosecution of a corruption offence.³⁰⁵

The United Nations Convention against Transnational Organized Crime. The United Nations Convention against Transnational Organized Crime and its associated Protocols against Human Trafficking and Smuggling of Migrants call upon States

to take measures to protect victims and witnesses from threats, intimidation, corruption or bodily injury.³⁰⁶

8.1.2 National Framework

The Constitution of the Republic of Uganda. Article 28 (g) of the Constitution of the Republic of Uganda provides for the right of every person who is charged with a criminal offence to be afforded facilities to examine witnesses and to obtain attendance of other witnesses before court. Witnesses therefore form a critical part of the right to a fair hearing through the criminal justice system in Uganda.

The Whistle Blowers Protection Act 2010. The Whistle Blowers Protection Act seeks to provide for the procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; and provide for the protection against victimisation of persons who make disclosures. Section 2(3) of the Act provides that the protection afforded to a whistle-blower shall not cease when his or her identity as whistle blower has been revealed, where the whistle blower was not responsible for the revelation. Section 9 of the Act provides for protection of whistle-blowers from victimization. It defines victimization to include dismissal and any forms of reprisal. Section 11 provides for state protection for whistle blowers. Section 16 of the Act makes victimization of a whistleblower an offence punishable by imprisonment for a period of not more than five years or a fine not exceeding 120 currency points.



Witness protection video footage

304 Briefing paper to the UN Committee against Torture "The need for independence in the protection of victims and witnesses under article 13 of the UNCAT".

305 <https://www.undp.org/files/migration/pacific>.

306 <https://unis.unvienna.org/unis/pressrels/unscp/558>.

8.2 SITUATIONAL ANALYSIS

In the criminal justice system, witnesses play a vital role in ensuring that justice is served. However, there are instances where witnesses face threats, intimidation, and harassment, which can lead to tampering with their testimony. Witness protection enhances access to justice and promotes the rule of law as the cases depend on witness testimonies given freely and confidently without fear of reprisals whatsoever. Witness protection therefore helps in securing the testimony of threatened and intimidated witnesses especially in high profile cases. Witness protection is critical in ensuring efficient and effective prosecution, thus contributing to effective justice delivery and combating crime. It provides a safe environment for witnesses to testify without fear of retaliation.

Below is the importance of witness protection programmes and how they aid the criminal justice system.

8.2.1 Protection for Witnesses

Witness protection programmes provide a secure environment for witnesses to testify without fear of retaliation. This is especially important in cases where witnesses are testifying against powerful individuals or criminal organizations. Witness protection programmes offer a range of services, including relocation, new identities, and financial assistance, to ensure that witnesses can start a new life away from the dangers they face.

8.2.2 Preventing Witness Tampering

One of the main reasons for witness protection programmes is to prevent witness tampering, which is a serious crime that can result in the obstruction of justice. Witness protection programmes provide a safe environment for witnesses to testify without fear of reprisal, which can lead to the successful prosecution of criminals.

8.2.3 Boosting Confidence in the Justice System

Witness protection programmes help to boost confidence in the justice system. When witnesses are protected, they are more likely to come forward and testify. This, in turn, leads to more successful prosecutions and convictions, which sends a message to criminals that they cannot escape justice.

8.3 CHALLENGES IN IMPLEMENTING WITNESS PROTECTION PROGRAMMES

Despite the benefits of witness protection programmes, there are challenges in implementing them. Funding is a major issue, as witness protection programmes require significant resources to operate. Additionally, not all witnesses are eligible for witness protection, which can lead to disparities in the way witnesses are treated.

8.3.1 Alternative Options

There are alternative options to witness protection programmes, such as witness anonymity. However, these options are not as effective as witness protection programmes, as witnesses can still be tracked down and intimidated. Witness protection programmes provide a more comprehensive solution to witness tampering and offer the best protection for witnesses.

Witness protection programmes are a crucial part of the criminal justice system. They provide a safe environment for witnesses to testify, prevent witness tampering, boost confidence in the justice system, and offer a more comprehensive solution to witness protection than alternative options. While there are challenges in implementing witness protection programmes, they remain the best option for protecting witnesses and ensuring that justice is served.

8.3.2 Loss of cases due to lack of witness protection

Many cases in courts of law and at police fail to proceed due to victim intimidation and the absence of witnesses. Victims who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system in bringing perpetrators of crime to justice. In many situations, terrorism, organized crime and corruption cases can be some of the most difficult and complex to investigate and prosecute. Disrupting or dismantling criminal groups requires getting information about actors, activities and financial dealings that can be difficult to obtain because of the secrecy of their operations and because corrupted officials are often paid to alert and protect them from such investigations. The tools that are routinely used by successfully law enforcement investigations to bring down criminal groups include:

- vii) The use of criminal intelligence in order to understand the threats that presently and are likely to affect a particular jurisdiction and region and to assist law enforcement authorities in prioritizing and allocating its resources;
- viii) Informants and whistle blowers, to provide information about where to look and what to look for;
- ix) Special investigation techniques, such as electronic surveillance and undercover operations, in order to penetrate these groups and gain evidence;
- x) The ability to persuade persons working for criminal organizations to provide information and, more importantly, testimony about the identities and the activities of criminal organizations in exchange for some leniency;
- xi) The ability to provide security to witnesses, including relocation and a new identity.

These elements, along with comprehensive and effective anti-money laundering schemes and the ability to seize and confiscate the proceeds of crime and to effectively cooperate with other countries for mutual legal assistance and extradition, are the main elements of any successful anti organized crime programme and are also key elements in the investigation and prosecution of corruption cases. Corruption too thrives in secrecy where both the giver and the taker are beneficiaries.

However, inadequacies of criminal justice systems may mean that victims are not able to access the services they need and may even be re-victimized by the criminal justice system itself. International standards recognize access to justice both as a basic human right and a means to protect other universally recognized human rights.³⁰⁷ The UHRC notes that there is increased threats to witnesses particularly from cases of corruption, land, transnational crimes e.g. human trafficking, family or marital disputes, use of violence like acid attacks. There is increasing demand for protection services at most of our stations.

8.3.3 Intimidation of witnesses

There have been several cases of intimidation and killing of witnesses due to inadequate self-protect-

tion measures and personal security. In cases of corruption where the witnesses tend to work in the same environment with the accused persons, they are often intimidated and victimized and are unwilling to testify. The Uganda Police Crime Report of 2022 indicated that 10,345 cases of threatening violence were reported, with 35 percent of these cases relating to intimidation of witnesses and victims of crime. This intimidation is intended to dissuade witnesses from pursuing their cases.

On the one hand, all persons have a civic duty to give sincere testimony as witnesses if so required by the criminal justice system, but on the other hand states have a duty to protect witnesses against being a subject of undue interference, by providing them with specific protection measures aimed at effectively ensuring their safety.

Providing witnesses with proper and adequate protection can play a crucial part in bringing offenders to justice since the successful conclusion of each stage in criminal proceedings often depends on the cooperation of witnesses. The position of the witness is therefore central to any modern criminal justice system as sufficient physical evidence will not always be found. Besides, this is especially true for adversarial systems, where at a public hearing the prosecution must prove its case by leading evidence which can then be challenged by the defence. Here, the rights of defence should obviously be balanced against the use of protective measures, especially against those which conceal the identity of the witness.

There are also increasing and changing modes of threats especially in the era of social media. The Commission noted that due to delayed trials, it remains a challenge to protect witnesses for so many years. The longer the trial process, the easier it is for witnesses to be intimidated by threats or compromised. The witnesses also develop fatigue and can easily become hostile.

8.3.4 Terrorism and organised crimes

Witness protection is especially important in the fight against organised crime. The closed nature of the criminal and terrorist groups makes it very difficult to use traditional investigative methods successfully. Especially when it comes to more

³⁰⁷ <https://www.americanbar.org/advocacy/> accessed on 29th January 2024 at 4:53pm

serious and organized crimes, offenders will very often try to prevent witnesses from providing the information they have. Such a threatened witness can be granted the status of protected witness. Typical also, when it comes to valuable information concerning serious and organized crimes, is that possible witnesses will only seldom be innocent bystanders, who 'by accident' obtain vital information concerning these crimes. In many cases they will be closely connected to the offender(s), sometimes engaged in criminal activity and therefore often subject to prosecution or punishment themselves.

the judicial authorities with the possibility to give a lighter punishment or other similar benefits to offenders who help to clarify crimes. This category is often referred to as collaborators with justice (pentiti, crown witnesses, Government witnesses, co-operating witnesses). Given the transnational dimension of several forms of serious crimes, including organised crime and terrorism-related offences, the protection of witnesses and collaborators of justice and people close to them can sometimes only be effectively ensured outside national borders. The further development of international cooperation has therefore become an issue which requires urgent attention.

For this reason the penal code almost provides



8.3.5 Absence of a witness protection law

The biggest challenge to witness protection in Uganda remains the lack of supporting legislation. With no specific legal provision on witness protection, this poses a challenge for the police

and prosecutors to protect witnesses. As a result prosecuting agencies lack a framework to support witnesses in a meaningful and sustainable manner. Since 2015 the Witness Protection Bill has not been passed into law.

8.3.6 Initiatives to provide Witness Protection

Although Uganda does not have a witness protection law, several efforts have been taken, especially by prosecuting agencies such as the Office of the Director of Public Prosecutions (ODPP) and the Inspectorate of Government, working with the Uganda Police and the Courts to put measures in place to protect witnesses from threats and intimidation. Police has since established witness protection units which are responsible for; assessing risks, providing security, coordinating with relevant agencies and providing assistance for relocation. Courts are also currently implementing some witness protection measures including camouflage and testifying in camera among others. Courts have the powers to issue anonymity orders to protect the identity of victims.³⁰⁸

The primary objective of any witness protection programme is to safeguard witnesses in cases of serious threat which cannot be addressed by other protection measures in cases of special importance where the evidence to be provided by the witnesses (including victims) cannot be obtained by other means.



Video camouflage in Uganda's court

The current provisions for witness protection in Uganda are largely implemented by the ODPP under the witness protection guidelines. They include Police escorts/bodyguards for person and home relocation, change of identity and provision of well-protected and serviced shelter. The shelters currently offered by our partner civil society groups.

The ODPP also developed Witness Protection Guidelines (2019) to assist prosecutors determine protection parameters during investigations, trial and post-trial threats. They cater for ad hoc/temporary measures (simple measures that do not require money and specialised personnel). They also make referrals for protection in deserving cases to police and civil society partners, and initiate investigations into threats and prosecute some perpetrators of these threats.

8.3.7 Limited funding for witness protection

The process of investigating and prosecuting offenses, depends largely on the information and testimony of witnesses. In this regard, witnesses are the cornerstone of successful national criminal justice systems. Prosecutors depend upon witnesses who are reliable, whose testimony can be accepted as truthful, accurate and complete. The recall of witnesses and their ability to relate relevant information may be affected by many factors including age, intellectual or physical impairment, language, relation with the offender or involvement in the case or offence or due to trauma they have suffered as a victim. In addition, the needs and rights, where appropriate, of victims should always be addressed to ensure that they are treated with care and respect and are not further victimized. Therefore it is good practice for criminal justice systems to provide protection, assistance and support measures to victims and other witnesses in order to facilitate their ability to participate in the criminal justice system and to give the kind of testimony that is required for the maintenance of the rule of law.

Protection, assistance and support measures should be employed before, during and after a trial to help witnesses in coping with the psychological and practical issues they may have in testifying. This may also be used in coordination with procedural protections and other security measures. Security provided by the police is aimed at providing physical security before during and after trial. Procedural protections are those that may be used both to support a witness' ability to testify as well as to enhance a safety before and during the trial.

308 On March 5th 2018, Justice Lydia Mugambe issued a protective order in the matter of an application by a Makerere University student to preserve her anonymity during litigation about alleged sexual harassment. Reported in Daily Monitor on Monday March 12 2018. Accessed online at <https://www.monitor.co.ug> on 1st March 2024.

Unfortunately, Uganda still lacks sufficient funding and human capacity for managing witness protection. The ODPP has a witness protection department but with no funding. The Inspectorate of Government similarly has no budget for witness protection. There is limited human capacity for assessment, admission, protection, supervision-professional roles-lacking. Witness protection in prosecuting agencies is handled on a case by case basis.

8.3.8 The Witness Protection Bill 2015

UHRC has been at the forefront of advocacy for a witness protection law to be passed in Uganda, which efforts led to the drafting of the Witness Protection Bill 2015. The Witness Protection Bill seeks to establish a Witness Protection Agency and a national Witness Protection Programme to provide protection and safety for witnesses in proceedings, to facilitate witnesses in the witness protection programme to testify and give evidence during proceedings. The Witness Protection Agency is meant to provide the framework and procedures for giving special protection on behalf of the state to persons in possession of important information and who are facing potential risk or intimidation due to their cooperation with prosecution and other enforcement agencies.

8.4 HUMAN RIGHTS CONCERNS

8.4.1 Delays in access to justice

The Commission notes many people are still afraid of reporting cases to police, or appearing before court as witnesses, due to the lack of a witness protection law. Providing witnesses with proper and adequate protection can play a crucial part in bringing offenders to justice since the successful conclusion of each stage in criminal proceedings often depends on the cooperation of witnesses. Where there are no witnesses, prosecuting agencies are unable to prove cases against criminals. These challenges contribute to long periods of incarceration on pre-trial remand. It also increases the challenge of securing victims or witnesses especially in cases of violent crimes such as terrorism.

Difficulties in accessing witnesses makes the judicial process longer as prosecutors keep seeking adjournments in the hope of convincing witnesses to testify. In other cases guilty people may be acquitted simply because of failure to get witnesses.

8.4.2 Right to life and security of person

The Commission notes that without a witness protection law, the lives and security of many witnesses and victims is at stake. Where the security of victims/witnesses is not guaranteed, accused persons can cause the death or disappearance of such witnesses resulting into acquittals of criminals. Where their protection from highly resourced and dangerous criminals is not provided for, the cases collapse and impunity grows. As a result more lives are at risk and rates of criminality increase.

8.4.3 Psychological Impact of Witness Protection

The psychological impact of witness protection is an aspect that is often overlooked in discussions about the programme. Witness protection is a necessary measure to safeguard those who help break syndicates. However, the experience of entering into witness protection can have a deep and lasting psychological impact on individuals and their families. Witness protection can be a traumatic experience, and it is important to understand the psychological effects that it can have.

- i) **Fear and Anxiety:-** The primary psychological impact of witness protection is fear and anxiety. The fear of retaliation from the syndicate that they have betrayed can be overwhelming. This fear can affect the mental health of the witness and their family members. The constant fear of being discovered or attacked can lead to anxiety, depression, and post-traumatic stress disorder (PTSD). The fear and anxiety can also affect the daily lives of the witness and their family members, making it difficult to live a normal life.
- ii) **Isolation:-** Witnesses in protection often have to leave their homes, jobs, and communities behind. This can lead to a sense of isolation and loneliness. The witness may feel cut off from their support systems and may have difficulty making new connections. This isolation can lead to depression and other mental health issues.
- iii) **Loss of Identity:-** Entering into witness protection can also lead to a loss of identity. The witness may have to change their name, appearance, and even their occupation. This

can lead to a sense of loss and confusion. The witness may feel like they have lost a part of themselves and may struggle to find a sense of identity in their new life.

- iv) **Lack of Control:-** The witness may feel like they have lost control over their life. They may have to follow strict rules and regulations and may not be able to make decisions for themselves. This lack of control can lead to feelings of helplessness and frustration.
- v) **Family Impact:-** Witness protection not only affects the witness but also their family members. Family members may have to leave their homes, schools, and friends behind. This can be particularly difficult for children who may not fully understand what is happening. Witness protection can also put a strain on relationships, as family members may feel isolated and disconnected from their support systems.

Witness protection is however a necessary measure to safeguard those who help break syndicates. However, it is important to understand the psychological impact that it can have on individuals and their families. The fear and anxiety, isolation, loss of identity, lack of control, and family impact are all important factors to consider when entering into witness protection. It is crucial that witnesses receive the support they need to cope with these psychological effects and to adjust to their new lives

8.4.4 Cost of witness protection

Witnesses and victims continue to face challenges in accessing protection. The UHRC also notes that in relation to the most serious crimes, even persons close to the witness might be endangered and may require protection. The forms of protection may include body guards and other expensive mechanisms such as the relocation of a witness and his/her close family internally, the possibility of formally changing their identity as well as helping with social and economic assimilation in the communities to which they are moved.

The costs associated with setting up a witness protection programme are among the main reasons countries hesitate to begin. There is no doubt that the costs for such programmes are expensive and this is the main reason why such programmes must

be aimed at only the most important cases and within these, only for those witnesses who meet other criteria previously discussed. The costs need to be weighed against the possible benefits, such as disruption or dismantling of criminal groups by being able to get to their leaders, shorter investigations and more efficient high level prosecutions.

There are also practical difficulties arising from relocation requests when particular procedures required. In this case, Government need to rely on international agreements with countries for the protection of witnesses, collaborators with justice and people close to them.

It is not easy to predict how many cases will require the services of a protection programme. For these reasons, it is important that when preparing a budget, the concept of sustainability must be factored in. Funds need to be adequate to sustain relocation of witnesses for some years. As protection is a long-term commitment, expenses are cumulative. Even after the end of the initial resource-intensive period of relocation, some aftercare is often provided through periodic threat assessment and emergency responses to counter any unexpected resurgence of the threat.

8.4.5 Inconsistency in witness protection initiatives

Despite certain achievements in many areas related to the protection of witnesses over the last few years, their situation is not sufficiently stabilised. Various specific challenges can be identified, such as the scattering of actions, touching upon issues related to witness protection and the insufficient co-ordination among the relevant authorities. The UHRC also noted the poor use of existing networks of the relevant bodies, the absence of a comprehensive vision on what has been achieved so far due to lack of data and analyses, mainly due to the confidential nature of information and the absence of commonly agreed good practice to ensure effective protection for protected persons.

8.4.6 Location and Institutional Structure of a witness protection

Witness protection programmes can be institutionalized in different ways. For some countries, the police force is the programme's natural environment, as out-of-court protection of witnesses

is seen primarily as a police function. For others, separating protection from the investigation is of higher value in order to ensure objectivity and minimize the risk that admission to the programme unwittingly may become an incentive for witnesses to give false testimony that they believe the police or prosecution wants or needs.

Where a programme is located within the police force, the isolation and autonomy (organizational, administrative and operational) of the covert unit responsible for the implementation of the programme from the rest of the police force is of great importance. In other countries, witness protection programmes are separated organizationally from the police and sit under the equivalent of the Ministry of Justice, the Ministry of the Internal Affairs or the State Prosecutor. For other countries, programmes are implemented by a multidisciplinary body consisting of high-level representatives of the law enforcement, prosecutorial, judicial and Government authorities and sometimes from civil society. That body takes decisions on such matters as admission to the programme and termination. It may also exercise some oversight over implementation of the programme and make budgetary submission to the Government. Regardless of the location of the witness protection programme, the key issues to a programme's success seem to be, separation from the investigation, confidentiality of procedures and operations, and organizational autonomy from the regular police.

8.4.7 Covert Nature of Witness Protection

Witness protection programmes are covert units meaning all information about witnesses and the operational actions taken by the programme must be kept confidential and have their own databases for storing information. Since the greatest risk of compromise to a programme is the human element, all staff, including administrative personnel, must be vetted to ensure the highest possible level of security. Only by setting the highest professional standard can those responsible for the programme (and for the lives of the protected witnesses) meet its demanding requirements.

8.5 RECOMMENDATIONS

- i) Ministry of Justice and Constitutional Affairs should hasten the enactment of the Witness Protection Bill 2015.
- ii) Government should provide for a multi-sectoral witness protection programme for ODPP, Police, Judiciary, Prisons and civil society.

8.6 CONCLUSION

With the changing crime trends, there is need for the Government of Uganda to invest in witness protection as one of the best tools to fight crime. With the increased use of the social media, privacy and protection have become complicated to deal with. Legislation should adapt quickly to seal these emerging loopholes, to ensure effective and efficient administration of justice.

STATUS OF CHILDREN BORN OUT OF WAR IN NORTHERN UGANDA

9.0 INTRODUCTION

One of the emerging human rights issues observed by the Uganda Human Rights Commission in 2023, was the human right concern of children born out of war (CBOW). According to Peace Research Institute (2022) CBOW are children born to local mothers and fathered by enemy soldiers during and after armed conflict. This chapter focuses on the status of CBOW in northern Uganda covering the sub regions of Gulu, Lira and Arua. Northern Uganda experienced the Lord's Resistance Army (LRA) war from 1986 to 2006. It later spread to the South Sudan, DRC and Central African Republic.

In this period of war, there were gross human rights violations where many girls and women were abducted, raped, subjected to conjugal slavery and gender-based violence by the LRA.³⁰⁹ As a result, many of the formerly abducted girls and women returned with children born out of war from different places where rebel fighting took place. In trying to address the occurrences, this chapter gives information regarding the status of children CBOW in Northern Uganda.

9.1 LEGAL FRAMEWORK

9.1.1 International legal frame work

The protection of children from all forms of violence including physical and mental violence, and discrimination is a fundamental right enshrined in the UDHR.³¹⁰ It should be noted that all human beings including CBOW are born free and equal in rights and dignity. The subsequent UNCRC.³¹¹ and the ICCPR specifically place an obligation on state

parties to ensure that all appropriate legislative, administrative, social and educational measures are put in place to protect the child from any form of physical or mental violence, injuries or abuses, neglect or negligent treatment, maltreatment or exploitation including discrimination and stigma.³¹²

The protection of CBOW is also provided for under Rome Statute. The Rome Statute of the International Criminal Court states that, Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims especially CBOW. In conclusion, all children whether born in or out of wedlock shall enjoy the same social protection. Every child shall have, without any discrimination in regard to race colour sex, language, religion, national, or social origin, property, or birth, the right to such measures of protection as a required by his status as a minor, on the part of his family, society and the state as provided for in the instruments respectively. While in the Geneva Convention Article 3 emphasizes humane treatment for all civilians, and prohibits rape and sexual violence against children. Furthermore the 1949 Geneva Conventions and their 1977 Additional Protocols establish that "children shall be the object of special respect and shall be protected against any form of indecent assault."³¹³

9.1.2 Regional Legal frame work

At Regional level, the ACRWC makes the protection and promotion of the rights of a child mandatory to African states. In particular, Article 21 stipulates that the States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the

309 Journal article, LRA and Forced Conscription in Northern Uganda by Phuong N. Pham and Patrick Vinck

310 See Article 1 of Universal Declaration of Human Rights

311 See Article 2 (1,2), 19 (1) of the CRC

312 See Article 24 of ICCPR

313 See Article 77 of the Geneva Convention and Additional Protocol.

welfare, dignity, normal growth and development of the child. Clause (b) provides against customs and practices that are discriminatory to the child on the grounds of sex or other status. Further, for purposes of identity, Article 6(2) stipulates that every child shall be registered immediately after birth and shall have the right to a nationality i.e. the right to belong to a country in which they are born or from countries where they live.³¹⁴ Article 6 (3), also states that every child has the right to acquire a nationality.

9.1.3 National Legal Framework

In Uganda, legal provisions relating to the protection of a child can be found in an array of domestic legal instruments. The Constitution of Uganda comprehensively provides a framework for the protection of all children in Uganda. Articles 20 and 21 generally protects the fundamental rights of a child. In particular 21 (1) provides against any form of discrimination based on any grounds such as sex, race, colour ethnicity tried region, social or economic standing. Additionally, Article 34(1) and (2) provide for the rights of a child to know and be cared for by their parents or those by law to bring them up including the right to basic education as responsibility of the state.³¹⁵

This is further expounded in Section 3 (1) of the Children's Amended Act gives effect to the constitutional provisions above, emphasizing the best interest principle as of paramount consideration in all decisions affecting a child. Section 7 of the Act, is to the effect that no person is obligated to expose to a child to any customary or cultural practice that is harmful to his health, well-being, education or social economic development. Section 4 recognizes the right of the child to live with his/her parents or guardians; to be registered after birth; a name and nationality; inherit property where applicable; and to be treated without discrimination of any kind.³¹⁶

Article 11, International Criminal Court Act 2010 reiterates that (1) a person is liable on conviction on indictment to the penalty specified in subsection (3) who, in Uganda or elsewhere, commits a crime against humanity.

9.2 SITUATIONAL ANALYSIS OF THE STATUS OF CHILDREN BORN OUT OF WAR IN NORTHERN UGANDA

Northern Uganda experienced the LRA war that began from 1986 to 2006. During the war, hundreds of women and girls were abducted by the rebels and taken into captivity. While in captivity, many of the abducted women and girls were subjected to forced marriages, rape and other forms of sexual exploitation. Upon being requested, many of the formerly abducted girls and women returned with CBOW, fathered by rebel fighters.

Unfortunately, upon return to the communities, the children born of war and their mothers experienced rejection from family and community members, trauma and mental disorders, difficulties in accessing land, health, and education services, stigma, discrimination, and lack of legal identity.

9.2.1 Prevalence of Children Born out of War

Children born out of war often endure hardship and mistreatment while in captivity with their mothers. The UHRC, established that the total number of CBOW in the country is not consistent, since different institutions have different records of data. However, a United Nations Report 2006, puts the number at about 25,000 abducted children of whom 7,500 were girls, and about one in four returned with at least one child (UNICEF Report 2008). A Save the Children report (2018), indicated an estimate of 3,421 CBOW. Furthermore Ministry of Gender, Labour and Social Development (2009-2011) gave an estimate of 5,000 children, a study carried out by the JLOS (2020) in Northern Uganda on the birth registration of CBOW revealed an estimate of 4,000–6,000³¹⁷. Similarly, the Executive Director of GWED-G said there are over 500 children born out of war in Acholi, while the Director of War Victims and Children Networking based in Gulu City, stated that there are 3,600 children in Acholi, 800 in West Nile, 600 in Teso and 1,600 in Lango Sub-region.³¹⁸

314 See Article 6 (1, 2, 3, and 4) of the African Charter on the Rights of a child.

315 See Article 20(2), 21(1) (2) 34(1) (2)

316 See section 4 (a),(d),(e),(f),(j) children's Act

317 JLOS pilot study on the birth registration of children born out of war in Northern Uganda

318 Interview with Jackline Atingu, consultant Justice Security Research Project (JSRP), London School of Economics 2018



The Director Women's Advocacy Network and UHRC staff during data collection exercise in Gulu City.



UHRC staff interacting with the former abducted girls in Gulu City

Some of the interviewed victims and mothers of the CBOW informed the Commission that over 80 percent of abducted girls/women returned with an average of three children and above.³¹⁹ However, according to the local council leaders in Gulu City, data on unaccompanied children was not captured because it was very hard to trace them since CBOW could be mainly traced through their mothers after reintegration.

The Director of Women's Advocacy Network which is a CBO of formerly abducted women and Girls based in Gulu City, herself a formerly abducted girl and ex-wife to the LRA Commander Joseph Kony, informed the Commission that CBOW from 1986 to date range between four months (04) to thirty

(30) years of age. The mother of the youngest baby of four months reportedly returned on 28th September 2023 from Central African Republic along with other 32 children.³²⁰

9.3 HUMAN RIGHTS CONCERNS OF CHILDREN BORN OUT OF WAR

9.3.1 Rejection from family and community members

Children born out of war face rejection from families and community members where they have settled. In most African cultures and in this case Acholi subregion, it is important that the father of a child is known, and their clan as part of identity. This is however not the case for CBOW, who returned with their mothers. This made the communities reject the children since the fathers and their clans were unknown. Additionally, some of these ex-combatants were using nicknames which made tracing of relatives difficult.

The UHRC interviewed some mothers and CBOW and established that these children are considered as illegitimate children of the men who committed serious atrocities on different families which would bring shame and bad luck to the respective families and communities at large. For example, a formerly abducted girl narrated her story:

³¹⁹ Interview with Amony Everlyn, formerly abducted girl and ex-wife to LRA Commander Joseph Kony

³²⁰ Article from Daily Monitor September, 2023 page 1

Interview with Atek Lillian a formerly abducted girl

"I returned from captivity with five children all boys from two LRA ex-combatants, the first man who is the father of the first child died from the bush and the father of the four children was still in the bush at the time of return. When I was reunited with my family, my parents rejected me from the first day, they gave me a grass thatched hut that was almost collapsing. I was denied access to land and nobody wanted me and my children at that time, I moved with my children to Gulu Town to start new life.

I traced for the home of the first man in Pece-Acoyo and presented their son to them, they rejected him and alleged that it could also be that my son is not for their late brother. I traced for the home of the second man in Pajule where I found him with another wife, they welcomed the children but the wife mistreated them until one day they walked on foot to Gulu where I lived. They told me that every time they do any mistake, they are reminded of how they were conceived and born in the bush and whenever they fight with the neighbours' children, they are reminded of how their father killed a neighbour while in the bush. Now I live with my children in a rented house in Gulu City."³²¹



Ms. Atek Lillian narrating her story to UHRC during the interview

Similarly, one of the respondents interviewed reported that formerly abducted girls who remarried or co-habited upon return and had to go to their new husband's home with CBOW, from where they also faced rejection from their step fathers with no support towards the well-being of the children. This made many of the children to move to Gulu Town and other centres and join the street life because they had nowhere to go to. Furthermore, it was revealed that majority of the grown up boys and girls who reached the age of marriage found difficulty in finding partners because they were also rejected in communities due to fear that they had bad spirits and bush mentality since their parents were killers in the bush³²².

9.3.2 Trauma and mental disorder

Trauma is an emotional response to a terrible event like war. During and after the event, shock and anxiety are typical. Longer term reactions include unpredictable emotions, flashbacks, strained relationships, and even physical symptoms like headaches or nausea, and high rate of suicide.

Children born out of war continue to experience rejection from family and community members. This has led to trauma and mental health disorders, anxiety, fear, and suicide. Some of the respondents informed the UHRC that, due to the trauma experienced by CBOW, "there is a lot of alcohol and substance/drug abuse". Some of the substances used include; kuber, cigarettes, marijuana, aviation fuel and opium among others.

The Acting Gender Officer of Gulu City informed the UHRC that emotional trauma experienced by children born out of war is profound and lasting. She further emphasised that witnessing and experiencing violence, separation from loved ones, and the loss of homes and communities has devastating impact on the emotional well-being of human beings.

Furthermore, several children born out of war experienced mental disorder. This is a condition characterized by behavioural, emotional, or cognitive dysfunctions that are not readily controlled by the individual and are related to clinically significant distress or impairment in one or more areas

321 Interview with Atek Lillian a formerly abducted girl

322 Interview with Lukwiya Francis, Secretary General, Acholi Religious Leaders Peace Initiative

including social, occupational, and interpersonal functioning. The victims interviewed stated that they experienced various kinds of mental disorder such as anxiety, depression, bipolar disorder, and other mood disorders, post-traumatic stress disorder, and psychotic disorders.

9.3.3 Access to health services

According to the respondents interviewed, health services are provided in Government and private health centres and hospitals. However, most of these health facilities have inadequate drugs and lack adequate health personnel to attend to the unique health challenges of the CBOW. Furthermore, some of these children lack medical attention for severe injuries like bullets still in their bodies yet Article 24 on the Convention on the right of a child guarantees every child's right to good quality health care.³²³

The right to quality health care is provided for under Article 14 of the ACRWC which provides that every child has the right to good physical and mental health. Children have the right to the best possible state of physical, mental, and spiritual health. They have the right to the best health care including good nutritious food, to safe drinking water and vaccinations. However, the rights of many children born out of war to quality health care continue to be violated.

9.3.4 Stigma and discrimination

Children born out of war continue to face stigma and discrimination. In most cases the victims are stigmatised by their communities who view them as reminders of conflict and violence. This discrimination is faced in the communities, families, schools and hospitals and in other social networks. This has limited the CBOW's integration and social connection with communities.

Communities still view CBOW as returnees from the bush with bush mentality.³²⁴ Others believe that the CBOW have wicked spiritual forces which still follow them. The UHRC established that the children were subjected to discriminatory rhetoric

and actions such as pointing at the back of their head (cimu tok) and referring to them as returnees (dwog cen paco or olum olum).

This discrimination has also made finding marriage partners difficult. It was further revealed that when these girls get partners they are discriminated in relation to payment of fines (luk) or dowry as per the Acholi culture.³²⁵ The men who do not want to pay dowry for the female CBOW and further victimize them by asking whether 'Joseph Kony paid dowry or fines for their mothers.' One of the child victims interviewed said: *"My mother returned with me and my elder sister from LRA captivity. My mother went with us to their home in Pece Vanguard (Cuk Pa Lujwero), later our grandmother discriminated us from other children in terms of affection, food and property ownership."*³²⁶

9.3.5 Access to land and property

Land is considered as the major source of livelihood since majority of the communities depend on subsistence agriculture for survival. Over 90 percent of the land in northern Uganda is communal and therefore mostly owned by unregistered customary tenure ownership. In most cases, the customary land is inherited from the paternal lineage. Unfortunately, without known fathers, CBOW lack the opportunity to access and own land.*

In addition, CBOW find it hard to settle or form a family since they are denied access to land. The UHRC noted that many children have become homeless while others have moved to the street because their relatives denied them land. One of the affected children interviewed informed that; *"Clans discriminated against children born of war to fathers who are rebels or rebel commanders, denying these children clan identities and disinheriting them from their families' land."*³²⁷

9.3.6 Legal identity

Other combatants used nick names consequently, they are undocumented and lack legal identity, rendering it difficult, if not impossible, to prove

323 UHRC 20th Annual Report pg 110.

324 Research by Jackline Atingu in 2018 and interview

325 Interview with Amon Everlyn and Stella Ianam formerly abducted girls

326 Interview with one of the child Victims

327 Interview with another abducted mother

their nationality and citizenship, thus exposing them to the risk of statelessness. Children born out of war in northern Uganda face challenges in regards to legal Identity. Without birth certificates and sufficient information many CBOW find challenges in accessing civil registration documents, particularly national identity cards and other official documents which puts them at risk of statelessness. Civil registration and legal identity documents grant access to citizenship and associated rights, including the right to vote, a national identity card, a passport, and social benefits.

It was also noted, that the information needed for registration include; father's name and tribe yet many do not know or have access to this detail. This has led to an identity crisis for many CBOW. The absence of legal identity has also led to increased vulnerability, exclusion, insecurity in terms of livelihoods and right to form a family because CBOW are considered illegitimate and face identity crisis especially when they turn into adults. One victim informed the UHRC that; *"My mother did not tell me where my father comes from, whether he is still alive with the LRA or died. When I had wanted to obtain the National Identity Card, they asked for my father's name, his tribe and birth certificate which I did not have. In Acholi, being a boy without proper identity and land is difficult which made me and others children born out of war to become homeless and some have moved on to streets."*

Without national identification cards, CBOW cannot easily access essential social and economic services. As such, they cannot benefit from Government programmes such as Parish Development Model, Operation Wealth Creation, Youth Livelihood Funds, and many others. Without benefiting from some of these economic development programmes, many CBOW are finding it difficult to fight poverty.

9.3.7 Access to education

Article 28 of the UNCRC guarantees every child the right to education. Primary education must be free and different forms of secondary education must be available to every child. Article 26 of the UDHR states that everyone has the right to education. Education shall be free, at least in the elementary

and fundamental stages and elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Hence there is urgent need for the Government to ensure children born out of war access quality education.

Education is therefore a fundamental right to all children. The Government of Uganda has provided opportunity for all children to access free universal primary and secondary education. However, an interview with the Youth Chairperson in Gulu City informed the UHRC that the education system is not completely free as it should be.³²⁸ Children are expected to pay Parents Teachers Association (PTA) fees. In addition, parents buy scholastic materials which is challenging for the jobless formerly abducted girls who are struggling with life on the streets. In addition, many schools do not offer psychosocial support to children, all of which lead to high dropout rates. Hence, majority of CBOW are uneducated and unemployed³²⁹.

Similarly, another respondent who is also a CBOW said that:-*"My mother does not do anything that can support our education, pay rent, food, medical care, and clothing., etc. As a result my elder sister dropped out of school and got married early. I tried to study but conditions beyond me made me to drop out of school in Senior Two, this year 2024 because my mother cannot afford to pay school fees and sustain four of her children."*



The Youth Chairperson, explaining the challenges faced by children born out of war.

328 Interview with the Youth Chairperson Children born in captivity

329 Interview with Atim Esther, Coordinator Refugee Law Project, Adjumani

9.4 INTERVENTIONS MADE TO ADDRESS THE CHALLENGES FACED BY CHILDREN BORN OUT OF WAR IN NORTHERN UGANDA

9.4.1 Government Interventions

- i) The Government through Ministry of Education and Sports has provided free universal primary and secondary education opportunities for children including CBOW.
- ii) The Government through the Ministry of Justice and the JLOS under took awareness campaigns on human rights particularly the rights of CBOW and peaceful co-existence in the community.
- iii) Government through Ministry of health carried out psychosocial support such as guidance and counselling, psychiatric therapy and vaccinations and reproductive health education.
- iv) Government through NIRA Gulu office under took special birth registration and processed national identity cards of CBOW in northern Uganda.
- v) The Government through the office of the Prime Minister boosted the livelihood of CBOW and their mothers through provision of seed money and items like hand hoes and goats among others, and rehabilitated the children.

9.4.2 Interventions by the Civil Society Organizations

- i) Formation of groups like Women's Advocacy Network, War Victims and Children NetWorking, Watyer Kigen and others by the formerly abducted girls. These organisations conducted family tracing to unite CBOW with their paternal families.
- ii) Other organizations like War Child Canada and Holland, Save the Children, Acholi Education Initiative, GUSCO, World Vision, Voice Child, Christian Child Fellowship, among others provided scholastic materials and sexual reproductive education to facilitate the learning processes.
- iii) The organizations provided for the other children who could not join UPE with skill train-

ings in different fields such as tailoring, bricks laying, carpentry, hair dressing, and mechanics to become self-reliant. Similarly, the formerly abducted girls (mothers of the children born out of war) were enrolled to adult literacy.

- iv) The spiritual and cultural leaders carried out cleansing rituals on the children and participated in the reconciliation processes.
- v) Social inclusion was done at community levels, the CBOW were included in the different groups such as village savings and revolving groups, church or traditional dance groups to enable the children socialize freely and to eliminate the idea that CBOW are different.

9.5 RECOMMENDATIONS

1. Government through the Ministry of Justice should enact a transitional justice law.
2. Ministry of Gender, Labour and Social Development should allocate adequate funds for family tracing and reunification of children born out of war with their paternal families.
3. Ministry of Education and Sports should continue to provide free universal primary and secondary education opportunities for children including CBOW.
4. Ministry of Health should strengthen psychosocial support such as guidance and counselling, psychiatric therapy, vaccinations, and reproductive health education among CBOW in northern Uganda.
5. National Identification and Registration Authority should strengthen special birth registration and process national identity cards for CBOW in Northern Uganda.

9.6 CONCLUSION

The Commission notes that prevalence of children born out of war is high in Acholi Subregion as compared to Lango and West Nile. The CBOW continue to face rejection from families and community members, trauma, mental disorders and difficulties in accessing social economic service such as land. health and education services etc.

HATE SPEECH AND ITS HUMAN RIGHTS IMPLICATIONS

10.0 INTRODUCTION

Hate speech refers to any kind of spoken or written communication or behavior that attacks or uses derogatory or discriminatory language about a person or group on the basis of who they are particularly historically vulnerable minority groups targeted because of their religion ethnicity nationality, race, color, ancestry, gender or other forms of identity. Hate Speech is also commonly referred to as speech or writing those attacks or threatens a particular group of people, especially on the basis of race, religion or sexual orientation. It often involves derogatory language, stereotypes, and inflammatory rhetoric aimed at dehumanizing or marginalizing the targeted individuals or communities. Hate speech can range from explicit calls for violence to subtle forms of prejudice and discrimination, and it poses a serious threat to social cohesion, human rights, and democratic values.

Hate Speech is a big change for the world over. This explains why the United Nations General Assembly (UNGA) designated June 18th as the International Day for countering Hate Speech. Sadly, Uganda has witnessed an alarming increase in the proliferation and impacts of hate speech directly at individuals and groups within Uganda. Recent advances in information technology, online communication and mass media have markedly changed the pace and reach of its spread. Hate speech' is an emotive concept, and there is no universally accepted definition of it in international human rights law. Central Uganda, being the most populous region and home to the capital city Kampala, witnesses a significant amount of political and social discourse, therefore has more prevalence of hate speech.

Despite the importance of freedom of expression, not all speech is protected under International law. Some forms of speech are required to be prohibited

by states. Based on the Rabat principles, it matters what, who, where, why and how the speech or expression has been delivered for it to be classified as hate speech or not. The six Rabat thresholds can help to identify hate speech as follows: the status of the speaker, the social and political status, the content and form of speech, the extent of dissemination, the intent to incite hatred and the likelihood of causing harm. However, addressing hate speech does not mean limiting or prohibiting freedom of speech. It means keeping hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility and violence, which is prohibited under International law. Well-meaning laws that limit supposedly dangerous speech should not turn into tools for the suppression of dissent.

This Chapter will discuss the extent of Hate speech in Uganda, and the Human Rights Concerns.

10.1 LEGAL FRAMEWORK

Speech that harms others is not protected by freedom of expression. In Uganda, like in many countries, the legal framework on hate speech draws from various sources, including international treaties, regional agreements, and national legislation.

10.1.1 International Framework

At the international level, Uganda is party to several treaties and conventions that address hate speech and related forms of discrimination. These include:

International Covenant on Civil and Political Rights (ICCPR): Article 20 of the ICCPR calls on states to prohibit any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. Uganda rati-

fied the ICCPR in 1995. Article 19 of the ICCPR provides for limitation of the freedom of expression for the protection of others and as prescribed by law in a democratic society. It also states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Convention on the Elimination of All Forms of Racial Discrimination (CERD):³³⁰ Uganda is a party to CERD, which obligates states to condemn racial discrimination and take effective measures to combat hate speech and incitement to racial hatred.

10.1.2 Regional Framework

African Charter on Human and Peoples' Rights (ACHPRs): The Charter prohibits discrimination and incitement to hatred based on race, ethnicity, religion, or any other grounds. Uganda is a signatory to the Charter.³³¹

EAC Treaty: While the EAC Treaty primarily focuses on economic integration, it also promotes principles of non-discrimination and respect for human rights among member states.

10.1.3 National Legal Framework

In Uganda, hate speech and related forms of discrimination are addressed through various pieces of legislation and legal mechanisms:

The 1995 Constitution of the Republic of Uganda: The Constitution guarantees the right to freedom of expression but also prohibits speech that promotes hatred or violence against individuals or groups on the basis of their characteristics. Article 21 of the Constitution prohibits gender discrimination generally and enshrines the principle of equality before the law, regardless of sex, race, color, ethnicity, tribe, religion, political belief, or social or economic standing.³³² Article 29(1) (a) of the Constitution provides for the limitation of freedom of expression in cases where it threatens public order, morality, or the rights and freedoms of others.

The Penal Code Act contains provisions that criminalize hate speech, incitement to violence, and acts intended to promote hatred or discrimination. Section 41 provides that a person who prints, publishes, makes or utters any statement or does any act which is likely to: degrade, revile or expose to hatred or contempt; create alienation or despondency of; raise discontent or disaffection among; or promote, in any other way, feelings of ill will or hostility among or against, any group or body of persons on account of religion, tribe or ethnic or regional origin commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.³³³ Sections 50 to 53 also address offenses related to sedition, sectarianism, incitement to violence, and promotion of hatred.

Computer Misuse Act of 2022: - Section 23 (A) creates the offence of hate speech which includes the writing, sending or sharing of any information through a computer, which is likely to ridicule, degrade or demean another person, group of persons, tribe, ethnicity, religion, or gender.³³⁴ If convicted, one faces seven years imprisonment or a fine of Shs10m.



Mr Frank Gashumba speaking of tribalism against the Banyarwanda

330 Article 4 International Convention on Civil and Political Rights

331 Article 2 African Charter on Human and Peoples' Rights

332 Article 21 of the Constitution of the Republic of Uganda

333 The penal Code Act

334 The Computer Misuse Act 2022

10.2 SITUATIONAL ANALYSIS

In recent years, the world has witnessed several mass atrocities. In many of these cases, hate speech was identified as a “precursor to atrocity crimes, including genocide”. While the use of social media and digital platforms to spread hatred is relatively recent, the weaponization of public discourse for political gain is unfortunately not new. As history continues to show, hate speech coupled with disinformation can lead to stigmatization, discrimination and large-scale violence.

Hate speech promotes intolerance and discrimination where tensions can escalate into acts of violence. History reminds us of triggers of the Rwanda genocide, fuelled by hate speech which played a significant role in fuelling the violence. Another example is the 2007-2008 Kenya post-election violence. A number of vernacular radio stations were accused of fanning the intergroup polarization believed to have sparked the 2007-08 electoral violence. When it came to the Holocaust, it should be noted that the Holocaust did not start with the gas chambers, but with hate speech against a minority. For the Cambodian genocide, it was still the hateful discourse that systematically dubbed intellectuals, opponents and city dwellers, as well as ethnic and religious minorities as the “enemies” of the people. With the Srebrenica genocide in Bosnia and Herzegovina it was the constant nationalist propaganda throughout party-controlled media channels that demonized the Bosnian Muslim population. The United Nations Secretary-General António Guterres has indicated that “Over the past 75 years, hate speech has been a precursor to atrocity crimes, including genocide, from Rwanda to Bosnia to Cambodia.”

There are five characteristics of hate speech:

- i) It is directed against the individual for belonging to a particular group;
- ii) That group is stigmatized by attributing to it acts seen as detrimental to society, for example crime;
- iii) The group is placed in the spotlight of discourse and policy and portrayed as enemies of the identity of society;

- iv) Those who harbor a phobia against others are convinced that there is a structural inequality with respect to other groups and feel a certain moral superiority over them; and finally
- v) They use inconsistent, false or fallacious arguments in their defence.

There are increased reports of hate speech and incitement to violence during the election cycles. For example, in the lead-up to the 2021 general elections in Uganda, there were concerns about the spread of hate speech and disinformation on social media platforms, as well as instances of violence and intimidation targeting political opponents and minority groups. On 24th July 2020, a joint security task team of the Uganda Police Force arrested and detained 5 suspects over promotion of sectarian tendencies. The suspects who were working as “Comedians” were using a stage name BAZONTO. The 5 were arrested following a recording of selected videos that were uploaded and later shared on various social media platforms, unfortunately with the potential of causing hatred and unnecessary apprehension. Police also noted that some of the videos had threats of attack on Government, and individuals upon which we timely came in to avert the situation.³³⁵

10.3 CAUSES AND AMPLIFIERS OF HATE SPEECH IN UGANDA

There are different causes and amplifiers of sectarianism and hate speech. These include:-

10.3.1 Politics

Free speech is quintessential for maintaining democracy because it facilitates the exchange of diverse opinions. In a representative democracy, dialogue facilitates the testing of competing claims and obtaining of diverse input into political decision making. Free speech is also essential to the enjoyment of personal autonomy. However, the proliferation of politically motivated hate speech towards rival politicians has been rapidly increasing in Uganda.

Politics and tribalism in Uganda have become deep rooted and deeply intertwined, with both

335 <https://www.upf.go.ug/5-arrested-over-sectarianism/>

contribute significantly to the proliferation of hate speech. The nexus between politics and tribalism often exacerbates social tensions and fosters an environment where hate speech thrives. Politicians commonly exploit discursive categories, such as name-calling, offensive metaphors and sarcasm, in their hate speech to dehumanize, ridicule and threaten their opponents or rivals. Hate speech in the political sphere, is therefore commonly used as a tool to incite violence and polarize communities especially during election cycles. Their hateful slurs showcase extreme ideologies, such as polarization, intolerance, threat and violence. This has left the country divided along tribal lines and contributed to the polarization, discrimination, and even violence within society.

Rather than engaging in substantive debates on policy issues, some politicians in Uganda use inflammatory language, ethnic rhetoric and personal attacks and character assassination of their opponents. The hateful epithets are intended to manipulate partisans, to instil fear of being betrayed, and to obtain in exchange, audience and consent. Politicians deliberately use hatred in their public speeches to harangue their opponents rivals and foment extreme ideologies for the purpose of increasing their audience. During election periods, some politicians and their supporters resort to inflammatory rhetoric targeting particular ethnic, religious, or political groups to discredit opponents. The Discriminatory assertions often stymie the depth of pluralistic speech, with demeaning stereotypes delegitimising the opinions of the disfavoured groups.



Hate poster on X

10.3.2 Colonialism and Historical Context

In Uganda, hate speech has been a persistent issue, intertwined with the country's complex social, political, and historical dynamics. Historically, hate speech in Uganda has been fuelled by various factors, including ethnic tensions, political rivalries, and religious differences. The legacy of colonialism has contributed to social divisions, as different ethnic groups were often pitted against each other by colonial powers for control and exploitation. With all the many tribes, clans, cultures and beliefs, tolerance and acceptance of diversity is the only way out.

10.3.3 Social Media

Online hate speech is a topic that has gained importance in recent years, violence attributed to online hate speech increasing worldwide. Social media platforms have also emerged as a prominent arena for hate speech, allowing for the rapid spread of inflammatory content and misinformation. Through social media platforms (such as Facebook, Twitter, YouTube, TikTok, Instagram and Snapchat), 3.19 billion users converse and interact with each other by generating and sharing content. The business model of most social media companies is built on drawing attention, and given that offensive speech often attracts attention, it can become more audible on social media.

Hate speech is spreading faster and further than ever before as a result of social media user growth and the rise of populism. With the anonymity on social media, emboldens individuals to express prejudiced views against specific groups. Both online and offline, hate speech continue to target people and groups based on who they are. This means that if not used responsibly, social media has the potential to ignite and fuel violence, spawn violent extremist ideologies, including atrocity crimes and genocide. Social media has been responsible for misinformation and the spread of false propaganda in Uganda and the world at large.

People continue to disseminate hate speech in Uganda, as in many other countries through social media. Social media platforms have made it easier for individuals to spread propaganda, misinformation and fake news to a wide audience. With the click of a button, hateful messages can reach thousands or even millions of users within seconds, amplifying the impact of such speech.

The anonymity and perceived distance from consequences, motivates some individuals to express hateful views they might not otherwise voice in public. This anonymity lowers inhibitions and encourages the dissemination of hateful content. Social media algorithms often prioritize content that aligns with a user's existing beliefs and preferences, creating echo chambers where individuals are exposed primarily to viewpoints similar to their own. This has contributed to the polarization of society and the reinforcement of extremist ideologies, including those based on hate.

10.3.4 Sectarianism / Tribalism



Deputy Public Relations Officer of the Uganda Police Force SP Patrick Onyango during a press release warning on spread of hate speech messages in 2018³³⁶

Hate speech based on ethnicity or tribal identity exacerbates sectarianism and divisions within society, fostering “us versus them” mentality. It deepens mistrust and animosity between different ethnic groups, undermining social cohesion and unity. Uganda has a complex history of ethnic diversity and political instability. Various ethnic groups have historical grievances and rivalries, which have been exploited by politicians for their own gain. This historical backdrop fuels tribalism and exacerbates divisions within society. Politicians frequently manipulate tribal identities and allegiances to mobilize support and consolidate power. They often use divisive rhetoric that pits one ethnic group against another, perpetuating stereotypes and fuelling animosity between communities.

Hate speech targeting specific ethnic or tribal groups has also been witnessed in very unpopular

statements like ‘We cannot wait for Karamoja to develop’; ‘mudeyo ewamwe loosely translated as go back to your homes; ‘Balalo must go’; ‘Abaganda bashuma’ loosely translated as Baganda are thieves; etc.

10.3.5 Xenophobia

Xenophobia or fear of strangers is the fear or hatred of people who are perceived as being different from oneself. This can be based on a person's race, ethnicity, nationality, religion, or other distinguishing characteristics. Xenophobia and racism are similar as both have roots in discrimination, however xenophobia usually refers to a person's nationality and culture rather than exclusively their race or ethnicity. People can be both xenophobic and racist. In Uganda, there has been intolerance for foreigners such as against the Baryarwanda and Sudanese.

10.3.6 Poverty

The causes hate speech in Uganda are complex and embedded in dynamics of power exclusion and discrimination rooted in prejudice and a lack of appreciation of diversity, cultural differences and diverging opinions. Poverty has contributed to hate speech, with low income earners attributing their misfortune to the more privileged in society. In addition, there are also phobias against the poor, particularly the aversion/ hatred for the poor, or those seemingly unable to offer anything in exchange for what they receive. The rich and dominant communities also then use hate speech against the poor and minorities.

10.3.7 Religion

Religious hate speech targets individuals or groups based on their religious beliefs or practices. It may involve belittling a particular religion, its followers, or inciting violence against them. Under religious hate speech, there are the following:

- i) Anti-Muslim Rhetoric where individuals and groups spread hate speech against Muslims in Uganda. This has ranged from derogatory remarks about Islam to accusing Muslims of extremism or terrorism.
- ii) Anti-Christian Sentiment: In some cases, individuals or groups have used hate speech to

336 <https://www.upf.go.ug/police-warns-on-spread-hate-speech-messages/>

target Christians, particularly those belonging to certain denominations or sects deemed as “deviant” by mainstream groups. This sometimes involves accusations of heresy or blasphemy.

- iii) **Interfaith Tensions:** Uganda is home to various religious communities, including Christians, Muslims, and followers of Indigenous African religions. Tensions between these groups have sometimes led to hate speech, with individuals from different faiths demonizing or vilifying one another.
- iv) **Political Exploitation of Religion:** Politicians in Uganda have been known to exploit religious differences for their own gain, using hate speech to mobilize support or discredit opponents. This can involve framing political opponents as enemies of a particular religion or inciting violence against religious minorities.
- v) **Religious differences** have also been a source of tension, with instances of hate speech targeting minority religious groups or stigmatizing certain beliefs. Some politicians and other leaders also sometimes exploit religious differences for their own gain. They may use religious rhetoric to mobilize support, demonize opponents, or justify discriminatory policies. This can contribute to the spread of hate speech and incitement to violence against perceived “others.” Some individuals may also identify strongly with their religious group, leading to polarization and conflict between different religious communities.

Such hate speech not only violates fundamental human rights, such as the right to freedom of religion and expression, but it also fuels tensions and can lead to violence and discrimination.

10.3.8 Lack of sufficient Oversight and Accountability

While social media companies have policies against hate speech, enforcement can be inconsistent or inadequate. The sheer volume of content uploaded to these platforms makes it challenging to monitor and remove hate speech effectively. Additionally, differing cultural norms and legal frameworks across countries can complicate efforts to regulate hate speech consistently.

10.4 HUMAN RIGHTS CONCERNS ARISING OUT OF HATE SPEECH

Hate speech has the potential to escalate into violence, discrimination, and even genocide if left unchecked, its consequences can be devastating. Mr António Guterres, the United Nations Secretary-General stated that:- *“Hate speech is an alarm bell - the louder it rings, the greater the threat of genocide. It precedes and promotes violence.”*³³⁷

10.4.1 Right to Life

Hate speech can lead to the violation of the right to life. An example is the Tutsi minority tribe in Rwanda which faced systematic discrimination and dehumanization through propaganda campaigns by extremist Hutu groups. Hate speech was disseminated through various media channels, including newspapers, radio broadcasts, and public speeches, demonizing the Tutsi population and portraying them as enemies of the state. This propaganda vilified Tutsis, dehumanized them, and incited hatred and violence against them which led to mass killings.

10.4.2 Security of a Person

Hate speech can escalate into acts of violence, including physical attacks, harassment, and discrimination, putting individuals’ lives and safety at risk. This violates the right to life and security of person guaranteed by International human rights instruments. Hate speech is its ability to fuel prejudice, intolerance, and discrimination, perpetuating harmful stereotypes and divisions within society. Whether disseminated through traditional media channels, social media platforms, or interpersonal interactions, hate speech has the power to dehumanize its targets, undermine their dignity, and marginalize them from participating fully in social, political, and economic life. The 1994 Rwanda-genocide

10.4.3 Violence and Intimidation

Hate speech has contributed to incidents of violence, intimidation, and harassment targeting individuals or communities perceived as belonging to a different ethnic group. This could include physical attacks, property destruction, and forced

337 ANTÓNIO GUTERRES, United Nations Secretary-General, 2023

displacement, particularly during periods of political turmoil or electoral contestation. Uganda experienced the worst form of this nature of violence during the 2009 Kayunga riots after the Kabaka of Buganda was intercepted by security operatives and denied to go and visit his subjects in Kayunga. Some people coming from a particular part of the country were attacked for coming from western Uganda.

10.4.4 Radicalization and recruitment of violent extremist

The UHRC also notes that the same technology that allows social media to galvanize democracy activists is being used by hate groups seeking to organize and recruit. Social media platforms have enabled highly targeted messaging, allowing hate groups to tailor their messages to specific individuals who may be receptive to their ideologies. It allows fringe sites, including peddlers of conspiracies, to reach audiences far broader than their core readership. Extremist groups often use social media to recruit new members and radicalize individuals by disseminating propaganda and hateful rhetoric. Social media platforms can serve as echo chambers where individuals are exposed to increasingly extreme content, leading to the normalization of hate speech and the radicalization of vulnerable individuals.

Online platforms' business models depend on maximizing reading or viewing times. Since Facebook and similar platforms make their money by enabling advertisers to target audiences with extreme precision, it is in their interests to let people find the communities where they will spend the most time. Users' experiences online are mediated by algorithms designed to maximize their engagement, which often inadvertently promote extreme content. Some web watchdog groups say YouTube's autoplay function, in which the player, at the end of one video, tees up a related one, can be especially pernicious. The algorithm drives people to videos that promote conspiracy theories or are otherwise divisive, misleading or false.

10.4.5 Equality and Non-Discrimination

Hate speech on social media can have profound consequences for social cohesion, democracy, and individual well-being. It can contribute to social divisions, fuel violence and discrimination, under-

mine trust in institutions, and erode democratic values such as freedom of expression and tolerance.

Overall, social media platforms play a significant role in the propagation and normalization of hate speech in Uganda and beyond. Addressing this issue requires a multi-stakeholder approach involving social media companies, Governments, civil society organizations, and users themselves to develop strategies for combating hate speech online while upholding principles of free expression and digital rights.

Equality is the state of being equal, especially in status, rights, or opportunities. Hate speech often targets individuals or groups based on characteristics such as race, ethnicity, religion, nationality, gender, or other identity markers. This violates the fundamental principle of equality and non-discrimination enshrined in International human rights law. It creates intolerance, discrimination and this is dehumanizing.

10.4.6 Undermining democratic processes

Hate speech can silence marginalized or minority groups, preventing them from fully participating in public life, expressing their opinions, and exercising their rights. This undermines democratic principles and the right to political participation. Individuals are intimidated to participate in democratic processes or discouraged because they are not from the dominant groups. This affects the election outcomes, and political decision-making. It undermines the principles of free and fair elections, as well as the legitimacy of democratic institutions, leading to grievances and discontent among the population.

10.4.7 Privacy and Personal Dignity

Hate speech can invade individuals' privacy and infringe upon their personal dignity by subjecting them to harassment, intimidation, or verbal abuse. This violates their right to privacy and dignity, contributing to psychological harm and emotional distress.

10.4.8 Psychological effects on victims

Victims of hate speech may experience heightened levels of anxiety and depression. Constant exposure to hostility and negativity can create a sense

of insecurity and uncertainty about one's safety and place in society, contributing to feelings of anxiety and depression.

10.4.9 Undermining Peace and Stability while Promoting Hostility

Hate speech undermines peace, stability and development. This is because it promotes division, prejudice, and hostility. It can directly oppose the principles of ecumenism by fuelling animosity and mistrust between religious groups, hindering meaningful dialogue and cooperation. Hate speech is therefore a threat to social cohesion and national unity and this has serious implications for democracy and peacebuilding efforts. Hate speech is pervasive in both online and offline settings, posing a severe threat to peace, stability, security, and development. It undermines human rights, erodes social cohesion, and can lay the foundation for violence, hindering the pursuit of peace, stability, sustainable development, and human rights for all.

10.5 COUNTERING HATE SPEECH

Countering harmful, discriminatory and violent narratives in the form of hate speech and other types of intolerance, whether online or offline, requires interventions at every level of education, in both formal and non-formal settings.³³⁸

The Uganda Communications Commission (UCC) has a significant role to play in addressing hate speech within Uganda. As the regulatory body responsible for overseeing the communications sector in the country, the UCC has a mandate to ensure that communication services are provided in a manner that promotes national cohesion, unity, and peaceful coexistence among citizens. Here's how the UCC deals with hate speech.

10.5.1 Promoting dialogue and peace building

The state has continued to foster dialogue through religious leaders under their umbrella of Inter Religious Council to call for tolerance, peace and peaceful coexistence among the numerous ethnic groups of Uganda.

10.5.2 Judicial mechanisms

Uganda enacted the Computer Misuse Act, 2011 and Section 25 of the Act was penalizing "offensive communication". However, on January 10, 2023, the Constitutional Court declared that section as null and void. This was as a result of a 2016 petition in which the litigants argued that section 25 was vague, violated civil liberties, and contravened constitutional guarantees.

10.5.3 Promote Ecumenism

Ecumenism is the promotion of unity and cooperation among different religious denominations or groups. It emphasizes dialogue, understanding, and collaboration among people of different faith traditions.

Ecumenism seeks to foster harmony and mutual respect among diverse religious communities. By fostering an environment of respect and empathy, ecumenism can help mitigate the spread and impact of hate speech within and between religious communities. The Inter-religious Council is better placed to spearhead this ecumenism drive.

10.5.4 Regulation of Media

The UCC monitors various communication channels, including broadcast media, telecommunications, and social media, to identify instances of hate speech. This involves reviewing content aired on radio and television stations, as well as online platforms and social media to ensure compliance with regulations. UCC is therefore better placed to curb the spread of hate speech because they have a degree of technical control over social media companies.

10.5.5 Sensitization and awareness campaigns

Sensitization and educating community leaders about the causes and effects of hate: There is need to point out the impact of hate and the root causes of intolerance so their response can match the incident.

10.5.6 Inter-faith dialogues

There is need for Inter-faith and Inter-cultural dialogues in which people can be sensitized about the need for unity. It is therefore crucial for all

338 A publication by UNESCO on "Addressing hate speech through education: A guide for policy makers"

stakeholders to actively condemn and counteract hate speech, promoting messages of tolerance, acceptance, and understanding.

10.5.7 Interventions by UHRC

The Commission has made a number of interventions in order to curb hate speech in the country

i) National Dialogue during the commemoration of the International Day of Peace 2022

Every year, on 21st September the International Day of Peace (“Peace Day”) is observed around the world. Established in 1981 by unanimous United Nations resolution, Peace Day provides a globally shared date for all humanity to commit to Peace above all differences and to contribute to building a Culture of Peace.

In line with the above, on 30th September 2022, under the International Theme for the year which was “**End Racism. Build Peace**” the UHRC in conjunction with UNDP, UNOHCHR, UN Women and UNFPA organized a dialogue to commemorate the day under the National Theme “**Ending Sectarianism & Tribalism**”. The dialogue brought together members from different forums including Government Officials, Members of Civil Society Organizations, Religious Leaders, Cultural leaders, Political leaders and Opinion leaders and involved the general citizenry in its wide broadcasts.

The expertise and remarkable contributions from the different stakeholders were seen as groundbreaking to permanent solutions to the problem of tribalism and sectarianism and most importantly, the start of many more dialogues of the same kind to come in future. The Dialogue created an avenue through which the different stakeholders reflected on the possible means through which they could contribute towards ending this problem of tribalism and sectarianism that has continued to hold firm in the country as well as proposing ways on how the country could unite against these challenges and remain committed to rebuilding a better and united Uganda.

ii) Chapter on Social Media in the Annual Report

In its 24th Annual Report, the UHRC wrote a chapter on social media in which various human rights concerns arising from social media were highlighted such as its responsible use and a number

of recommendations were given. UHRC continues to urge Ugandans to make responsible use of social media.

iii) Issuance of press statements by the Chairperson

The UHRC Chairperson issued a statement to journalists on Thursday November 2, 2023 at the Commission’s office, in which she decried the increased vices of discrimination and sectarianism. In her statement, she called upon all organs of the state to respect and promote human rights while executing their mandates. The Chairperson reminded Ugandans that sectarianism is a crime punishable by law under Section 41 of the Penal Code Act and requested the police to start enforcing the law immediately. (Article to be included in the report).

iv) Summoning perpetrators of hate speech

In December 2023, the UHRC Chairperson summoned one of the Members of Parliament, for alleged hateful speech intended to incite violence against a certain community in the Acholi Sub-region. This followed a video that went viral more than a week ago, where while meeting some Acholi community members, he incited them against the said community, who are said to have taken over their land in Acholi. In a video that went viral, he said that they must go, leave Acholi land, and that the people of Acholi should rise and chase them off their land. He honored the summon, came to the Commission offices and made a public apology.

10.6 RECOMMENDATIONS

5. The Uganda Communications Commission and the Ministry of Information, Communication Technology and National Guidance should monitor cases of hate speech and hold the perpetrators accountable.
6. The Uganda Communications Commission and the Ministry of Information, Communication Technology and National Guidance should utilize technology and data analytics tools to monitor online platforms and detect patterns of hate speech. This can help identify emerging trends and hotspots, allowing for targeted intervention and enforcement efforts.

7. The Ministry of Gender, Labour and Social Development together with the Ministry of Education and Sports should carry out public awareness and sensitization campaigns to educate the public about the dangers of hate speech and the importance of responsible online behaviour.
8. The media should critically evaluate and analyse information it gives to the public to ensure that it does not promote hate speech and promote positive online behaviour.
9. The Inter-Religious Council of Uganda should promote Ecumenism, religious tolerance and foster interfaith dialogue.

10.7 CONCLUSION

Hate speech undermines social harmony, perpetuates discrimination and threatens vulnerable communities. Addressing deep-seated prejudices and promoting tolerance remains a complex and ongoing challenge for Ugandan society. There is need for collective efforts in combating hate speech as we hope for a more inclusive and tolerant Uganda. There is therefore need to focus on and engage with all leaders ie political, cultural, religious and opinion because they are both the problem and the solution to hate speech.

HIGHLIGHTS OF UHRC INTERVENTIONS IN 2023

11.1 COMPLAINTS MANAGEMENT

11.1.0 Introduction

Article 52 (1) (a) of the 1995 Constitution of Uganda, mandates the UHRC to “investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right”. Article 53(1) gives the UHRC powers of a court to issue summons or other orders requiring the attendance of any person before the UHRC and the production of any document or record relevant to any investigation by the UHRC; to question any person in respect of any subject matter under investigation before the UHRC; to require any person to disclose any information within his or her knowledge relevant to any investigation by the UHRC; and to commit persons for contempt of its orders. The Constitution also gives UHRC powers to order payment for compensation or order for any other legal remedy or redress in the event of a human rights violation. The UHRC applies a victim centred approach in its complaints management process. This section provides high-

lights on Complaints management by the Commission in 2023.

11.1.1 Complaints received and registered

The UHRC received a total number of **4311** complaints in 2023. Out of the total number of complaints received, **384** complaints were registered as complaints raising alleged human rights violations as guided by the Commission’s admissibility criteria. The complaints received represented all the matters reported to the UHRC whether admissible or not.

The highest number of complaints were registered by Gulu Regional office with 65 (17%) complaints followed by Moroto Regional office with 53 (14%) complaints and Central Regional office with 52 (13%) complaints.

Table 11 below shows the number of complaints received³³⁹ in 2023, while Table 1.2 shows the number of complaints registered³⁴⁰ by the various regional offices of UHRC in 2023.

Table 11: Number of complaints received by the UHRC Regional offices in 2023

| ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|------|---------|-------------|------|-------|-------|--------|------|--------|---------|--------|--------|-------|
| 269 | 596 | 415 | 342 | 332 | 354 | 202 | 207 | 215 | 758 | 246 | 375 | 4311 |

³³⁹ Complaints received are all the complaints reported to the Commission (those within and those that don’t fall within the Commission’s jurisdiction)

³⁴⁰ Complaints registered are those that meet the admissibility criteria of human rights violations handled by the UHRC.

Table 12: Number of complaints registered by the UHRC Regional offices in 2023

| ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|------|---------|-------------|------|-------|-------|--------|------|--------|---------|--------|--------|-------|
| 24 | 52 | 13 | 65 | 32 | 12 | 31 | 12 | 18 | 38 | 53 | 34 | 384 |

11.1.2 Complainants disaggregated by gender

The UHRC registered complaints from a total of **397** complainants in matters that raised human rights violations of which the majority were male as was the case in the previous years.³⁴¹ Of the 397 complainants whose matters were registered by UHRC, **261** (66%) were male and **136** (34%) were female. More men reported complaints to the UHRC than women due to the nature of alleged

violations that are mostly reported (torture and deprivation of personal liberty) which are mostly experienced by men who conflict with the law more frequently than women.

Moroto Regional Office registered the highest number of male complainants with 47 complainants, followed by Central with 37 complainants. Gulu Regional office registered the highest number of female complainants with 41 complainants.

Table 13: Number of complainants disaggregated by gender per Regional office

| GENDER | ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|--------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| Male | 14 | 37 | 09 | 24 | 29 | 17 | 24 | 08 | 11 | 18 | 47 | 23 | 261 |
| Female | 10 | 15 | 04 | 41 | 03 | 03 | 07 | 04 | 07 | 20 | 06 | 16 | 136 |
| TOTAL | 24 | 52 | 13 | 65 | 32 | 20 | 31 | 12 | 18 | 38 | 53 | 39 | 397 |

11.1.3 Complainants disaggregated by age

The highest number of complaints were registered from complainants in the age category of 31 – 59 with 196 (49%) complainants. These were followed by complainants in the age category of 18 – 30 who were 164 (41%). The two age categories of 31-59 and 18-30 comprise of people in the most active stages of their lives and are vigilant about reporting complaints of alleged human rights violations. The two age categories are also susceptible to arrests or run-ins with law enforcement and security agencies which may lead to human rights violations.

Table 14: Complainants disaggregated by age

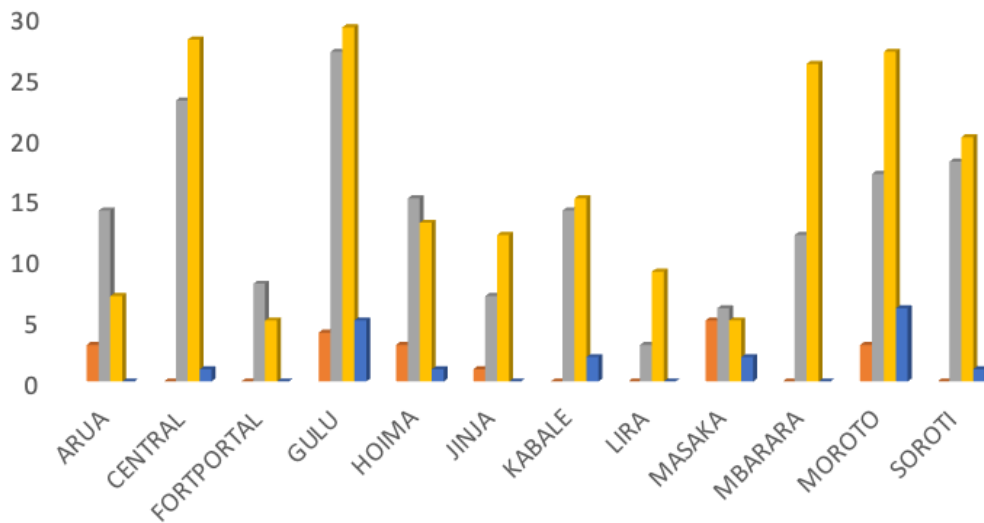
| AGE CATERGORY | TOTAL |
|--------------------|------------|
| 0-17 | 19 |
| 18-30 | 164 |
| 31-59 | 196 |
| 60+ | 18 |
| GRAND TOTAL | 397 |

11.1.4 Complainants disaggregated by age per Regional office

Gulu Regional office registered the highest number of complaints from complainants in the age categories of 18 – 30 and 31 – 59 with 27 and 29 complainants respectively. Central Regional office registered the second highest number of complaints from complainants in the age categories 18-30 and 31-59 with 23 and 38 complainants respectively.

³⁴¹ The number of complainants is more than the number of complaints registered because one complaint may have multiple complainants

Figure 15: Complainants disaggregated by age per Regional office



11.1.5 Complainants in the category of vulnerable persons whose complaints were registered

The UHRC registered complaints from 72 vulnerable persons (18% of the 397 complainants whose complaints were registered by the Commission). Seven (7) of the complainants were refugees, 20 were PWDs, 26 were prisoners and 19 were minors. Table 1.6 below indicates the number of vulnerable persons whose complaints were registered per Regional office. Hoima Regional office registered the highest number of complaints from vulnerable persons (22). This was because the Regional office conducted mobile complaints handling clinics in prisons and registered complaints from prisoners.

The complaints registered from vulnerable persons involved the alleged violation of the right to education, the right to property, the right to personal liberty and freedom from torture, cruel, inhuman and degrading treatment or punishment.

Figure 16: Percentage of complainants in the category of vulnerable persons

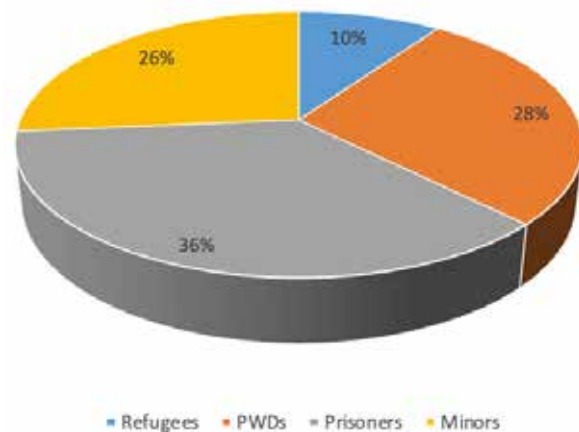


Table 15: Complainants in the category of vulnerable persons whose complaints were registered per Regional office

| | ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|--------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Refugees | 03 | 03 | 00 | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 7 |
| PWDs | 05 | 01 | 00 | 00 | 01 | 00 | 00 | 07 | 00 | 02 | 00 | 04 | 20 |
| Prisoners | 00 | 00 | 00 | 03 | 22 | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 26 |
| Minors | 03 | 00 | 00 | 04 | 03 | 01 | 00 | 00 | 05 | 00 | 03 | 00 | 19 |
| TOTAL | 11 | 04 | 00 | 08 | 26 | 02 | 00 | 07 | 05 | 02 | 03 | 04 | 72 |

11.1.6 Complaints received through the Uganda Human Rights Commission App

On 22nd November 2022, the Uganda Human Rights Commission App was launched. The UHRC engaged the public through its App and responded to 67 complaints-related queries (50 were by males and 17 were by females). Members of the public were given legal advice and for those whose complaints were within the Commission’s jurisdiction, their complaints were referred to the relevant Regional offices for further management.

Table 16: Nature of complaints/inquiries received through the UHRC App

| NATURE OF ISSUE | TOTAL |
|---|-----------|
| Torture | 02 |
| Labour dispute | 05 |
| Inquiries about location of UHRC offices | 08 |
| Assault | 03 |
| Follow up on complaints previously lodged | 07 |
| Land disputes | 07 |
| Breach of contract | 07 |
| Inquiries about the UHRC App | 05 |
| Pleasantries | 23 |
| GRAND TOTAL | 67 |



The UHRC App can be downloaded by Android users using the link <https://play.google.com/store/apps/details?ID=com.uhrc.hre>. Apple users can download the App on the link <https://apps.apple.com/us/app/uhrc-app/id6478109291>. The App can also be downloaded using the QR Codes below:

11.1.7 Mobile complaints handling clinics conducted in 2023

The UHRC conducted 07 mobile complaints handling clinics during the period under review. During the mobile complaints handling clinics, UHRC received and registered complaints; gave legal advice; and conducted human rights education. The mobile complaints handling clinics were attended by 1617 people (1548 male and 69 female) in the districts indicated in Table 1.7. During the clinics UHRC registered 48 complaints and gave legal advice to 280 people.



UHRC staff addressing inmates at Kiryandongo Government prison, Kiryandongo District during a mobile complaints handling clinic exercise

Table 17: Mobile complaints handling clinics conducted in 2023

| REGIONAL OFFICE | DISTRICT | SUB COUNTY/PRISON/POLICE STATION | NO. OF PEOPLE ATTENDED |
|-----------------|-------------|----------------------------------|------------------------|
| KABALE | Rukungiri | Rukungiri Prison | 708 |
| | | Rukungiri Central Police Station | |
| | Kanungu | Kanungu Government Prison | 255 |
| | | Kanungu Central Police Station | |
| HOIMA | Kiryandongo | Kiryandongo Government Prison | 365 |
| | | Kigumba Government Prison | |
| | Hoima | Hoima Government Prison | 289 |
| TOTAL | 04 | 07 | 1617 |

11.1.8 Use of toll free lines in complaints receipt and management

A total of **3309** people reported complaints of alleged human rights violations and sought advice on various issues through the use of UHRC’s toll free lines at its twelve Regional offices as indicated in Table 1.8. Central Regional office had the highest number of callers with 590 callers (18%) followed by Mbarara Regional office with 415 callers (12%). The high number of callers at Central Regional office is attributed to the urban setting and high usage of phones by people in some of the districts in the jurisdiction of the Regional office.

There were more male callers at 2516 (76%) compared to female callers at 793 (24%) as indicated in Table 1.9. This is attributed to the fact that some women do not have access to resources to enable them own mobile phones to call the toll free lines. The highest number of male callers was at Central Regional office with 486 (19%) while the highest number of female callers was at Gulu Regional office female callers with 136 (17%).

Out of the 3309 callers, 2141 (65%) called to report complaints, 1061 (32%) called to follow up their complaints while 107 (3%) called to make general inquiries on the mandate and services offered by the Commission.

Figure 17: Percentage of toll free line callers disaggregated by gender

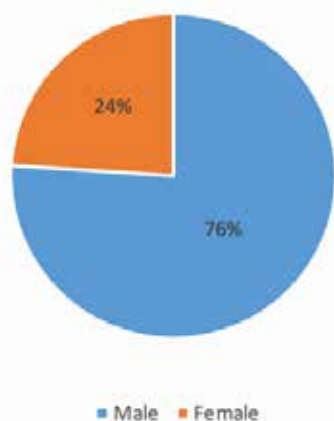


Table 18: Number of callers who used the Commission’s toll free lines per Regional office

| REGIONAL OFFICE | ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|-----------------|------|---------|-------------|------|-------|-------|--------|------|--------|---------|--------|--------|-------|
| | 233 | 590 | 100 | 413 | 147 | 137 | 168 | 327 | 359 | 415 | 176 | 244 | 3309 |

Table 19: Number of toll-free line callers disaggregated by gender per regional office in 2023

| GENDER | ARUA | CENTRAL | FORT PORTAL | GULU | HOIMA | JINJA | KABALE | LIRA | MASAKA | MBARARA | MOROTO | SOROTI | TOTAL |
|--------------|------------|------------|-------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Male | 182 | 486 | 90 | 277 | 110 | 110 | 105 | 263 | 262 | 287 | 156 | 188 | 2,516 |
| Female | 51 | 104 | 10 | 136 | 37 | 27 | 63 | 64 | 97 | 128 | 20 | 56 | 793 |
| TOTAL | 233 | 590 | 100 | 413 | 147 | 137 | 168 | 327 | 359 | 415 | 176 | 244 | 3,309 |

11.1.9 Nature of alleged human rights violations registered

Table 1.10 below shows the nature of human rights violations registered at the UHRC regional offices in 2023.³⁴² The alleged violation of freedom from torture ranked highest among the complaints registered with **127** (31%) complaints. These were followed by complaints involving the alleged violation of the deprivation of personal liberty with **119** (26%) complaints.

Moroto regional office registered the highest number of complaints which involved the alleged violation of the right to freedom from torture with 28 (21%) complaints followed by Central and Gulu Regional offices with 23 (18%) and 18 (14%)

complaints respectively. The allegations of torture reported to Moroto Regional office were attributed to the disarmament exercise that was conducted by the law enforcement and security agencies during the period under review. Central Regional office registered the highest number of complaints which involved the alleged violation of the right to personal liberty with 32 (27%) complaints followed by Kabale Regional office with 23 (19%) complaints. Moroto Regional office registered the highest number of complaints involving the alleged violation of the right to life with 11 (48%) complaints. These complaints were attributed to the disarmament exercise as aforementioned.

Table 20: Violations registered at UHRC Regional offices in 2023

| ALLEGED HUMAN RIGHTS VIOLATIONS | ARUA | CENTRAL | MOROTO | FORTPORTAL | GULU | HOIMA | MASAKA | SOROTI | KABALE | MBARARA | LIRA | JINJA | TOTAL |
|---|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| Torture, cruel, inhuman & degrading treatment or punishment | 02 | 23 | 28 | 06 | 18 | 15 | 05 | 13 | 08 | 10 | 06 | 07 | 141 |
| Deprivation of Personal Liberty (detention beyond 48 hrs.) | 09 | 32 | 13 | 00 | 06 | 21 | 05 | 03 | 23 | 04 | 01 | 02 | 119 |
| Denial of child maintenance | 08 | 02 | 02 | 04 | 35 | 03 | 05 | 12 | 01 | 16 | 03 | 02 | 93 |
| Violation of the right to Property | 01 | 05 | 05 | 00 | 02 | 06 | 00 | 02 | 00 | 04 | 00 | 02 | 27 |
| Deprivation of the right to life | 01 | 01 | 11 | 02 | 04 | 00 | 00 | 02 | 00 | 01 | 01 | 00 | 23 |
| Violation of the right to education | 04 | 00 | 02 | 00 | 03 | 01 | 00 | 01 | 01 | 05 | 00 | 00 | 17 |
| Deprivation of the right to security of Person | 00 | 00 | 06 | 00 | 02 | 01 | 00 | 02 | 00 | 01 | 00 | 00 | 12 |
| Denial of remuneration | 00 | 04 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 03 | 01 | 00 | 08 |
| Unfair dismissal | 00 | 02 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 03 | 00 | 00 | 05 |
| Violation of the right to fair hearing | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 02 | 00 | 02 | 04 |
| Enforced disappearance | 00 | 00 | 00 | 00 | 00 | 00 | 02 | 00 | 00 | 00 | 00 | 00 | 02 |
| Violation of the right to health | 00 | 00 | 00 | 00 | 00 | 00 | 01 | 01 | 00 | 00 | 00 | 00 | 02 |
| Discrimination | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 02 | 00 | 00 | 02 |
| Denial of just & fair treatment in administrative decisions | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 | 00 | 00 | 01 |
| TOTAL | 25 | 69 | 67 | 12 | 70 | 47 | 18 | 36 | 33 | 52 | 12 | 15 | 456 |

342 The totals in Table 1.2 vary from those in Table 1.10 because a single complaint registered may have two or more alleged human rights violations

11.1.10 Respondents in human rights complaints registered

The highest number of complaints registered by UHRC were against the Uganda Police Force (UPF) with a total of 176 complaints (44%). The UPF was followed by complaints registered against private individuals with 110 complaints (27%). Complaints registered against UPDF were 78 (19%) and there were 12 complaints registered against Uganda Prisons Service (3%).

The highest number of complaints against Police were registered at Hoima Regional office with 37 (21%) complaints. The highest number of complaints registered against private individuals were registered at Gulu Regional office with 30 (27%) complaints while Moroto Regional office registered the highest number of complaints against UPDF with 40 (51%) complaints and Soroti Regional office registered the highest number of complaints against Uganda Prisons Service with 04 (33%) complaints.

Table 21: Categorisation of respondents by regional office and number of complaints registered against each respondent

| ALLEGED HUMAN RIGHTS VIOLATIONS | ARUA | CENTRAL | MOROTO | FORTPORTAL | GULU | HOIMA | MASAKA | SOROTI | KABALE | MBARARA | LIRA | JINJA | TOTAL |
|---|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| UPF | 10 | 19 | 21 | 05 | 13 | 37 | 08 | 09 | 25 | 16 | 07 | 06 | 176 |
| Private Individuals | 14 | 03 | 05 | 04 | 30 | 04 | 06 | 15 | 03 | 21 | 03 | 02 | 110 |
| UPDF | 00 | 25 | 40 | 02 | 00 | 01 | 02 | 04 | 00 | 01 | 00 | 03 | 78 |
| UPS | 00 | 00 | 02 | 01 | 00 | 01 | 01 | 04 | 02 | 00 | 01 | 00 | 12 |
| Private Companies/ Businesses | 00 | 07 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 04 | 00 | 00 | 11 |
| Ministries Departments and Agencies (MDA'S) | 00 | 00 | 00 | 00 | 04 | 00 | 00 | 00 | 00 | 02 | 00 | 00 | 06 |
| Local Governments | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 | 04 | 00 | 00 | 05 |
| Education institutions | 00 | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 | 02 |
| Clan leaders | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 | 00 | 01 |
| State house Anti-Corruption Unit | 00 | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 |
| ISO | 00 | 01 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 00 | 01 |
| TOTAL | 24 | 57 | 68 | 12 | 47 | 43 | 17 | 32 | 31 | 48 | 12 | 12 | 403 |

11.1.11 Investigations

In fulfilment of its constitutional mandate to investigate alleged violations of human rights, the UHRC investigated **1515** complaints. There was a 33% increase in the number of complaints investigated from the 1143 complaints that were investigated by the UHRC in 2022. Out of the 1515 complaints investigated, **651** (43%) complaints were investi-

gated to conclusion, while **864** (57%) were partially investigated. The UHRC's backlog at investigations level reduced by 23 percent from 1045 in 2022 to 803 in 2023. The increase in the number of investigations conducted which ultimately led to the reduction of the investigations backlog was a result of additional funding for investigations by the Governance and Security Programme (JLOS).

Table 22: Complaints investigated per regional office

| REGIONAL OFFICE | PARTIALLY INVESTIGATED | CONCLUSIVELY INVESTIGATED | TOTAL | BACKLOG OF COMPLAINTS AT INVESTIGATIONS LEVEL AS AT 31 ST DEC. 2023 ³⁴³ |
|-----------------|------------------------|---------------------------|-------------|---|
| ARUA | 05 | 104 | 109 | 05 |
| CENTRAL | 327 | 78 | 405 | 327 |
| FORTPORTAL | 63 | 50 | 113 | 57 |
| GULU | 118 | 32 | 150 | 118 |
| HOIMA | 62 | 30 | 92 | 35 |
| JINJA | 48 | 09 | 57 | 34 |
| KABALE | 33 | 38 | 71 | 00 |
| LIRA | 15 | 86 | 101 | 00 |
| MASAKA | 55 | 58 | 113 | 31 |
| MBARARA | 27 | 42 | 69 | 46 |
| MOROTO | 57 | 68 | 125 | 122 |
| SOROTI | 54 | 56 | 110 | 28 |
| TOTAL | 864 | 651 | 1515 | 803 |

11.1.12 Investigations initiated by the UHRC

The UHRC initiated investigations into **08** incidents of alleged human rights violations as indicated in Table 1.13. Investigations into alleged human rights violations initiated by the UHRC were triggered as a result of reports made to UHRC by concerned individuals and media reports on various media platforms including the print media; on radio and television; and through social media platforms.

Table 23: Investigations initiated by the UHRC per Regional office

| REGIONAL OFFICE | NO. OF INVESTIGATIONS | ALLEGED HUMAN RIGHTS VIOLATION | RESPONDENT INVOLVED |
|-----------------|-----------------------|--|---|
| CENTRAL | 02 | Torture Enforced Disappearances | UPDF |
| GULU | 4 | Protection of right to life Security of person Physical Torture Protection of right to life | Omoroto CPS Adjumani CPS & Nyamazi Police UPDF 4 TH DIV Nwoya Government Prison |
| LIRA | 01 | Life | Lira City CPS |
| MOROTO | 01 | Liberty Life | UPDF, Gulu remand home |

11.1.13 Referrals made to other institutions

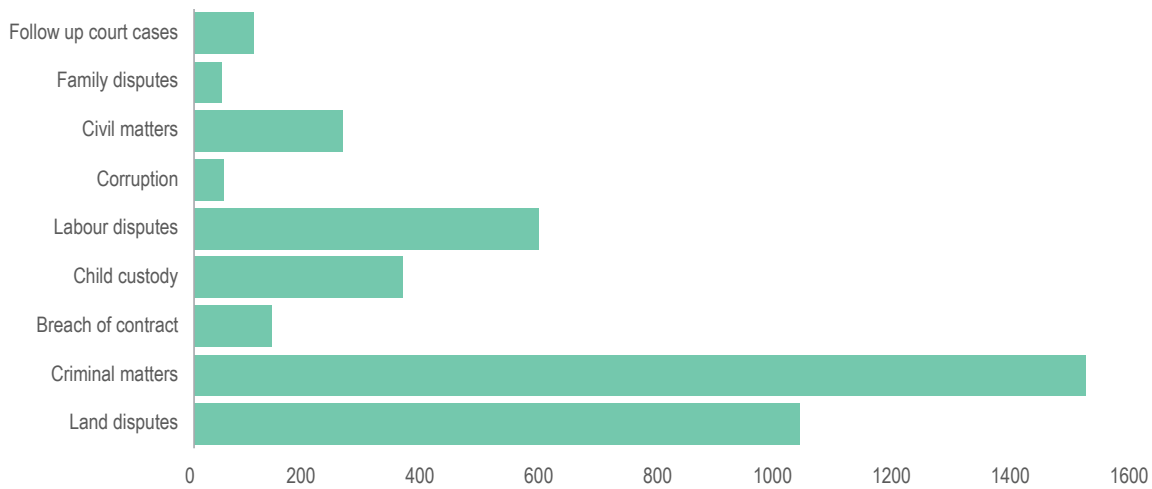
The UHRC referred **4027** complaints to various institutions and organisations for appropriate management. The complaints referred involved matters that were outside UHRC’s mandate to handle. The nature of matters referred are indicated in Fig. 18.

Table 24: Number of complaints referred per Regional office

| ARU | CTR | FPT | GLU | HMA | JJA | MSK | MBR | MRT | SRT | LIRA | KABALE | TOTAL |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|--------|-------|
| 270 | 569 | 377 | 147 | 325 | 367 | 181 | 240 | 222 | 745 | 218 | 366 | 4027 |

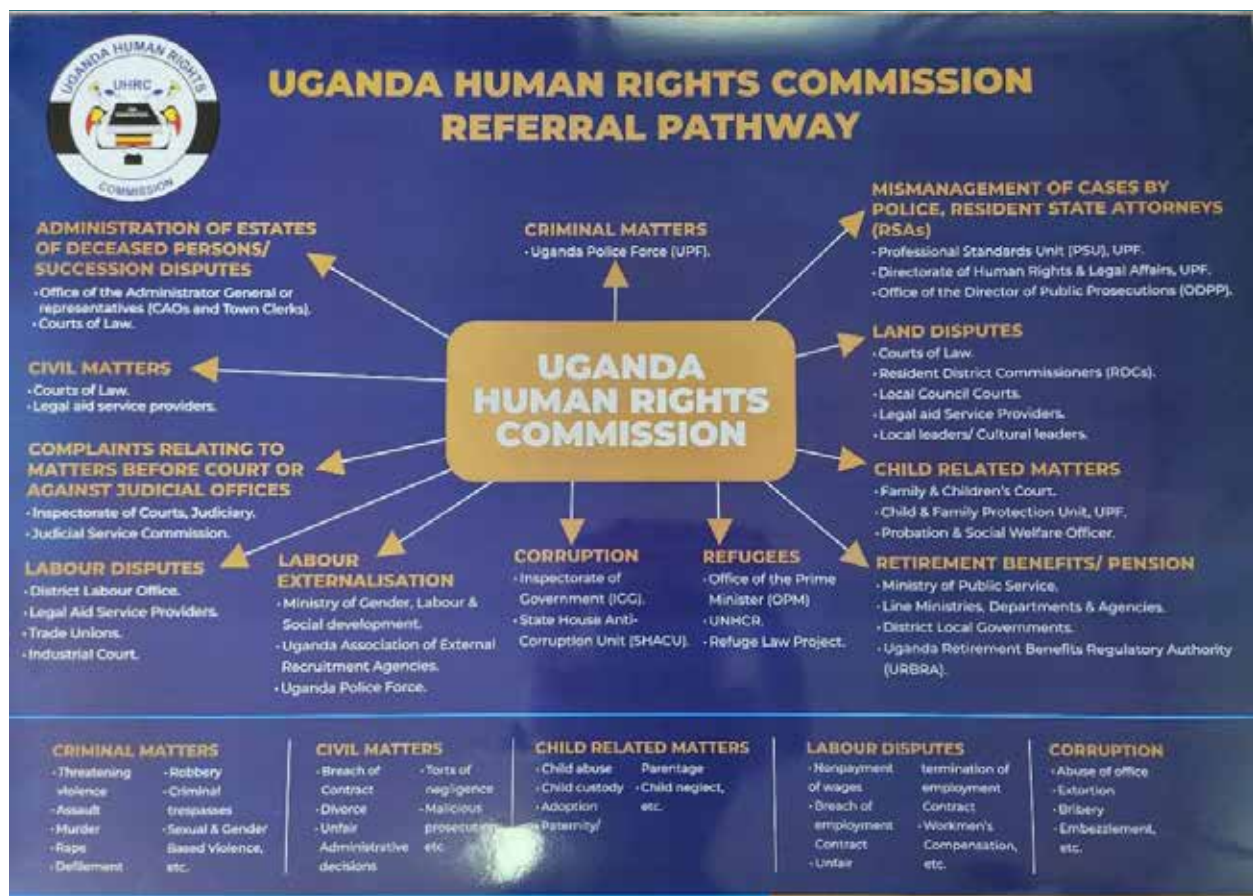
343 Backlog entails complaints that are still under investigations and are older than 2 years in the system from the year under review

Figure 18: Nature of matters referred



11.1.14 Referral Pathway Chart

The UHRC developed a Referral Pathway Chart for use by both staff and stakeholders to elaborate its referral pathway and partners. The chart provides guidance on matters that are not handled by the Commission and where they should be referred. It further provides a streamlined referral process and ultimately decongests the Commission complaints handling system.



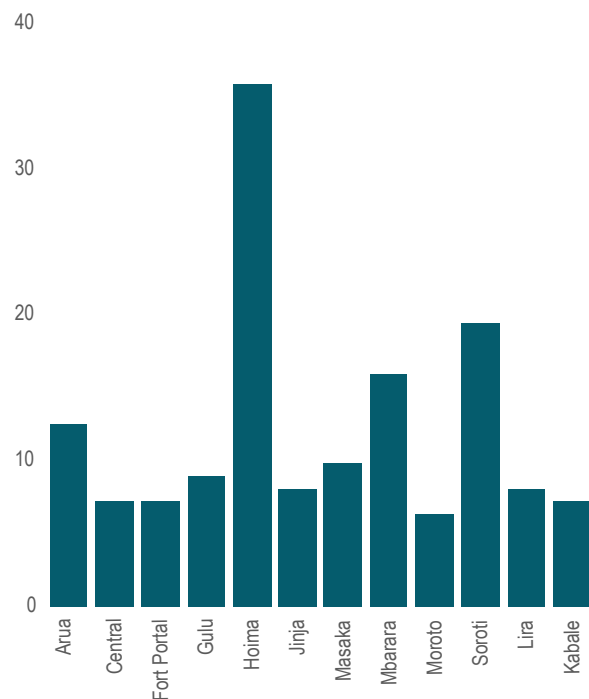
UHRC Referral Pathway Chart

11.1.15 Mediations

The UHRC mediated **93** complaints during the period under review. The complaints mediated mostly involved the denial of child maintenance. The number of complaints mediated by UHRC per Regional office are illustrated in Figure 19.

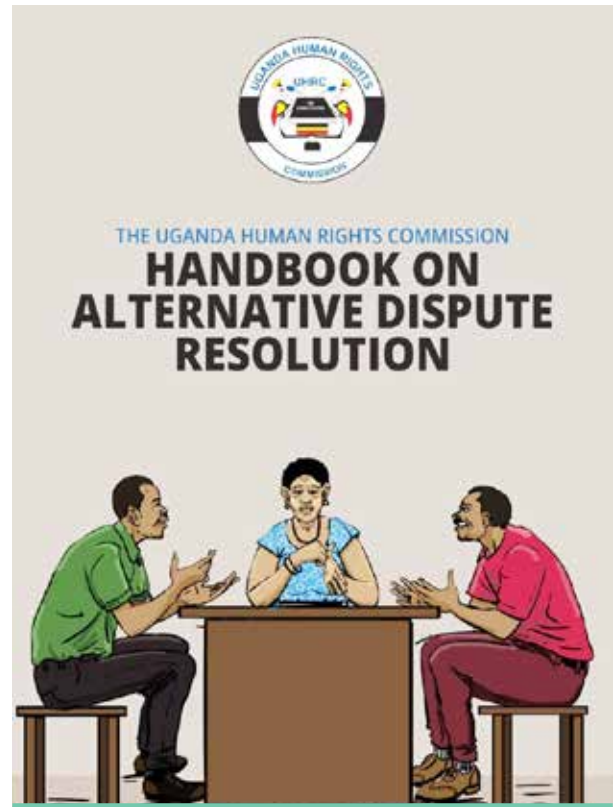
Of the 93 complaints mediated by the Commission, **60** (65%) were successfully mediated. This means that the parties were able to agree amicably and sign memoranda of understanding showing details of how they resolved their disputes and the responsibilities of each of the parties. Mediations are still ongoing in some of the matters while files were closed for those matters where mediations were deemed unsuccessful.

Figure 19: Complaints handled through mediation per Regional office



11.1.16 Handbook on Alternative Dispute Resolution

In order to enhance its alternative dispute resolution (ADR) interventions, the UHRC developed and printed a Handbook on Alternative Dispute Resolution to provide a streamlined framework within which ADR mechanisms particularly mediations are effectively used by staff of the Commission. The Handbook provides standards and timelines which will ultimately lead to the effective implementation of ADR mechanisms.



Cover page of the UHRC Handbook on Alternative Dispute Resolution

11.1.17 Resolution of Complaints through the UHRC Tribunal

In 2023, the UHRC Tribunal heard a total of 231 matters and disposed of 105 complaints. The majority of the Complaints disposed of involved the violation of the right to freedom from torture; personal liberty; the right to life; and the right to security of person. The awards were against the Attorney general for violations perpetrated by UPF (48 matters) and UPDF (3 matters).



Chairperson and Members of the Tribunal Panel presiding over a session at Moroto Regional office

11.1.18 Nature of complaints where compensation awards were made by the Tribunal in 2023

The UHRC Tribunal awarded a total of **UGX 196,140,000** in 2023 to victims of human rights violations as indicated in table 1.16. Table 1.16 also shows the nature of human rights violations involved in the matters where compensation was awarded by the Tribunal and these included the right to freedom from torture; the right to personal liberty; the right to life; and the right to security of person. Table 1.17 shows the total amounts of compensation awards that were made against the

Uganda Police Force (UPF) and the Uganda Peoples Defence Forces (UPDF) per violation. The highest compensation awards were made against UPF with UGX 113,140,000 followed by UPDF with UGX 83,000,000.

Government through the Ministry of Justice and Constitutional Affairs, decentralised the payment of court/tribunal awards and compensation to line ministries, departments and agencies (MDAs) effective 1st July 2015. MDAs are now charged with payment of court/tribunal awards against them from their respective budgets.

Table 25: Nature of complaints decided by the Tribunal in 2023 and total compensation amounts awarded

| NATURE OF VIOLATION | NUMBER OF COMPLAINTS | TOTAL AMOUNT AWARDED BY THE TRIBUNAL IN RESPECT OF THE VIOLATION (UGX) |
|---------------------|----------------------|--|
| Torture | 9 | 74,500,000 |
| Personal Liberty | 7 | 26,640,000 |
| Life | 3 | 72,000,000 |
| Security of person | 2 | 23,000,000 |
| TOTAL | 19 | 196, 140,000 |

Table 26: Amounts of compensation awards made against UPF and UPDF per violation

| | FREEDOM FROM TORTURE | RIGHT TO PERSONAL LIBERTY | RIGHT TO LIFE | RIGHT TO SECURITY OF PERSON | TOTAL |
|--------------|----------------------|---------------------------|-------------------|-----------------------------|--------------------|
| UPF | 43,500,000/= | 24,640,000 | 37,000,000 | 8,000,000 | 113,140,000 |
| UPDF | 31,000,000 | 2,000,000 | 35,000,000 | 15,000,000 | 83,000,000 |
| TOTAL | 74,500,000 | 26,640,000 | 72,000,000 | 23,000,000 | 196,140,000 |



Rtd. Col. Dr. Kizza Besigye giving evidence before the UHRC Tribunal in Kampala. ©Daily Monitor.

11.1.19 Status of Tribunal files as at 31st December 2023

As at 31st December, 2023, the tribunal caseload stood at **1,330** which was a **0.5 %** decrease from the annual closing caseload of **1,520** in 2022. As of 31st December, 2023, a total of **1080** were pending hearing while **250** were part heard as summarised in the table below;

Table 27: Summary of Caseload per regional office for matters partially heard and pending hearing

| STATUS | CTR | FPT | REGIONAL OFFICE | | | | | | | | | | TOTAL |
|------------------|------------|------------|-----------------|-----------|-----------|-----------|------------|------------|------------|-----------|------------|------------|--------------|
| | | | GLU | JJA | KBL | LIRA | MBR | SRT | ARU | MSK | MRT | HMA | |
| Partially heard | 45 | 33 | 37 | 17 | 00 | 25 | 25 | 32 | 10 | 06 | 15 | 05 | 250 |
| Pending hearing | 125 | 133 | 104 | 21 | 04 | 73 | 90 | 110 | 106 | 51 | 149 | 114 | 1,080 |
| SUB-TOTAL | 170 | 166 | 141 | 38 | 04 | 98 | 115 | 142 | 116 | 57 | 164 | 119 | |
| G. TOTAL | | | | | | | | | | | | | 1,330 |

The partially heard complaints are those where evidence is still being adduced by the witnesses while matters pending hearing are those waiting to be heard for the first time.

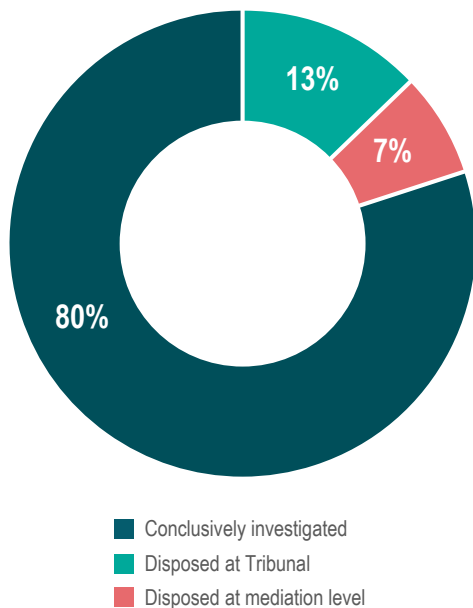


A witness taking oath during a Tribunal session at Gulu Regional office

11.1.20 Total number of complaints disposed by the Commission in 2023

In 2023, UHRC disposed of **816** complaints, out of which 60 were successfully mediated; 651 were conclusively investigated; and 105 were disposed of at Tribunal level. Figure 20. below shows the number of complaints that were disposed of by UHRC in percentages.

Figure 20: Percentage of complaints that were disposed by UHRC in 2023



11.1.21 Challenges

- i) The UHRC experienced difficulties during investigations in securing documentary evidence from health institutions, law enforcement and security agencies which evidence is critical to corroborate allegations of human rights violations particularly allegations of torture and violation of the right to personal liberty. This is further exacerbated by the poor record keeping in these institutions.
- ii) As a result of the decentralisation of compensation awards policy, victims of human rights violations are still facing challenges claiming their compensation awards from institutions that were ordered by the Tribunal to pay them.

11.1.22 Recommendations

- i) In light of the challenges being faced by victims of human rights violations in claiming their compensation awards from MDAs as a result of the decentralisation of payment of compensation awards policy, Ministry of Justice and Constitutional Affairs should set up a Victims’ Compensation Fund from which victims of human rights violations who have been awarded compensation by the UHRC Tribunal and Courts of law will be paid without

any undue delays being experienced by them as is the case currently.

- ii) Before the Victims’ Compensation Fund is actualised as proposed, Uganda Police Force, Uganda Peoples Defence Forces, Uganda Prisons Service and other Government Ministries, Departments and Agencies should specifically budget for payment of compensation awards in line with the decentralisation of payment of Court and Tribunal awards policy. This will ensure that compensation orders are progressively paid and accumulation of arrears will be minimised.
- iii) Ministry of Health, UPF, UPDF and UPS should put in place mechanisms for proper keeping and retrieval of records. Furthermore, the aforementioned agencies should avail documentary evidence to the Commission during the course of its investigations.

11.2 CONDITIONS IN PLACES OF DETENTION

The fact that people deprived of their personal liberty are cut off from the outside world makes them vulnerable. They become solely dependent on the detaining authorities for the most basic needs and rights. By December 2023, Uganda Prisons Service (UPS) had a total of 259 prison facilities, grouped in 19 regions across the country, and with a population of 76,943 prisoners. Out of the 76,943 prison population, 40,085 inmates were convicts, 36,284 inmates were on remand and 574 inmates were civil debtors. At 31st December 2023, the Uganda Police Force (UPF) also had a total of 2416 police stations and posts³⁴⁴ nationwide with a police strength of 49,526 police-personnel.

In line with its Constitutional mandate therefore, the UHRC continued to monitor the human rights situation in various places of detention, to assess the condition of suspects and inmates. The monitoring and inspection of places of detention exercise was also done to assess Government’s compliance with national, regional and international Human Rights Standards in regard to persons deprived of liberty as discussed in this chapter.

344 Uganda Police Force (UPF)

11.2.1 Legal Framework

At the international level, Uganda is a party to a number of international instruments which provide for the treatment of detainees, as well as the protection and promotion rights of persons in detention. The International Covenant on Civil and Political Rights (ICCPR)³⁴⁵, the UN Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (CAT)³⁴⁶, the United Nations Standard Minimum Rules on Treatment of Prisoners³⁴⁷ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment³⁴⁸, are some of the international instruments that provide for the protection of the rights of detainees.

At the African regional level, the African Charter on Human and Peoples' Rights (ACHPR) guarantees the rights of detainees in more or less the same manner as the international instruments³⁴⁹. The African system also imposes obligations on States to extend special protection to women and children in places of detention, consistent with the Protocols to the African Charter on Human and Peoples'

Rights on the Rights of Women, and the African Charter on the Rights and Welfare of the Child respectively. Equally important are the Robben Island Guidelines³⁵⁰ which provide for the prohibition and prevention of torture, cruel, inhuman or degrading treatment in Africa.

At the national level, the 1995 Constitution guarantees the respect for human dignity, protection from inhuman treatment³⁵¹ for everyone including people in places of detention. The Constitution also provides for the protection of persons deprived of their personal liberty and the circumstances under which one's personal liberty may be suspended. In the addition to the Constitution, human rights guarantees of detainees are also found in other laws such as, the Uganda Police Force Act (Cap 303), Uganda Peoples' Defence Forces Act, 2005(Cap 307), Uganda Prisons Act (2006), Penal Code Act (Cap 121), Trial and Indictments Act (Cap 23), and the Children's Act (Cap 59), among others. Some of these laws guarantee the rights of detainees as well as provide for the management, treatment and care of inmates in places of detention.



The Chairperson Uganda Human Rights Commission (UHRC) and officers from UPS and UHRC at Jinja Main Prisons for the monitoring visit.

345 Article 7 and Article 9-11, of the International Covenant on Civil and Political Rights.

346 Article 4, Article 10 and Article 13 of the United Nations Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment

347 United Nations Standard Minimum Rules for Treatment of Prisoners, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of Liberty (JDL Rules), United Nations Guidelines for Prevention of Juvenile Delinquency (Riyadh Rules), United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules).

348 UN Doc. A/43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

349 Articles 3-7 of the African Charter on Human and Peoples' Rights.

350 The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment.

351 Article 23-24 and Article 28 of the Constitution of the Republic of Uganda (1995).

11.2.2 Places Of Detention Inspected By UHRC in 2023

In 2023, the UHRC conducted 540 inspection visits to places of detention. These included; 267 police stations, 173 police posts, 93 Prisons facilities, 06 remand homes and 01 military detention facility.

Table 28: Number of detention facilities inspected by UHRC in 2023

| REGIONAL OFFICE | PRISONS | POLICE STATIONS | POLICE POSTS | REMAND HOMES | MILITARY DETENTION | TOTAL |
|-----------------|-----------|-----------------|--------------|--------------|--------------------|------------|
| Arua | 10 | 32 | 17 | 01 | 00 | 60 |
| Central | 19 | 32 | 10 | 02 | 00 | 63 |
| Fort Portal | 04 | 10 | 17 | 00 | 00 | 31 |
| Gulu | 08 | 35 | 04 | 01 | 01 | 49 |
| Hoima | 05 | 18 | 18 | 01 | 00 | 42 |
| Jinja | 06 | 21 | 12 | 00 | 00 | 39 |
| Kabale | 07 | 22 | 14 | 01 | 00 | 44 |
| Lira | 08 | 24 | 24 | 00 | 00 | 56 |
| Masaka | 13 | 17 | 19 | 00 | 00 | 49 |
| Mbarara | 04 | 24 | 11 | 00 | 00 | 39 |
| Moroto | 04 | 16 | 08 | 00 | 00 | 28 |
| Soroti | 05 | 16 | 19 | 00 | 00 | 40 |
| TOTAL | 93 | 267 | 173 | 06 | 01 | 540 |

11.2.3 Highlights Of Key Findings In Places Of Detention Inspected In 2023

While the right to liberty is not absolute, any deprivation of liberty must not be arbitrary and must be carried out with respect for the rule of law. As affirmed by the Human Rights Council in its resolution 24/12, detainees retain all of their human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration. During its inspections, the UHRC noted that progress had been made in some areas, while in others, a number of human rights issues were still noted. The findings below highlight UHRC's findings in the detention places inspected during the year.

Table 29: Prison population at 31st December 2023

| CATEGORY | MALE | FEMALE | TOTAL | PERCENTAGE % |
|---------------|--------|--------|--------|--------------|
| Convicts | 38,292 | 1,793 | 40,085 | 52.1% |
| Remands | 34,599 | 1,685 | 36,284 | 47.2% |
| Civil Debtors | 436 | 138 | 574 | 0.7% |
| Total | 73,327 | 3,616 | 76,943 | 100% |

The UHRC noted that overcrowding in Uganda is a consequence of the criminal justice systems or policies. The excessive use of pre-trial detention and the use of prison for minor or petty offences, are major underlying causes of overcrowding. A

11.2.3.1 Overcrowding In Prison Facilities

It is a requirement that detention accommodation should provide adequate cubic content of air, floor space, lighting, heating and ventilation.³⁵² However, this is not always attained. The Uganda Prison Services (UPS) has an approved accommodation capacity of 20,996 prisoners. However, by 31st December 2023, UPS had a prison population of 76,943 inmates, which was way above its holding capacity. The UHRC notes that overcrowding in prisons remained a challenge, with some prisons housing twice or up to three times their designed capacities, often times, with the male inmates most affected.

case in point was when the UHRC found 89 female beggars who had been sent to Luzira women's prison by the KCCA court. 52 of these women had children below the age of two, and 23 women were found to be pregnant. This was a clear-cut

³⁵² Prisons Act 2006 and Rule 13, UN Standard Minimum Rules on Treatment of Prisoners.

case of transferring a heavy burden onto prisons, over minor offences.

Prison overcrowding undermines any efforts to give practical meaning to the prohibition of inmates. Overcrowded prisons entail cramped and unhygienic accommodation, a constant lack of privacy (even when performing such basic tasks as using a sanitary facility), reduced out-of-cell activities, overburdened health-care services, increased

tension and violence between prisoners and between prisoners and staff. With overcrowding, inmates lack sufficient space to live with dignity in prison, as well as related challenges such as exacerbated mental health problems, and increased rates of violence, self-harm and suicide. It also puts prisoners, especially the most vulnerable, and the prison staff at risk.

Table 30: Some of the overcrowded prisons in Uganda

| DISTRICT | PRISON FACILITY | HOLDING CAPACITY | PRISON POPULATION |
|-----------------|-------------------------|------------------|-------------------|
| Kampala | Luzira Upper Prison | 756 | 2,955 |
| | Murchison Bay (Luzira) | 755 | 3,034 |
| | Kampala Remand (Luzira) | 289 | 1,838 |
| | Luzira Women | 232 | 718 |
| Wakiso | Kigo Male | 564 | 2,077 |
| | Kigo Women | 33 | 140 |
| | Kitalya | 360 | 1,708 |
| Masaka | Masaka Male | 251 | 1,011 |
| | Masaka Women | 13 | 74 |
| Jinja | Jinja Male | 393 | 2,540 |
| | Jinja Remand | 370 | 1,371 |
| | Jinja Women | 33 | 136 |
| Gulu | Gulu Male | 457 | 1,570 |
| | Gulu Women | 59 | 151 |
| Lira | Lira (M) | 193 | 1,002 |
| | Lira Women | 36 | 136 |
| Kabarole | Fort Portal (M) | 309 | 1,729 |
| | Fort Portal Women | 35 | 97 |
| Soroti | Soroti (M) | 441 | 1,035 |
| | Soroti Women | 45 | 69 |
| Mbale | Mbale (M) | 487 | 1,614 |
| | Mbale Women | | 69 |
| Arua | Arua (M) | 193 | 1,128 |
| | Arua Women | 24 | 92 |
| Mbarara | Mbarara (M) | 343 | 2,000 |
| | Mbarara Women | 44 | 157 |
| Bushenyi | Bushenyi (M) | 246 | 1,250 |
| | Bushenyi Women | 36 | 131 |
| Masindi | Masindi (M) | 262 | 1,723 |
| | Masindi Women | 28 | 102 |
| | Isimba | 369 | 1,251 |

In addition, overcrowding has been found to undermine the ability of prison systems to meet the basic human needs of inmates, such as healthcare, food, and accommodation. It increases the risk and spread of communicable diseases, such as tuberculosis (TB), and has negative effects on the basic

hygiene and health of both prisoners and staff. Overcrowding also compromises the provision and effectiveness of rehabilitation programmes, educational and vocational training, and recreational activities.

Figure 21: Monthly Population Trends of Prisoners in 2023

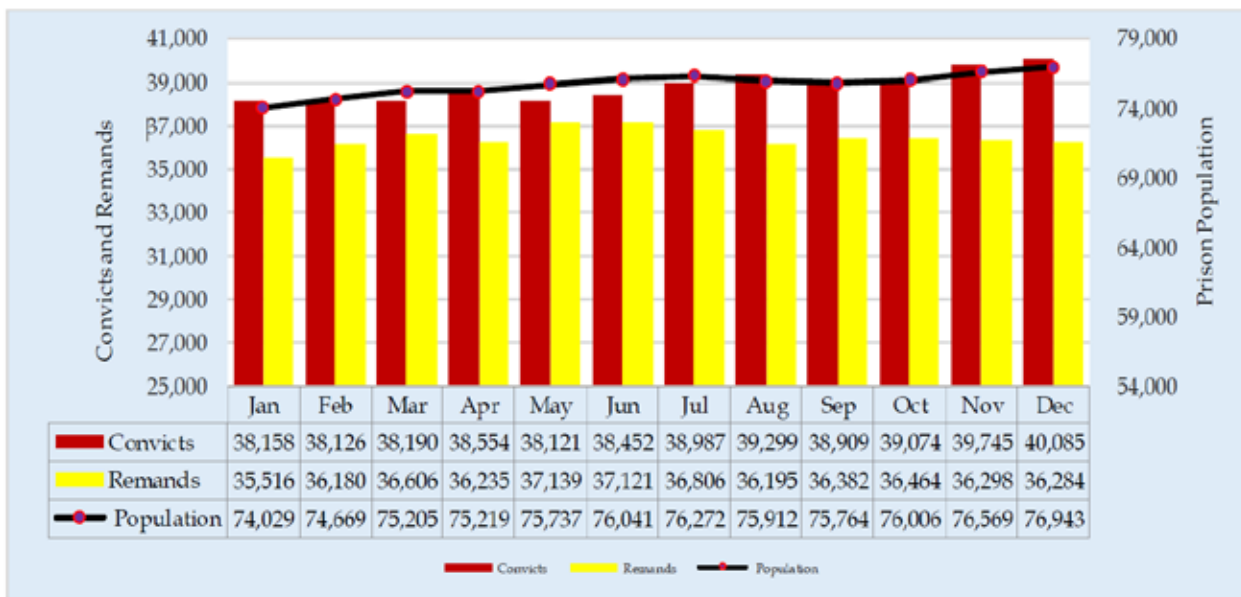


Figure 21 shows that the daily average population of prisoners in custody was on a gradual increase in the twelve months of the year 2023, from 74,029 prisoners in January, 2023 to 76,943 prisoners in December 2023, with a monthly growth of 0.3%. During the year, convicts increased from a daily average of 38,158 prisoners in January, 2023 to 40,085 prisoners in December, 2023 while remands increased from 35,516 prisoners in January, 2023 to 36,284 prisoners in December, 2023.

With the prisons holding capacity at 20,996 prisoners, the occupancy rate increased by 1.8% from 364.7% to 366.5% due to the increase in prison population by 0.5% from 76,569 in November, 2023 to 76,943 in December, 2023. Similarly, congestion in prisons increased during the month from 55,573 prisoners (264.7%) in November, 2023 to 55,947 (266.5%) prisoners in December, 2023 over and above the capacity of prisons countrywide

Table 31: Regional Population of Prisoners

| REGION | CAPACITY PER 3.6M ² | CONVICTS | REMANDS | DEBTORS | POPULATION (DECEMBER, 2023) | BABIES | OCCUPANCY (%) | POPULATION (NOVEMBER, 2023) | POPULATION CHANGE (%) | CUSTODIAL STAFF | STAFF RATIOS |
|---------------|--------------------------------|----------|---------|---------|-----------------------------|--------|---------------|-----------------------------|-----------------------|-----------------|--------------|
| South Eastern | 1,004 | 2,941 | 1,750 | 19 | 4,717 | 9 | 469.1 | 4,486 | 5 | 536 | 1:9 |
| Southern | 565 | 821 | 1,201 | 16 | 2,038 | 13 | 360.7 | 1,967 | 3.6 | 439 | 1:5 |
| Mid Western | 1,041 | 2,476 | 2,249 | 19 | 4,744 | 17 | 455.7 | 4,607 | 3 | 583 | 1:8 |
| Eastern | 1,469 | 1,739 | 2,768 | 39 | 4,546 | 21 | 309.5 | 4,443 | 2.3 | 693 | 1:7 |
| Kigezi | 387 | 687 | 1,534 | 41 | 2,262 | 9 | 584.5 | 2,216 | 2.1 | 311 | 1:7 |
| Kampala Extra | 2,629 | 4,055 | 6,649 | 56 | 10,760 | 48 | 409.3 | 10,626 | 1.3 | 1,258 | 1:9 |
| Mid Northern | 927 | 2,209 | 1,517 | 14 | 3,740 | 13 | 403.5 | 3,703 | 1 | 764 | 1:5 |
| Mid Eastern | 914 | 1,178 | 1,361 | 18 | 2,557 | 14 | 279.8 | 2,535 | 0.9 | 538 | 1:5 |
| Central | 2,643 | 3,241 | 2,477 | 15 | 5,733 | 3 | 216.9 | 5,687 | 0.8 | 751 | 1:8 |
| Western | 1,512 | 3,561 | 2,415 | 37 | 6,013 | 15 | 397.7 | 5,992 | 0.4 | 742 | 1:8 |
| South Western | 1,902 | 3,399 | 4,157 | 176 | 7,732 | 28 | 406.5 | 7,700 | 0.4 | 916 | 1:8 |
| North Western | 902 | 2,576 | 1,610 | 17 | 4,203 | 18 | 466 | 4,196 | 0.2 | 616 | 1:7 |
| Kooki | 499 | 1,140 | 588 | 20 | 1,748 | 6 | 350.3 | 1,749 | -0.1 | 370 | 1:5 |
| North Central | 501 | 1,233 | 1,200 | 7 | 2,440 | 12 | 487 | 2,457 | -0.7 | 437 | 1:6 |

| REGION | CAPACITY PER 3.6M ² | CONVICTS | REMANDS | DEBTORS | POPULATION (DECEMBER, 2023) | BABIES | OCCUPANCY (%) | POPULATION (NOVEMBER, 2023) | POPULATION CHANGE (%) | CUSTODIAL STAFF | STAFF RATIOS |
|----------------|--------------------------------|---------------|---------------|------------|-----------------------------|------------|---------------|-----------------------------|-----------------------|-----------------|--------------|
| East Central | 848 | 1,552 | 648 | 24 | 2,224 | 4 | 262.3 | 2,257 | -15 | 568 | 1:4 |
| Northern | 1,417 | 3,429 | 1,827 | 12 | 5,268 | 24 | 371.8 | 5,369 | -1.9 | 892 | 1:6 |
| Mid Central | 613 | 1,376 | 1,045 | 21 | 2,442 | 13 | 398.4 | 2,520 | -3.1 | 463 | 1:5 |
| North Eastern | 633 | 1,493 | 598.69 | 7 | 2,098 | 18 | 331.4 | 2,212 | -5.2 | 507 | 1:4 |
| Iganga | 590 | 979 | 690 | 16 | 1,685 | 5 | 285.6 | 1,847 | -8.8 | 346 | 1:5 |
| OVERALL | 20,996 | 40,085 | 36,284 | 574 | 76,943 | 290 | 366.5 | 76,569 | 0.5 | 11,730 | 1:7 |

The regional population of prisoners increased in the following regions; South Eastern by 5.0%, Southern by 3.6%, Mid-Western by 3.0%, Eastern by 2.3%, Kigezi by 2.1%, Kampala Extra by 1.3%, Mid-Northern by 1.0%, Mid-Eastern by 0.9%, Central by 0.8%, Western and South Western by 0.4%, and North Western by 0.2%. The regional population of prisoners however, decreased in the following regions; Iganga by 8.8%, North Eastern by 5.2%, Mid Central by 3.1%, Northern by 1.9%, East Central 1.5%, North Central by 0.7%, and Kooki by 0.1%. The staff-to-prisoner ratio remained at 1:7. However, the number of prisoners per custodial staff ranged between four (4) and nine (09) across the 266 custodial units countrywide.

11.2.3.2 Prolonged Pre-Trial Detention In Prisons

Pre-trial detainees are persons awaiting trial or the finalization of their trial, who have not been convicted of the charges against them. They are legally presumed innocent which is a criminal justice system principle based on the rule of law and individual liberty. International standards require that pre-trial detention should only be used if there are reasonable grounds to believe that the person concerned has been involved in the commission of the alleged offence, and there is a demonstrable risk that the person concerned will abscond, interfere with the course of justice, or commit a serious offence. International standards also mandate the widest possible use of alternatives to pre-trial detention.

The UHRC noted that pre-trial detainees or inmates on remand remained very high at 47%, with many having been in detention for over five year. The prolonged pre-trial detention was attributed to a number of factors including; delays in the resolution of cases, arrests and detention before conclusion of investigations, delays in sanctioning files,

and irregular court sessions among others. At Lamwo Prison, the UHRC noted that the prison had inmates who last appeared in Court in 2021 due to the absence of resident DPP offices in the District, few high court sessions, lack of transport to take inmates to court, delayed police investigations, frequent adjournment of cases, and the adjournment of cases by Magistrates without a definite dates on which inmates on remand can be reproduced before court.

The Commission noted that pre-trial detention contributed significantly to prison overcrowding where inmates sometimes have to wait for years before their cases are concluded. In most of these facilities visited, the UHRC received reports of prolonged pre-trial detention, due to irregular court sessions.

Figure 22: Percentage composition of inmates in 2023

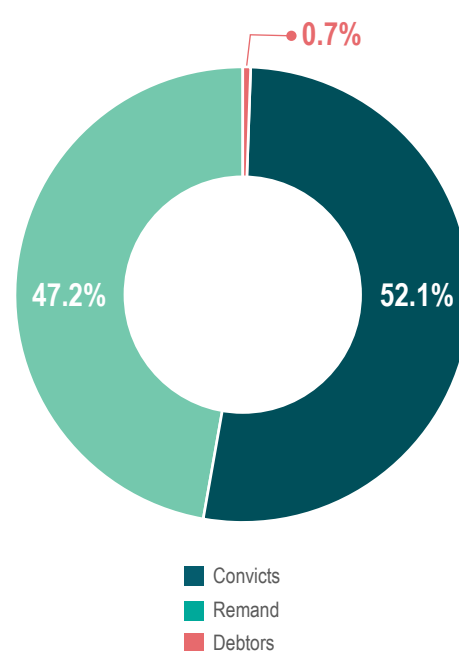


Table 32: Prisoners produced to courts and normal release of convicts

| VARIABLES | | NOV-23 | DEC -23 | %CHANGE |
|-------------------------------|---------------|--------|---------|---------|
| Prisoners delivered to courts | Outturn | 38,693 | 29,077 | -24.9 |
| | Daily average | 1,759 | 1,530 | |
| Normal release of convicts | Outturn | | | |
| | Daily average | 98 | 109 | 2.4 |

During the month of December 2023, the outturn of prisoners delivered to judicial courts countrywide to access justice was 29,077 prisoners, making a daily average of 1,530 prisoners produced before courts of law. The outturn of normal releases of convicts in December 2023 increased by 2.4% from 2,556 in November 2023 to 2,617 prisoners, making a daily average of 109 normal releases of convicts. The outturn of prisoners released by court during the month of December 2023 decreased by 14.3% from 7,547 in November 2023 to 6,470 releases in December 2023.



Inmates at Patongo Government Prison being sensitized about their rights by a UHRC official

Table 33: Prisoners released from court

| REASON FOR RELEASES | NOV -23 | DEC -23 | | TOTAL | % CHANGE |
|-------------------------------------|--------------|--------------|------------|--------------|--------------|
| | | PETTY | CAPITAL | | |
| Reason for release | | | | | |
| Transferred to remand home | 5 | 16 | 2 | 18 | 260 |
| Bailed | 2,167 | 2,182 | 85 | 2,267 | 4.6 |
| Acquitted | 199 | 171 | 24 | 195 | -2 |
| Case dismissed | 1,492 | 1,270 | 69 | 1,339 | -10.3 |
| Reconciled | 639 | 508 | - | 508 | -20.5 |
| Nolle Prosequi | 55 | - | 43 | 43 | -21.8 |
| Bonded | 1,080 | 819 | 19 | 838 | -22.4 |
| Sentenced to community service | 1,000 | 707 | - | 707 | -29.3 |
| Sentenced to a caution | 314 | 218 | - | 218 | -30.6 |
| Case withdrawn | 285 | 171 | - | 171 | -40 |
| Sentenced to pay fine | 195 | 114 | - | 114 | -41.5 |
| Sentenced to period spend on remand | 108 | 31 | 19 | 50 | -53.7 |
| Sentenced to suspended sent | 8 | 2 | - | 2 | -75 |
| TOTAL | 7,547 | 6,209 | 261 | 6,470 | -14.3 |

11.2.3.3 Arbitrary Detention Beyond 48 Hours By Police

The UHRC noted that police officers in all police facilities were aware of the 48-hour rule under Article 23 (4) of the Constitution. However, despite their knowledge of the rule, police indicated that they faced challenges in observing the 48-hour rule mainly due to delays in completing of investigations in capital offences, delays from the State Attorney’s office, and lack of transport means at outposts to transport suspects to the main stations, health facilities and to Courts. The Police officers also mentioned that many of the suspects given police bonds abuse this right by not reporting back to police. Others completely disappear and are never found.

UHRC noted cases of detention beyond 48 hours at police stations including Hima Police Station, Kasese Police Station, Nwoya Police Station, Kitgum CPS, Lamwo Police Station, Ndirindiri Police Post, Pakwach Police Station, Panyango Police Station, Alebtong Police Station, Amolatar Police Station,

Lira Police Station, Oyam Police Station, Kibaale Police Station, Kakumiro Police Station and Ongako Police Station among others. In all these facilities, police’s justification for keeping suspects beyond the legally stipulated time included;- ongoing/ delayed investigations, delay by state attorneys to sanction files, failure of complainants to produce witnesses, arrests made by local councils or private citizens, and yet no one is interested in following up the cases, failure to obtain medical evidence and lengthy processes of transferring cases, irregular court sittings, absence of judicial officers.

The UHRC also noted that the police force was overwhelmed with matters, yet they continue to be under-resourced. By 31st December 2023, the Uganda Police Force had had a total number of 2,416 police stations and posts, with a Police Strength of 49,526 personnel in and a territorial police strength at 30,967 personnel. The Police also had 184 Police District/Divisions as indicated in Table 11.3 below.

Table 34: Police National Coverage

| ADMINISTRATIVE UNITS | TOTAL NUMBER |
|--|--------------|
| Number of Administrative Districts in Uganda | 146 |
| Number of Police District/Divisions | 184 |
| Number of counties in Uganda | 312 |
| Number of Sub-counties/towns councils/Municipal Divisions | 2,184 |
| Number of Parishes in Uganda | 10,595 |
| Number of villages in Uganda | 70,626 |
| Total Police Strength as at 31 st December 2022 | 49,526 |
| Police Strength in territorial policing ³⁵³ | 30,967 |
| Police Strength in Administration and specialised units | 18,559 |
| Total number of police stations and posts | 2,416 |
| Number of Sub-counties/ Town councils/ Municipal divisions with at least one police establishment ³⁵⁴ | 1,594 |
| Number of Sub-counties/ Town councils/ Municipal divisions without police presence | 590 |

11.2.3.4 Registration And Records Management

Management of records is an important function in detention facilities to ensure accountability, safety, security and accessibility of records about inmates and the various Programmes provided. Well-kept records that contain information required for the effective protection of detainees’ rights also

contribute to the efficient management of places of detention and better individual care. During the monitoring of places of detention, the Commission inspected various records and registers. These included; lockup registers, station diaries, admission registers, release registers, property registers, transfer of detainees’ registers, gate registers, exhibits registers, medical registers, as well as

353 The total number of police officers at the region, district and stations doing the day-today police work.

354 Police coverage and presence

medical treatment records. The Commission notes that the existence of official registrations in places of detention is an equally important element in guaranteeing transparency accountability and protection of those detained.

Out of the 440 police facilities inspected, the UHRC established that majority of stations and posts had the required registers which were regularly used. The existence of registers demonstrated that majority of detainees assessed by UHRC had an admission record, an inventory of their property and information regarding their judicial processes. It was however noted that there was still poor storage of records where the registers were fully utilised.

Unfortunately, some police stations were found without registers. These include; Ongongoja Police Post, and Okuda Police Post. Kaptoyoy Police Post, Kwanyi Police Post, Kapnarkut Police Post, Bukaigai Police Post, Ngariam Police Post, Bukalasi Police Post, Buwali Police Post, Kwanyi Police Post and Chepsukunya Police Post. Others did not have standard registers but had improvised with exercise books. These included:- Moyok Police Post, Usuk Police Station, Chormongin Police Post and Omodoi Police Post. At Okuda Police Post and Ongongoja Police post in Katakwi, the UHRC found that they did not have any lock-up registers, because Katakwi CPS had not sent any. The officers in both police posts had not made any efforts to improvise due to lack of funds. The UHRC however noted a lack of stationary to record statement, which remained a major challenge for police facilities. Complainants were often asked to buy exercise books and manila papers to construct files as well as pay for fuel.

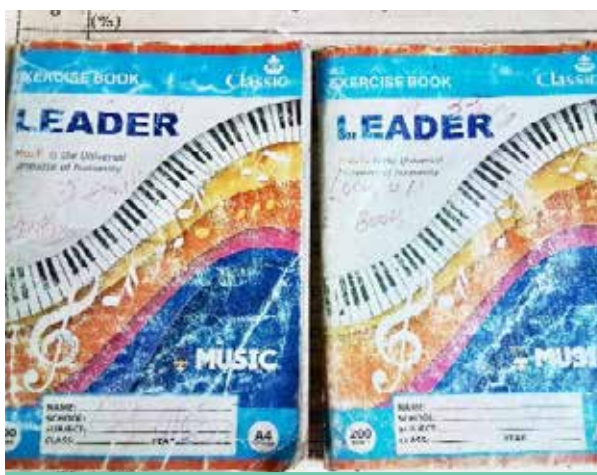
Lock-up registers were not updated at Chepsukunya Police Post, Kiwatoi Police Post, Acengryeny Police Station, Adyaka Police Post, Ogwette police station, Juba Road police post, Alango Police Post, Bubango Police Post, Nyamarwa Police Post and Imara Police Post . At Chepsukunya Police Post, the Police Constable found at the station told the UHRC team that *“he did not know how to use the lock-up register, since entering details of suspects is always the preserve of the O/C CID”*. At the time of the UHRC inspection, it was established that the Officer in Charge (O/C) of the Criminal Inves-

tigations Directorate (CID) had been out of office for about three weeks due to a disciplinary case against him. The UHRC officers therefore took it upon themselves to educate the officer on how to use the registers.

At Bukalasi Police Post, three suspects were found in custody on charges of assault, and defilement. However, different charges of theft and assault had been recorded in the lock-up register. The UHRC asked the Officer in Charge to immediately correct the error. The UHRC noted a general laxity or inability of police posts to update the lock-up registers on a daily basis, which resulted in a lack of information and thus compromising on accountability and protection of suspects.



UHRC official inspects police register books at Kween CPS



Improvised SD and lock up register found at Awelo Police post in Amolatar district



Lira Regional Office inspecting registers at Acengryeny Police post in Amolatar district.



Commissioner Crispin Kaheru together with UHRC officials during an inspection visit at Luzira Upper Prison

11.2.3.5 Accommodation Of Inmates

The UHRC noted that while efforts were being made to renovate or construct new facilities, human rights concerns and challenges still existed. Below are the findings on accommodation in places of detention.

a) Old and dilapidated buildings

The UHRC found several detention facilities with old, dilapidated buildings or facilities. The Uganda Police Force faced the biggest challenge in terms of office space and dilapidated structures, with many Police Stations and Posts being housed in old and run-down structures. The UHRC found that police staff also had accommodation challenges, with some of their families sharing rooms/uniports while others opted to rent from communities. Most accommodation provided was very poor (incomplete, old and dilapidated structures) and too small to accommodate officers and their families.



Dilapidated Akia Police Post in Lira City with a cracked interior wall

The UHRC noted with concern that a number of police facilities were old, dilapidated and in sorry state, with many requiring demolition, renovation and new construction. These included:- Toroma Police Station, Ngenge Police Station, Kitawoi Police Post, Moyok Police Post, Kaptoyoy Police Post, Bukalasi Police Post, Bubulo Police Post, Bukigai Police Post, Bubulo, Police Post, Butiru police post etc. At Moyok, Bubulo, Bukalasi and Kiwato Police Posts, the walls of the facilities were cracked with a leaking roof and the toilet facilities were equally in a poor state. At Kochgoma, Lakwana Police Stations the UHRC found that the cells had leakages and at Ongako, the station had registered escape of suspects cases due to weak cells.

Kotido Police Station has several dilapidated structures especially for staff accommodation. Nabilatuk Central Police Station and Lorengedwat police station had structures that had fallen apart and destroyed by the wind, while Tokora police station, Iriiri police station, Matany police post, Lopei police post, Moruita police station and Lotome police post were all housed in dilapidated structures.

The UHRC noted that Uganda Police is currently distributing and setting up uniports across the country to boost the gaps in accommodation and office capacity. However, some of the officials found in these facilities informed the UHRC that the new uniports were made of weak iron sheet materials and were extremely hot during the day. Some inmates were found with handcuffs inside the uniport-cells, to prevent them from escaping, due to the weak material of the uniports. Some of these new uniports were found in Loragae police post, Moruita police station, Lopei police post,

Acherer police station, Nyakishenyi Police Station and Kanungu Central Police Station.



Improvised Police cells for suspects at Zeu Police Station in Zombo district



Uniport used for detention of male suspects at Lorengedwat Police Station in Nabilatuk district.

Table 35: Police facilities found with old and dilapidated buildings

| POLICE FACILITIES FOUND WITH OLD AND DILAPIDATED BUILDINGS | | |
|---|-----------------------|--------------------------|
| Bulera Police Station | Toroma Police Station | Abutoadi Police post |
| Busunju Police Station | Ngenge Police Station | Adwari police station |
| Butoloogo Police Station | Kitawoi Police Post | Aloi Police Station. |
| Buvuma Police Station | Moyok Police Post | Kyanamira Police Station |
| Buwama Police Station | Kaptoyoy Police Post | Busanza Police Post |
| Kachanga Police Post | Bukalasi Police Post | Kyakazire Police Post |
| Kampingirisa National Rehabilitation Centre (especially the boys' dormitories). | Bubuto Police Post | Nyamarunda Police Post |
| Kanoni Government Prison | Bukigai Police Post | Kituti Police Post |
| Kanoni Police Station | Bubulo, Police Post, | Kakindo Police Station |
| Kasangati Government Prison | Butiru police post | Rusolera Police Post |

POLICE FACILITIES FOUND WITH OLD AND DILAPIDATED BUILDINGS

| | | |
|--------------------------------|----------------------------------|--------------------------|
| Kasangati Police Station | Zeu Police Station | Nkooko Police Post |
| Kaweeri Government Prison | Ntete police post | Kasambya Police Station |
| Kayabwe Police Station | Kibanda police post | Kihuna Police Post |
| Kikongo Police Post | Kamuli police post | Kasambya Police Post |
| Kirombe Police Station | Kibaale police stations | Kakindi Police Station |
| Kirongo Police Post | Bethlehem police post | Kyatiri police post |
| Kitintale Police Station | Kotido CPS | Bujenje Police station |
| Lukoma Police Post | Nabilatuk Central Police Station | Kimengo Police station |
| Magyo Government Prison | Lorengedwat police station | Kigulya Police Post |
| Magyo Police Post | Tokora police station | Pakanyi Police station |
| Mityana Government Prison-Male | Iriiri police station | Hima Police Station |
| Mityana Police Station | Matany police post | Hapuyo Police Station |
| Mpigi Government Prison | Lopei police post | Magale police post |
| Mpigi Police Station | Moruita police station | Bugobero Police post |
| Mubende Police Station | Lotome police post | Ngariam Police Post |
| Nakifuma Government Prison | Juba road police post | Ongongoja Police Station |
| Namatale Police Post | Starch Factory police post | Buwali Police Post |
| Ssekanyonyi Police Station | Akia police post | Chepsukunya Police Post |



Bathing facility at Lorengedwat police station in Nabilatuk district.

Uganda Prisons Services has made efforts in building new facilities and renovating dilapidated ones. However, despite the commendable efforts, there are still facilities with very old structures and overcrowding continues to affect prisons. Prison facilities found with dilapidated buildings included:- Rakai Prison Lwebitakuli prison, Kakuuto prison, Mateete prison, Kakumiro Prison, Masindi Government Prison (female section) among others.



A former cotton ginnery store being used as a male ward at Rakai Prison



Dilapidated offices and cells of Bukigai Police Post in Bududa District

b) Lacks of facilities and infrastructure

The UHRC noted that all the prison facilities were all owned by the Uganda Prisons Services. However, while the Uganda Police Force had 2,416 police stations and posts, only 455 were housed in UPF-owned structures. 728 were housed in Local Government Structures, 437 were housed in rented premises, 551 were housed in community-owned facilities and 245 were housed in church/NGO/ other structures. At Bungangari Police Station, Nyakabungo Police Post, Kanyantorogo Police Station, Mutolere Police Post Police rented old and dilapidated premises.



Police offices and staff accommodation at Kiwatoi Police Post in Kween District



(Top)Rutootoo Police Station and (Bottom) Nyakasharu Police Station in Rubirizi District

c) Ventilation and Lighting

It is a requirement for detention facilities to have adequate ventilation and lighting. Proper ventilation allows detainees to breathe normally, evacuates humidity from their cells and gets rid of bad odour. Adequate lighting on the other hand is equally important for maintaining the physical and mental health of detainees and prison staff. However, in detention facilities such as;- Otuke Prison and Nakapiripirit prison. The UHRC found that lighting in these facilities equally still remained a challenge.

Most Police cells did not have adequate lighting, some of which included; Lira City East Police Station, Otuke Prison, Kimengo Police Station, Kigulya Police Post, Karujubu Police Post, Ntoma Police Post, Kijunjubwa Police Post, Kyakazaire Police Post, Imara Police Post, Nyamarunda Police Post, Kyebando Police Post, Mulagi Police Station, Ntunda Police Post, Ntwe Police Station, Rusolera Police Post, Kisiita Police Post, Igayaza Police Station, Kasambya Police Post, Kakindo Police Post, Katikara Police Station, Katana police post, Lusaka police post, Kikoma police post, Nankondo police post and Lwebitakuli police station.

Other Police detention facilities found with poor lighting and ventilation included; Busanza Police Post, Kitumba Police Station, Buhara Police Station, Kirima Police Post, Rugyeyo Police Post, Bugongi Police Post, Rubabo Police Station, Kebisoni Police Station, Nyakishenyi Police Station, Kambuga Police Station, Kanyantorogo Police Station, Mutolere Police Post, Loragae police post, Moruita police station, Lopei police post and Acherer police station among others. Due to the poor ventilation, most of the cells were very hot, stuffy and had strong persistent stench in the air.

d) Newly constructed and Renovated facilities

Despite the continued existence of overcrowding in several prison facilities, the UHRC noted continued efforts by Uganda Prisons Services and the Uganda Police Force to improve the accommodation of detainees. In 2023, a number of detention facilities had newly constructed buildings and renovated facilities which included offices, cells, stores and wards for inmates. The new prison facilities were found at:- Soroti Prison, Nakatunya Prison, Buwama Government Prison, Buwambo Government Prison, Kanoni Government Prison,



Inmates found in a dark cell at Lira City East Police Station



Commissioner Omara Apitta, inspecting a prison cell at Pece Prison



Newly constructed Apeitolim Police Station in Napak district



UHRC Soroti officials with Police officers of Kwasir Police Post at their new Office space and accommodation.

Kasangati Government Prison, Kauga Government Prison, Kaweeri Government Prison, Kitwe Government Prison Farm, Magala Government Prison, Mityana Government Prison-Women, Mpigi Government Prison, Muduuma Government Prison, Muinaina Government Prison, Naguru Remand Home, Nakifuma Government Prison, and Nkozi Government Prison. The Police stations included; Kapraron Police station, Buwama Police Station, Kanoni Police Station, Kasangati Police Station, Kitintale Police Station, Maddu Police Station, Mityana Police Station, Mpigi Police Station, Mubende Police Station, Nagalama Police Station and Nakifuma Police Station among others.

11.2.3.6 Separation Of Detainees

Human rights standards require that different categories of prisoners are kept in separate places of detention, taking into account their sex, age, criminal record and reasons for detention.³⁵⁵ As a matter of law³⁵⁶ women should be separated from men, minors from adults, and untried detainees from convicted detainees. Migrants detained in connection with their migrant status should also be separated from convicted persons and held in conditions as far removed from a prison regime as possible. Persons imprisoned for debt and other civil prisoners should be kept separate from persons detained for criminal offenses.

The primary purpose of separation is to ensure protection and safety of persons deprived of liberty, and for optimal management of prisons. It is also a measure to preserve the principle of the presumption of innocence of untried persons as well as providing the most appropriate prison conditions for each category of detainees. Below is what the UHRC observed regarding categorization.

a) Separation of female from male cells

In all the 540 detention facilities inspected, the UHRC noted that female inmates were detained in different cells from the male cells. This was in conformity with the required standard that men and women should as far as possible be detained in separate facilities.³⁵⁷ However, it was noted that



Suspects at Kalongo Police Station talking to UHRC officials

many police stations and posts still lacked female cells. These included; Lorengechora police station, Matany police post, Iriiri police station, Lokopo police post, Lotome police post, Lopei police post, Loragae police station, Tokora police post, Moruita police station, Acherer police post, Lorengedwat police station, Kabano police post, Bethlehem police post, Mayanja police post, Kabonera police post, Kabira police post, Kakoma police post, Kibaale police station, Kikoma, Ntete and Lwanda police post among others.

b) Civil debtors

The detention of people for civil debts is inconsistent with Article 11 of the International Covenant on Civil and political rights to which Uganda is a state party provides that “No one should be imprisoned merely on grounds of inability to fulfill a contractual obligation”. The UHRC noted that out of the 76,943 inmates detained by the UPS in December 2023, 574 of them were civil debtors.³⁵⁸ UHRC confirmed this during its routine and unannounced inspections of prison facilities. Civil debtors were found at:- Kasangati Prison, Kauga Prison, Kaweeri Prison, Mpigi Prison, Muduuma Prison, Mubuku Prison, Kyegegwa Prison, Pece Prison, Nwoya Prison, Kitgum Prison, Pader Prison, Patongo Prison, Kakumiro Prison, Iganga Prison, Busesa Prison, Budaka Prison, Namungalwe Prison, Ndorwa Prison, Lira Main Prison, Otuke Prison,

355 Rule 11, Nelson Mandela Rules and Rule 8 of the UN Standard Minimum Rules on the Treatment of Prisoners

356 ICCPR, United Nations Standard Minimum Rules on Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

357 Rule 8(a) UN Standard Minimum Rules on Treatment of Prisoners

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Amolatar Prison, Kakiika Prison and Mbarara Main Prison among others. The UHRC also noted that the requirement³⁵⁹ to separate civil debtors from inmates on criminal charges was not observed. Inmates were mainly separated based on their gender due to limited space.

c) Mothers incarcerated with their Children

The Uganda Prisons Act (2006) allows incarcerated mothers to keep their children until they are 18 months. The children of incarcerated mothers who also find themselves in detention are entitled to have their physical, emotional, social and psychological needs provided for by the authorities. Some of the children found in prison on account of their incarcerated mothers were between three months to four years old, which in some cases was beyond the authorised statutory age of 18 months. UHRC got explanation that the reason for incarcerating mothers with their children was mainly due to the lack of or unwillingness of relatives to take care of the children while the mothers were in detention.³⁶⁰

During the Commission's monitoring of prisons, mothers incarcerated with their children were found in, Mbarara Female Prison Luzira Women Prison, Mityana Government Prison, Kaweeri Government Prison, Magyo Government Prison, Soroti women prison, Sembabule prison, Kasaali prison, Rakai prison, Nakapiripirit Government Prison, Kotido Government Prison, Ndorwa Government Prison, Rukungiri Government prison, Nwoya Government Prison, Kitgum Government Prison, and Patongo women Prison, among others. UHRC noted that most of the children in detention

with their mothers were still breastfeeding, while others especially those above 18 months had no willing relative to take care of them outside the prison.

d) Juveniles detained with adult offenders

It is a requirement that juveniles should be separated from adults while in detention³⁶¹. The UHRC found very few children in police custody and was informed that police was mostly reverting to diversion Programmes as far as juvenile offenders were concerned. However, while most facilities had or improvised special cells for juveniles, the UHRC noted that some facilities lacked juvenile cells. The detention of juveniles with adult offenders was found in a few police cells facilities including; Mbarara Police Station, Bududa Police Station, Kotido Police Station, Mitooma Police Station and Kotido Police Station.

This was mainly attributed to the lack of juvenile cells at police facilities and the continued failure to ascertain the ages of suspects. The officers also raised concern regarding the inadequate or lack of remand homes in the respective districts and having to rely on remand homes outside the areas of jurisdiction. It was also noted that most of the facilities lacked means of transport or adequate fuel for vehicles, which caused challenge in transporting the juveniles to remand homes on time.

At Oyam Central Police Station, the UHRC found huge hole dug in the wall of the Juvenile cell. The police officers informed the UHRC team that the hole had been dug by juveniles who had escaped in the night.



A hole found in a juvenile cell at Oyam Police Station

359 Rule 8(c) UN Standard Minimum Rules on Treatment of Prisoners

360 Section 59 (4) of the Prisons Act, 2006.

361 ICCPR, Art. 10.2

e) Remand homes and juvenile cells

According to the Constitution, a child is any person under the age of 18 years, while Children Act stipulates that the minimum age of criminal responsibility in Uganda is 12 years³⁶². In view of their vulnerability therefore, the use of deprivation of liberty for children should only be used as a last resort and should be for the shortest period of time.³⁶³ In Uganda, children in conflict with the law are detained in seven remand homes which include; Arua, Fort-Portal, Gulu, Naguru, Kabale, Mbale and Masindi. In addition, the Kampiringisa National Rehabilitation Centre is also used to detain sentenced children from the whole of Uganda. The UHRC however notes that Uganda still faces major challenges in dealing with children in conflict with the law. Some of the challenges faced include; inadequate probation services, poor facilitation of the probation officers, inadequate child-friendly procedures in the criminal justice system, lack of adequate skills to handle children matters, minimal diversion of children from the formal justice system, and inadequate budgetary support for child welfare among others.

During the monitoring, the Commission noted that the country still has very few Remand homes and children have to be transported long distances for detention, which often limits their access to parents. For example, there is only one Remand Home in Northern Uganda (Gulu Remand Home), which serves all the Districts in Lango and Acholi Sub-region. The UHRC noted that in the greater Ankole Region, there is no remand home to cater for Rwizi and Greater Bushenyi. The only remand home available in south-western Uganda is Kabale, and another in Fort Portal thus children have to be transported long distances to go to court. The UHRC also noted that most police facilities lacked juvenile cells which caused a challenge when children were arrested for capital offences.

In all the Remand Homes visited, the UHRC noted that the juveniles had sufficient beds, mattresses and blankets. At Gulu Remand Home, the juveniles were found in good shape and had all the basic necessities. At Kabale Remand Home, juveniles living with HIV/AIDS were provided with health services such as ARVs and counselling sessions.



Juvenile in Gulu Remand Home

The facility was also found with flushable toilets in the wards and external pit latrines and female juveniles were provided with sanitary towels and knickers. The UHRC was however informed that due to the congestion at the Kabale Remand home, juveniles had one pair of uniform each, which was inadequate for them since they are not allowed to wear their own clothing.

The authorities however still had challenges with overcrowding and lack of sufficient resources to feed the children. The UHRC was also informed that children were fed based on resources from the Ministry of Gender, Labour and Social Development as well as support from well-wishers or parents of children detained at the Remand home.

11.2.3.7 Access To Adequate Food

In assessing whether there was adequate access to food in detention facilities, the UHRC took note of several elements when inspecting the detention facilities including the quality and quantity of the food provided. Progress was registered in the inmates' access to food, in terms of frequency, quality and quantity. In most of the detention facilities, inmates had at least two meals a day, consisting of porridge for breakfast and lunch/supper comprising of food such as cassava or posho or sweet potatoes and beans. At most prison farms, the meals for inmates were supplemented by green vegetables, potatoes and cassava, depending on what was grown by the inmates themselves.

362 Children's Act S. 88(1)

363 Children Act cap 59 Section 94(4)

Provision of adequate food is key to maintain the health and strength of detainees especially those with HIV/AIDS, the sick, breast-feeding mothers, juveniles and infants.³⁶⁴ In the Prisons monitored, it was established that inmates living with HIV and AIDs were given supplementary diet such as greens, milk, sugar, eggs, silver-fish and porridge whenever they were available and in most cases their relatives or next of kin helped in supplementing their diet. Special meals were prepared for the Muslim inmates during the Holy month of Ramadan and for Christian inmates, on Christmas and Easter days.

Meals in all prison facilities were served between 7-8am for breakfast, 12-2pm for lunch and 4-5pm for supper/dinner accordingly. The food served in the prison was adequate both in terms of quantity and quality. Inmates were also allowed to receive raw foods from relatives where private cooking is allowed within the prison. Food items brought by relatives were allowed in the Prisons after intense checks. Any edibles brought from by relatives was not only thoroughly checked, but the relatives were also required to first tastes the food themselves before it was handed over to the inmates. This was done to avoid any foul play.

Despite efforts made by the prisons, the same was not the case for police. In all the police stations and posts visited, the UHRC found that the police were struggling to provide detainees with even one meal a day. As previously reported in the UHRC's Annual Reports, most suspects in police custody continued to have only one meal a day or none at all. Many police posts relied on food brought by the relatives of the suspect or money given by the complainants to buy food for the suspects and in some cases where food was not brought by relatives, the officers had to share their food with the suspects or use their personal money to feed them.

11.2.3.8 Access To Clean And Safe Water

In 2022, the UHRC observed that majority of inmates could access clean and safe water thorough various sources such as rain-harvested water, water taps, boreholes, wells, swamps, springs, and dams which sometimes have unclean water which isn't safe for drinking. In most of the facilities visited, the inmates boiled water which they stored



(Top) UHRC official tasting inmates' food mates at Kihikihi Prison
(Bottom) Kitchen at Kamuge Prison



Commissioner Apitta visiting UPDF 4th Division Detention facility
UPDF inmates receiving lunch

364 Rule 22, Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners

in small jerrycans and kept in their cells. Other facilities without available sources of water have to buy water from water hawkers. All the prisons inspected had access to clean and safe water.

However, police facilities still had challenges of accessing clean and safe water. Facilities such as Kambuga Police Station, Nyarusiza Police Post, Rwerere Police station, and Bugongi Police Post mainly depended on rain water. During the dry seasons, police has to buy water for both inmates and officers. At Kitumba Police Station, the piped water is usually on and off thus the police officers end up buying water at a cost of 500/= (five hundred Uganda shillings) per jerry can. At Nyakishenyi Police Station, Nyakabungo Police post and Rugyeyo Police Post, water is fetched from the community. At Chanika Police Station they fetch from Rwanda in times of water shortages and a jerry can costs UGX 500 (five hundred Uganda shillings).

11.2.3.9 Sanitation And Personal Hygiene

In most prisons especially those with newly constructed and renovated prisons, inmates enjoyed good standards of basic hygiene. Where running water and flush toilets had been installed the personal hygiene of inmates had greatly improved.

a) Bucket Waste Disposal System

The bucket system is where inmates ease themselves in buckets in their cells due to lack of indoor-toilet facilities. The UHRC found that in facilities without flush toilets, inmates still used pit latrines during day time, and the 'buckets' at night, which they would empty during day time. The practice of human beings sharing a room with their waste is not only dehumanising but also unhygienic. The UHRC noted that the 'bucket system had been eliminated in majority of the prison facilities. The few prison facilities which still used the bucket system included; Loro Prison, Rukungiri Women's prison, Otuke Prison, Nakapiripirit prison and Amolatar Women's Prison.

However, the use of the bucket system continued in a number of police cells. Although latrines were also utilized, some were far from the police detention facilities and so suspects could not use them at night. The use of buckets was also found at; Mutukula police station, Kyotera police



UHRC Official being shown an improvised toilet inside inmate ward at Kihihi Prison



Flush toilet in the female ward at Apeitolim police station



UHRC officials inspect a newly constructed and well-maintained pit latrine at Okuda Police Post



(L) Bucket with urine and rubbish at Ojwina CPS (R) Rubbish inside a male cell at Alebtong CPS



(L) Dirty cell with urine at Agoro police station (R) Dirty cell with urine at Padibe police station

station, Kyebando Police Station, Kinyara Police station, Kisita Police station, Lira City West Police Station, Aromo Police post, Lira City East Police Station, Muntu Police post, Aromo Police Post, Lorengchora police station, Matany police post, Iriiri police station, Lokopo police post, Lotome police post, Lopei police post, Nabilatuk central police station, Lolachat police station, Loragae police station, Tokora police post, Moruita police station, Acherer police post, Lorengedwat police station, Moyok Police Post, Bukalasi Police Post and Kiwatoi Police Post among others. The UHRC found that police provided either cut jerry cans or buckets for suspects to use to ease themselves during the night and in some cases during the day. To make matters worse, the buckets were not regularly emptied thus rendering the cells unhygienic.



UHRC official cautioning Police officers about the bucket of urine and waste found in a cell at Muntu Police Post - Amolatar district



A suspect taking out a bucket of urine with rubbish upon intervention by the UHRC inspection team at Lira City West Division Police Station



UHRC official speaking to suspects on a bare floor at Amolatar CPS cell.



A cell with mattresses found in a female cell at Loro Police post



Inmates' beddings at Buhara Police Station

b) Access to sanitary towels

The UHRC found that most of the prisons with female inmates were provided sanitary towels. It was however noted that most police facilities did not provide sanitary towels to female suspects due to the short periods they spend in custody and lack of funds to cater for sanitary towels in the Police budget.

11.2.3.10 Access To Health Services

Access to medical services has improved in most prisons. The UHRC noted that Prisons which lacked internal health centres in their facilities were able to access health services from nearby Government health centres. However, although there is a patient referral system and medical care provision in prisons which is better than the national average, there still remains the problem of inadequate drugs.

It was also noted that some prisons have emergency health kits which help in emergency medical response to staff and inmates. The emergency health kits are only used to resolve small, uncomplicated emergencies and complex cases of inmates are referred to nearby Government health facilities for treatment. Some detention facilities have health care personnel attached to them. The UHRC also found that in some facilities, the nearest Government health facilities are a distance away from the prisons, making it hard for the inmates to easily access treatment.

11.2.3.11 Inmates' Clothing And Beddings

The Uganda Prisons Service registered an improvement in clothing and beddings for inmates. The inspections by the UHRC revealed that most inmates had uniforms at the time and that majority of inmates had been supplied with uniforms even though they were still inadequate. The prisons authorities however reported that it was not possible to provide all the inmates with two pairs of uniforms due to limitations in funding. With regard to beddings, every prisoner was provided with one or two blankets for sleeping on.

However, the UHRC found that in most police facilities, inmates lacked beddings in the cells. Some police cells used papyrus mats as beddings for suspects, while others had suspects sleep on bare floors or on torn blankets.

11.2.3.12 Work For Inmates

Regulations 107(1)-(6) of the Prisons Regulations 2012, prescribes circumstances under which remand prisoners may be employed and the remuneration. The regulations stipulate that any remand prisoner interested in working who participates in any work should be remunerated. The UHRC found that inmates' labour was used on prison farms and workshops or hired out on private farms to generate income. The most common form of work for prisoners included: carpentry and joinery, building construction, handicrafts, brick-making, livestock farming and crop farming or gardening. At all the prison facilities inspected, inmates worked from Monday to Friday for 6 - 8 hours each day and on Saturday, inmates did light work around the prison premises.

The Prisons Services Act, 2006 recognizes prisoner's rights to undertake meaningful remunerated employment. Work for prisoners serving sentences is helpful in as far as it enables them to acquire meaningful and useful skills, which would benefit the inmates to earn honest livelihoods after release. In fact, work for prisoners helps to maintain or improve the vocational qualifications of the inmates as well as offering them meaningful occupation. The UHRC noted that all the prisoners who worked were paid an earning ranging between UGX 100 for unskilled labour, UGX 250 for semi-skilled labour and shs.500/- for the skilled work in most regions.

11.2.3.13 Transportation Of Inmates

In all the facilities visited, Prisons and police officers indicated a challenge of lack of transportation, which affected the day-to-day operations of the facilities. Prison officers stated that they had to trek long distances when taking inmates to court, hospitals, water sources, or workplaces due of the absence of vehicles. Concerns were raised that the long walks with inmates put the security of officers at risk of being attacked by inmates, and also created temptation for prisoners to escape.

The UHRC established that prisons such as Paidha, Giligili, Koboko, Lobule, Bidibidi and Moyo Prisons did not have any means of transport for inmates to go to court or for administration such as collecting

food supplies from regional stores. In many instances, inmates are escorted to court on foot.

The UHRC found that most Police Stations and Posts lacked vehicles but at least had an average of one motorcycle. However, they still faced the challenge of fuel for the few motorcycles. In stations and posts without motorcycles, the UHRC established that police officers then asked complainants to pay for the hire of commercial motorcycles to arrest or transfer suspects. There was also a general outcry from Police Stations and Posts that they lacked facilitation in terms of fuel and maintenance resources for the police motorcycles, yet this was their main mode of transport.



Female inmates at Kigo Women's prison returning from work.



Inmate sewing prison uniforms at Kamuge Prison



A dilapidated prison truck of Kamuge Prison

11.2.3.14 Right To Worship

The Commission noted that all detention centres accepted and most cases facilitated the inmates to worship their various religions. All the police and prison facilities allowed in-mates or suspects as the case may be to practice their respective religions. The police and prison officers interviewed informed the UHRC that religious leaders are allowed access to the facilities to conduct prayers with in-mates and suspects, especially during visitation hours and

days.

11.2.3.15 Death In Custody

In 2023, Uganda Prison Services registered a total of 304 deaths, which constituted a mortality rate of 4.0 per 1,000 prisoners. Kampala extra region had the highest mortality rate of 8.7 deaths per 1,000 prisoners and the lowest mortality rate was in the Central region with 0.4 deaths per 1,000 prisoners.

Table 36: Prisons mortality rates registered for the year 2023³⁶⁵

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL NO OF DEATHS | PRISONERS' AVERAGE POP | MORTALITY RATE |
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------------------|------------------------|----------------|
| Kampala Extra | 9 | 7 | 6 | 8 | 7 | 7 | 6 | 5 | 7 | 6 | 10 | 24 | 92 | 20,582 | 8.7 |
| S.Western | 12 | 4 | 7 | 9 | 5 | 7 | 2 | 2 | 2 | 2 | | | 52 | 7,954 | 6.5 |
| Southern | 1 | 1 | | | 2 | 2 | | 1 | 1 | 2 | 1 | | 11 | 2,130 | 5.2 |
| Nothern | 1 | 2 | 5 | 1 | 1 | 4 | 4 | 4 | | 1 | 2 | | 25 | 5,071 | 4.9 |
| Western | 4 | 1 | 4 | 5 | 3 | | 3 | | 2 | 1 | 1 | 2 | 26 | 5,982 | 4.3 |
| Eastern | 2 | | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 2 | | 1 | 17 | 4,451 | 3.8 |
| N. Western | 1 | | 3 | | 2 | 5 | | 2 | | | 1 | 2 | 16 | 4,222 | 3.8 |
| Mid Western | 3 | 2 | 1 | 1 | | 1 | | | 2 | | | 2 | 12 | 4,377 | 2.7 |
| Mid Northern | 2 | | | 1 | | 2 | 2 | | 2 | 1 | | | 10 | 3,671 | 2.7 |
| S. Eastern | | 1 | 1 | | | 1 | 2 | | 1 | 1 | 1 | 2 | 10 | 4,018 | 2.5 |
| Mid Eastern | 1 | | 1 | 1 | | 1 | | | | 1 | | 1 | 6 | 2,452 | 2.4 |
| Iganga | | 1 | 1 | | | | 2 | | | | 1 | | 4 | 1,670 | 2.4 |
| Kigezu | | | | 1 | | | | 3 | 1 | | | | 5 | 2,203 | 2.3 |
| N Central | 1 | | 1 | 1 | 1 | | | | | 1 | | | 5 | 2,476 | 2.0 |
| Mid Central | 1 | | 1 | 1 | 1 | 1 | | | | | | | 5 | 2,531 | 2.0 |
| N Eastern | | 1 | | | | | | 2 | | 1 | | | 4 | 2,386 | 1.7 |
| Kooki | | | | 1 | | | | | | | | | 1 | 1,750 | 0.6 |
| East Central | | 1 | | | | | | | | | | | 1 | 2,215 | 0.5 |
| Central | 1 | | | | | | | | 1 | | | | 2 | 5,557 | 0.4 |
| TOTAL | 39 | 21 | 33 | 32 | 24 | 33 | 22 | 20 | 20 | 19 | 17 | 24 | 304 | 75,697 | 4.0 |

11.2.3.16 Disciplinary Measures

All prisons had fully functioning disciplinary committees chaired by the officers in charge of the Prisons. The committees hear and determine indiscipline cases involving inmates and verdict is passed at the end of the hearing. The disciplinary and orderly measures used in most detention facilities included; appearance before disciplinary

committees, collecting water, cleaning of cells and toilet facilities, doing garden work, loss of remission, caning, demotion in cases of katikiros (*prefects*), institution of new charges, caution, cleaning the compound, counselling and warnings to the offender. According to human rights standards, discipline and order within a detention facility should be maintained with no more restriction than is necessary to ensure safe custody, and

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secure operation of the prison, as well as an orderly community life.³⁶⁶

The prisons disciplinary measures are provided for under the Prison Regulations 2012. However, it was noted that despite the fact that caning inmates is not sanctioned by any administrative or governing body of prisons it was still erroneously meted on inmates by either prefects or errant officers.

11.2.3.17 Rehabilitation Of Inmates

All prisons provided rehabilitation programmes for inmates. This included counselling, guidance, psycho-social support Programmes, as well as teaching Programmes where inmates study from primary to university if they so wish. Vocational training was also available, through which inmates were taught various skills such as carpentry, building, brickmaking, farming/gardening, hand-crafts, and tailoring among others. The work produced by the inmates is sold to the public and the inmates receive a portion of their proceeds. A carpentry workshop was found at Oyam Government Prison where inmates are trained in making furniture for sale, female inmates at Lira women's prison were trained in hair braiding,

The UHRC noted that after serving sentences, pre-settlement prison officers visit the inmate's places of origin to persuade the families of the inmates to accept in their communities upon release. This is very good in helping with the resettlement and acceptance of former convicts.

11.2.3.18 Staffing

The level of staffing in Police detention facilities was still inadequate which continued to affect their work. All prisons, Remand Home and all police stations had less than the required staff capacity. In Prisons, the staff-to-prisoner ratio remained at 1:7, against the standard ideal of 1:3. By 31st December 2023, Uganda Prisons Services had an overall staff strength of 14,297 of which, 13,788 were uniformed and 509 were non-uniformed officers. Out of the 13,788 uniformed staff, 11,730 (85.1%) were deployed in custodial units across the 266 Prisons countrywide.

On the other hand, the Uganda Police Force had a population ratio of 1:893, against the internationally



Carpentry workshop at Oyam Prison



Commissioner Omara Apitta inspecting Pece Prison Library

recognised ratio of 1:500. The Police Force had 146 administrative districts, 184 districts/divisions with a territorial police strength of 30,967 officers. Police raised concern that this ratio was likely to worsen in view of the fact that the current attrition is at an average of 1000 per year. This attrition was attributed to the number of deaths, retirement, dismissals, desertion and discharge of police officers yet they still had irregular recruitments.

All staff in prisons and police indicated that they received their salaries on time, but that the salaries were inadequate. The officers however raised concern regarding the salary disparities between the Scientists and the Arts Prison Officers. The UHRC was informed that Scientist-Prison Officers from the rank of C/ASP upwards, earned between UGX 1,200,000 (One million two hundred thousand) to UGX 4,000,000 (four million). There was therefore concern that a C/ASP earned the same amount of salary as the Deputy O/C Prison (UGX 1,200,000), which made management of such officers difficult. The officers further indicated that this salary disparity had demoralised the Arts Officers since they all perform the same duties and there are no special duties for scientists' officers.

³⁶⁶ Rule 8, Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners



Staff houses of prisons officers at Kamuge Prison



Staff accommodation for Police officers at Mutolere Police Post



Old dilapidated toilet used as accommodation for a police staff at Katuna Police Station



Staff bathroom at Lorengedwat police station in Nabilatuk district.

c) Staff Accommodation

The UHRC found that staff of the Uganda Prison Services has good and reasonable accommodation except a few which included;- Lobule Prison, Bidibidi Prison, Kamuge Prison and Nebbi Prison among others.

The UHRC however noted that accommodation for police officers still remained a challenge. All the police facilities inspected indicated a challenge of staff accommodation. Some of these included; Mutolere Police Post, Zeu Police Station, Zombo Police Station, Warr Police Station, Panyango Police Station, Oraba Police Station, Lodonga Police Station, Nyakasharu Police Station, Kirugu Police Station, Kashenshero Police Station and Rurehe Police Station among others. Staff were accommodated in very dilapidated structures, with leaking roofs and dehumanising housing conditions. Police officers in some stations and posts were found sharing rooms for accommodation. Others were found renting with their own money in stations such as ;- Nyadri Police Station and Lobule Police Post.

At Katuna Police Station police officers were using old colonial uniports for their accommodation, and the UHRC was appalled to find one police officer was occupying an old toilet with cracks in the wall for his accommodation.



(Top) Office premises of Kirugu Police Station – (Bottom) OC's accommodation at Kirugu Police

11.2.3.19 Access To Information, Entertainment And Leisure

In all Prison facilities inspected, inmates accessed information through radios, TVs, books, the prison leadership and ward leaders and/or human rights committee leaders.

11.2.3.20 Human Rights Committees

The committees helped especially the inmates in educating them about their rights and bringing to the attention of the officers in charge, complaints on the quality and quantity of food, overstay on remand and general welfare. The Human Rights Committees were also one mechanism put in place by UPS to handle complaints and grievances, in order to strengthen transparency and accountability. They ensured that human rights concerns were brought to the attention of the authorities and promptly addressed. Due to their effectiveness, Human Rights Committees were found to have been instituted in the majority of prisons. The UHRC learned that the Human Rights Committees were active and the inmates made very good use of them to handle human rights issues.

11.2.3.21 UHRC Success Stories During Monitoring

The Commission registered success in the performance of its mandate during monitoring and inspection of places of detention. Below are some of the immediate positive impacts that occurred following the UHRC's intervention during inspections and monitoring of places of detention.

- At Lira City West CPS, five students (juveniles) who were being detained with adults were released on police bond following UHRC's intervention.
- At Oyam CPS one mentally ill suspect was released on Police bond.
- At Ogor Police post, two elderly suspects were released on Police bond.
- At Ogor Police post, one suspect with unclear criminal charge was unconditionally released from police custody upon the UHRC's intervention.
- Buckets containing urine found in police cells at the time of inspection, were emptied upon UHRC's intervention. This happened at; Lira City West Ojwina and Lira City East, Amach

CPS, Aromo Police Post in Lira district and Muntu Police Post in Amolatar district.

- At the Magale Police station, a female suspect who was illegally being detained on behalf of her daughter for a case of child desertion, was released.
- A juvenile offender aged 15 years on charges of threatening violence who was found being detained with male adult suspects at Bududa CPS was immediately relocated to the juvenile cell.
- A suspect at Kween CPS with severe injuries on the body having alleged tortured by UWA Officers during arrest was released on police bond following the team's intervention.
- At Bududa CPS, a 13-year-old juvenile offender with a septic wound on the knee without treatment was immediately released and handed over to the parents.
- Suspects on capital offences who detained for two days at Buwali Police Post and Bukalasi Police Post were immediately transferred to Bududa CPS for further management.
- Lock-up registers of Kaptoyoy Police Post, Kwanyi Police Post, Moyok Police Post, Kapnarkut Police Post, Bukaigai Police Post, Ngariam CPS, Omodoi Police Post, Chormongin Police Post, Bukalasi Police Post, Buwali Police Post, Usuk Police Post and Chepsukunya Police Post which were not updated were immediately updated.
- A dirty cell at Toroma Police Post was immediately cleaned upon the intervention of the UHRC.
- Two juvenile offenders aged 12 and 15 years on assault charges at Ngariam Police Station were granted police bond.

11.2.3.22 Recommendations

- i) Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them build better structures so as to have facilities suitable for human habitation and stop overcrowding.

- ii) Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
- iii) The Uganda Police Force should adequately facilitate all its Stations and posts with the necessary stationary, equipment and transportation to enable officers do their policing work.
- iv) The Uganda Police Force should provide adequate facilitation to the police to enable them feed suspects.
- v) The Ministry of Internal Affairs should urgently address the issue of staff accommodation for police officers.
- vi) The Ministry of Internal Affairs should construct female cells at Stations and posts.
- vii) The Ministry of Internal Affairs should facilitate all prisons and police stations with adequate transport if they are to carry out their operations effectively.
- viii) The Ministry of Internal Affairs should recruit and deployment more police officers to cover the staff gap and ensure effective policing.

11.2.3.23 Conclusion

Though the UHRC notes positive interventions in conditions in places of detention, several human rights concerns including detention of civil debtors, inmates pending ministerial orders, long and arbitrary detention that are underlying causes of the high prison population still need to be addressed. Special focus should be placed on detention facilities and the vulnerable including children incarcerated with mothers, juveniles detained with adult offenders in order to ensure the effective promotion and protection of rights of detainees in places of detention.

11.3 HUMAN RIGHTS AND CIVIC EDUCATION INTERVENTIONS IN 2023

11.3.0 Introduction

Article 52 (1) (c), (e) (f) and (g) of the 1995 Constitution of Uganda mandates the Uganda Human Rights Commission (UHRC) to conduct civic and human rights education to educate citizens on the

constitution and encourage them to defend it; as well as inculcate in them an awareness of their civic responsibilities and an appreciation of their rights and obligations as free people. In fulfillment of this mandate, UHRC conducted human rights education (HRE) and awareness creation programmes for the citizens to acquire knowledge and skills needed to participate actively and responsibly in the governance of the country. HRE empowers citizens to know their rights; claim them; and seek redress in case of human rights violations. It also contributes to enhancing the capacity and accountability of duty bearers (individuals and institutions) who are responsible for the realization of the State obligations of respecting, protecting and fulfilling human rights.

During the period under review, the human rights and civic education interventions comprised of: Trainings through workshops, barazas (community meetings), roadshows, radio and television talk shows, production and airing of spot messages, production and translation of the Bill of Rights into local languages, development, design and distribution of information, education and communication (IEC) materials. The HRE interventions targeted both rights holders and duty bearers. Members of the public also accessed the Library and Documentation Centres of the UHRC for enhanced understanding of human rights.

11.3.1 Human rights barazas (Community meetings)

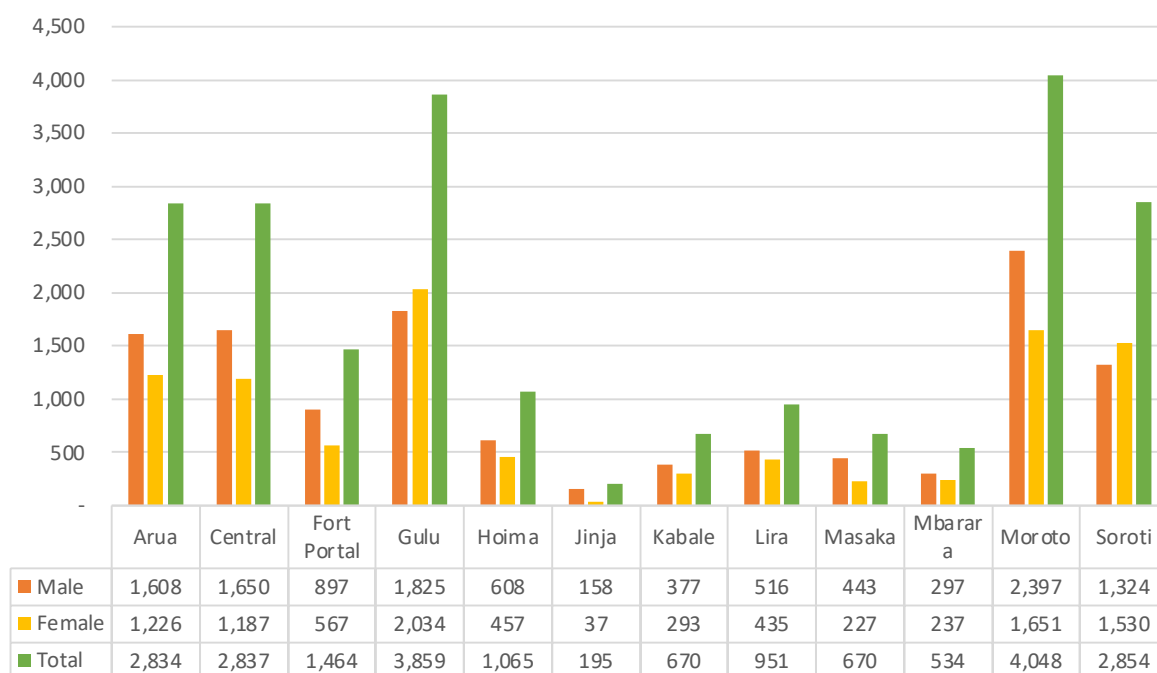
A human rights baraza is a community meeting that UHRC convenes to educate members of a given community and raise their awareness about their fundamental human rights, the provisions of the Constitution and other human rights laws, among others. The barazas target all members of the community regardless of sex, status, age, tribe, colour, and political affiliation to enhance cohesion and inclusiveness of communities where all individuals can live in dignity.

In 2023, UHRC conducted **151** barazas in **05** cities and **58** districts across the country. Out of these, **10** were conducted in refugee settlements of Kyangwali, Kiryandongo, Kyaka II, Nakivale, Oruchinga and Rwamwanja. A total of **21,981** participants (**12,100** male and **9,881** female) attended the barazas, as shown in Table 1 and Figure 1 below.

Table 37: Barazas Conducted And Districts Covered Per UHRC Regional Office

| REGIONAL OFFICE | CITIES/DISTRICTS COVERED | NO. OF BARAZAS CONDUCTED |
|-----------------|---|--------------------------|
| Arua | Koboko, Madi-Okollo, Terego Yumbe Obongi, Nebbi, Maracha, Zombo and Pakwach | 24 |
| Central | Buvuma, Buwama, Kiboga | 12 |
| Fort Portal | Kasese, Bunyangabu, Bundibugyo, Kamwenge, Kyegegwa, Ntoroko, Kitagwenda | 12 |
| Gulu | Adjumani, Nwoya, Gulu, Pader, Agago, Lamwo, Kitgum | 33 |
| Hoima | Masindi, Kagadi, Kibaale, Kakumiro, Kiryandongo, Hoima | 9 |
| Jinja | Busia, Namayingo | 2 |
| Kabale | Rukiga, Rubanda, Rukungiri | 6 |
| Lira | Lira, Kwania, Alebtong, Otuke | 8 |
| Masaka | Kalangala, Lwengo, Sembabule | 6 |
| Mbarara | Ntungamo, Sheema | 5 |
| Moroto | Kaabong, Abim, Nakapiripirit, Kotido, Amudat, Moroto | 18 |
| Soroti | Soroti, Kween, Kalaki, Kaberamaido, Mbale, Bulambuli | 16 |
| TOTAL | | 151 |

Figure 23: Baraza Attendance Disaggregated By Gender Per Regional Office



The number of participants in the barazas increased by 1.33% from the 21,694 that participated in 2022. The increase was attributed to the mass mobilisation strategies the UHRC used such as the community radios (*ebizindaalo*) to inform the people prior to the barazas; increased use of grassroots leaders, for example youths and women councillors; and ensuring that the discussions were on the peculiar or relevant human rights concerns of the communities which they could relate to.

It should be noted that attendance to barazas depended on natural, social or political factors like weather, floods, security in some places, societal changes or individual priorities whereby some people chose to attend to their other pressing needs such as farming. Some of the planned barazas for Bundibugyo and Ntoroko Districts under the Fort Portal Regional Office could not be implemented because of insecurity and floods.



Community members asking questions during barazas held at Lomoi trading centre, Omiya Pacwa Sub-county (Top) and Olworngur village, Lamiyo Sub-county (Bottom) in Agago District.

The UHRC and other key stakeholders like Uganda Police Force, Legal Aid Service providers and Local Government officials facilitated the discussions of community members on various human rights topics. These were: Parental responsibilities and duties; culture and religious rights; the rights of children (focusing on child labour, early and forced marriages, teenage pregnancies, child maintenance); the rights of women; the concept of human rights; right to personal liberty (detention

beyond 48 hours); sexual gender-based violence; freedom from torture; duties and responsibilities of citizens, overview of the UHRC, rights and responsibilities of refugees and the host communities, among others.

The barazas encouraged community participation and engagement which allowed the participants to share their experiences, concerns, and challenges regarding human rights; voice their opinions, ask questions, and discuss potential solutions as a community. As a result, solidarity and collaboration towards promoting and protecting human rights was fostered among the community members.

11.3.2 Human rights education through roadshows

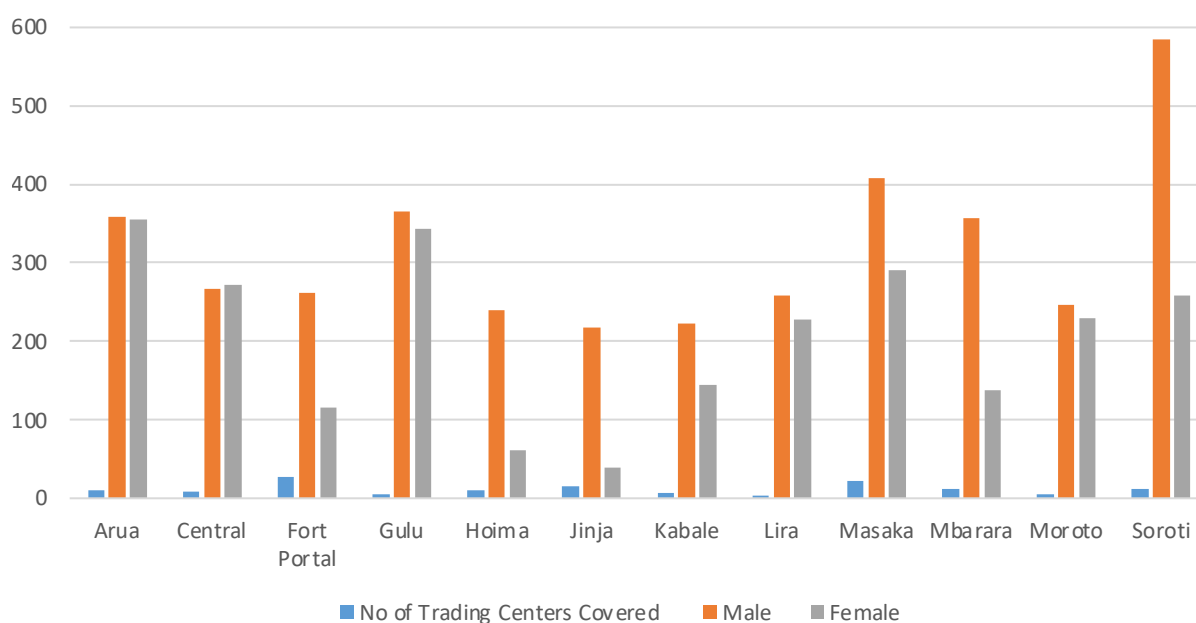
Since their launch in 2015, the roadshows have significantly made it possible for the UHRC to take its human rights services closer to the people most especially the grassroots population. During the roadshows, UHRC teams using civic education vans or other vehicles fitted with loudspeakers moved from one trading centre or village to another sensitising the people on human rights. The mobile nature of the roadshows enabled UHRC to reach out to a total of **6,263** people (**3,786** males and **2,477** females) where they were, in **25** districts covering **140** trading centres in 2023, as shown in Table 2 and Figure 2 below. It should be noted that although only **6,263** people in the trading centres gathered around the civic education van and registered, many more were reached by the UHRC messages where they were at that particular time, in business premises, homes or on the way.

Table 38: Trading Centres Covered During The Roadshows

| REGIONAL OFFICE | NO. OF TRADING CENTRES COVERED | DISTRICT/CITY | TRADING CENTRES/VILLAGES COVERED |
|-----------------|--------------------------------|----------------------------|--|
| Arua | 10 | Madi-Okollo, Arua City | Omyer, Okollo cell, Eri B, Eri A, Uleppi, Bondo, Lulu wiri, Manibe, Mvaradri and Olodri. |
| Central | 8 | Buikwe | Nkokonjeru town council, Ngogwe Village, Buwooya Village, Kiyindi Landing Site, Buikwe Town Council, Kasubi Village, Najjembe Town Council and Kisoga. |
| Fort Portal | 28 | Bunyangabu, Kyenjojo | Katooke, Kyarusozi, Rwimi and Kibiito, Kyongo, Enjuru, Kinogero, Nyabitojo, Nyakisi, Kahanda, Kitega, Mwaro, Munjeru, Kibiito, Kagoma, Nyabunura, Nyabusese, Bubwika, Buheesi, Kabale, Kyakahinda, Bukara, |
| Gulu | 6 | Agago, Gulu city and Omoro | Palwo Parish, Obalowat village; Palwo Parish, Akongtwo village; Akoyo Parish, Ajan North; Te-Olam Parish, Dejo village; Paki village; and Pakwelo Parish, Unyama A' cell. |

| REGIONAL OFFICE | NO. OF TRADING CENTRES COVERED | DISTRICT/CITY | TRADING CENTRES/VILLAGES COVERED |
|-----------------|--------------------------------|----------------------------|---|
| Hoima | 11 | Buliisa, Hoima and Masindi | Magari T/C, Wanseko T/C, Kisomere T/C, Ngwedo T/C, Songalendu T/C, Bombo T/C, Aliwara T/C, Kisukuma T/C, Bisenyi T/C, Pakanye T/C, Kagera T/C |
| Jinja | 15 | Butebo, Budaka | Bukatikoko, Kachomo, Rurweta, Busolomo, Bukombo, Bugolo, Buseta, Nakantende, Bulalaka, Bwenge, Kodori, Bupalama, Nabugoli, and Bugolo, Kakoro T/C, Kakoro Town Council, Kanginima, Kabekun, Bukakatyo, Okaworio, Kalecheru, Kadoto, Wenene, Musita, Bukakikomba, Bupandoi, Buloki, Bukomolo, Bumusana, Bugolya, Buseta, Katika, Bekatengye, Kassajja, Ipoto, Bunyolo, Nakaloke, Maizimas, Bulangira, Dodoi, Petta and Kavule. |
| Regional Office | No. of Trading Centres Covered | District/City | Trading Centres/Villages covered |
| Kabale | 7 | Rukiga, Kabale | Kashambya T/C, Kantare T/C, Nyaruziba, Rushebeya, Kyanamira, Kigata T/C and Nyakahita |
| Lira | 4 | Dokolo | Barogura T/C; Atabu T/C; Okwalongwen T/C; and Bata Market in Opwoanyira Cell |
| Masaka | 22 | Kyotera, Lwengo | Kisekka, Kaganda, Lwenkoma, Kenseneene, Kkingo, Lwamaya, Katooke, Nkoni, Kiswera, Bukoto, Kalagala, Kabawanga, Kalongo, Buziranduulu, Butembe, Kifuuta, Kiyimba, Katana, Kalisizzo T/C, Nsoloolo, Kirumba, and Buyiisa |
| Mbarara | 12 | Mbarara, Ibanda | Bwizibwera T/C, Rutooma T/C; Rubindi T/C; Ruhumba T/C; Igorora T/C; Nyabuhikye T/C; Ibanda Taxi Park; Kigarama T/C; Bugarama T/C; Bisheeshe T/C; Ishongororo T/C; and Kiburara T/C |
| Moroto | 5 | Kaabong | Leterwa, Sidok sub county; Lokolia, Kaabong East Sub County; Kalapata trading centre, Kalapata town council; and Kotirae, Kakamar sub county. |
| Soroti | 12 | Bukedea | Kidongole, Chodong, Akampala, Juba, Ghana, Half London, Apaade, Open gate, Kolir, Komongomeri, Olilim, Miroi |

Figure 24: Number Of Trading Centres Covered And Participants Reached Per Regional Office Through Roadshows



Information was disseminated in an interactive, attention-grabbing and entertaining way to ensure that the people understand human rights and the importance of promoting and protecting them. Human rights related music was played, dramas acted and roleplays performed, in addition to interactive question and answer sessions on human rights. IEC materials such as fliers, posters, and brochures, were also widely distributed. The messages disseminated were on the establishment and mandate of the UHRC; the rights of the vulnerable persons; the dangers associated with early marriages, domestic violence and mob action; duties and responsibilities of citizens; land-related rights; property rights mainly focusing on acquisition and ownership of land; the right to personal liberty; freedom from torture; and the right to education, among others.

As a result, UHRC ultimately empowered citizens with knowledge to enable them observe human rights. In the process, UHRC services were appreciated more and its visibility enhanced; in addition to strengthening relationships with other stakeholders within the respective areas.



Community members asking questions during barazas held at Lomoi trading centre, Omiya Pacwa Sub-county (Top) and Olwongur village, Lamiyo Sub-county (Bottom) in Agago District.

Some of the emerging issues and persistent concerns raised included: The increased cases of child neglect by parents, early child and forced marriages, payment for police bond, increased land wrangles/grabbing, re-emergence of mob action, high rates of drug use by the youths, and corruption by some Government officials. Other concerns were on the emergence of “untouchable youth gangs/ groups” such as the “Aguu” in Gulu District, “Owuwuk” and “Otino corridor” in the Lango sub-region and “36 dogs” in Arua city which coerce, intimidate and threaten communities; high rates of sexual and gender-based violence; increased disputes over management of deceased persons’ estates; cases of theft and witchcraft; increased violation of suspects’ rights by the Police and poverty among others.

Success story

Mr Otto George, a beneficiary of the road-show at Akongtwo trading centre, Aremo Sub County, Omoro District reaffirmed to participants the importance of UHRC human rights education especially on the rights of children and the human rights implications of teenage pregnancy and child marriage/sexual violence against children. He gave a testimony about his daughter who got pregnant in senior two and he gave her a second chance and took her back to school. He confirmed to the participants that his daughter reformed and was studying very well. He encouraged fellow parents/guardians whose daughters were defiled and got unwanted pregnancies to take them back to school. He said the sensitisations by UHRC on such matters had made him to always uphold human rights and more so spread the gospel of human rights.

11.3.3 Research on post-COVID-19 lockdown school management and the right to Education in Uganda

The UHRC embarked on research on: ‘post-COVID-19 lockdown school management and the right to education in Uganda: A comparative analysis of Government and Private secondary schools. It was conducted in 156 secondary schools

(Government and private schools) across the country in selected districts within the jurisdiction of the 12 UHRC regional offices of Arua, Central, Fort Portal, Gulu, Hoima, Jinja, Kabale Lira, Masaka, Mbarara, Moroto and Soroti. The research aimed at establishing how management of schools after the lockdown was enhancing the right to education. It covered the period from October 2020 when schools were re-opened in a phased manner, through January 2022 when the lockdown was lifted.

The UHRC researchers interviewed a total of **2,612** respondents, of whom **1,404** were male and **1,208** females. This was done through key informant interviews with **123** (88 male, 35 female) respondents, **138** student FGDs with 1,189 (465 male, 724 female), **144** teaching and non-teaching staff FGDs with **1,162** (743 male and 419 female teachers) and **138** head teachers (108 male and 30 female). By the close of the period under review, the research was in the final stages of being published.



Top: Mr. Farouk Nyende – RHRO-Masaka, Head-teacher, Sembabule Church of Uganda Secondary School and Mr. Kamadi Byonabye –Director/RED after collecting data in Sembabule District. Bottom: The chairman Parents and teachers Association of Sembabule Church of Uganda Secondary School in Sembabule District.

11.3.4 Human rights training workshops

During the period under review, UHRC conducted **43** training workshops on pertinent human rights issues targeting various stakeholders. These were: Uganda Prisons Service (UPS), recruitment companies externalising labour, religious leaders, Students’ Guild leaders from selected universities and tertiary institutions, Internal Security Organisation, city authority leaders, Local Council leaders and Community Development Officers. A total of **1,525** people (**1,089** male and **436** female) participated in the trainings posting a 60.4% decrease compared to 3,852 people reached in 2022. The participants were drawn from 5 cities namely, Arua, Gulu, Lira, Masaka, Soroti and Arua, as well as 28 districts of Moyo, Yumbe, Koboko, Mityana, Kabarole, Kitagwenda, Omoro, Hoima, Kyankwazi, Masindi, Jinja, Kibuku, Mayuge, Busia, Namayingo, Rubanda, Kisoro, Kabale, Bushenyi, Kaabong, Karenga, Soroti, Mbale, Serere, Sironko, and Kween. The trainings increased the participants understanding of human rights principles, standards and obligations, which enabled them to align their practices and policies with the human rights frameworks.

11.3.4.1 Training of Senior Officers of the Uganda Prisons Service

The human rights training workshop for senior staff of the UPS was held on 22nd June 2023 at Imperial Golf View Hotel in Entebbe. A total of 46 participants (34 Male and 12 Female) were trained on the Human Rights Based Approach to service delivery and development. The Senior Prisons Officers were reminded of their human rights obligations as they undertake the rehabilitation and reintegration of prisoners and why it was necessary to protect prisoners’ rights, as well as accountability in case of non-compliance.

Some of the concerns raised were the inadequate budgetary allocations which negatively affect service delivery, case backlog which leads to overcrowding in prisons and the increasing practice of sending to Prisons minors under the guise of being adults above 18 years of age



Seated L-R: The Vice Chairperson of Externalisation of Labour Companies Association, Mr. Ibrahim Bogere, the representative of MGLSD Ms. Dorah Nanteza and UHRC Director Mr. Kamadi Byonabye with other participants during the human rights training workshop for recruitment companies externalising labour.

11.3.4.2 Human rights capacity building workshop for recruitment companies externalising labour

UHRC conducted the workshop on 28th September 2023 at Ridar Hotel-Seeta in Mukono District in a bid to enhance the capacity of the recruitment companies to promote and protect human rights throughout their recruitment and placement processes. The workshop was aimed at ensuring that the companies actively work towards eliminating discrimination, preventing forced labour, ensuring fair recruitment practices, protecting migrant workers' rights, and addressing any human rights violations that may occur such as contract substitution, non-payment/under payment of wages, sexual or physical abuse, among others.

A total of **21** participants (**12** Male and **09** Female) attended the training which covered the concept of Human rights; the mandate of UHRC and the existing policies, legal, and institutional frameworks for externalisation of labour. The recruitment companies were also sensitised on their constitutional obligation to respect, uphold and promote

human rights in the externalization of labour work.

Some of the emerging issues included: the Ugandan Government lacking missions/embassies in some of the recipient countries especially in the Middle East; unfavourable agreements for the migrant workers, which are negotiated between the recruitment companies in Uganda and the recruiting agencies/companies abroad; migrant workers signing contracts with recruitment companies in Uganda without getting any kind of training/orientation on what is expected of them; their obligations in the contract or their recourse mechanism in case of challenges; migrant workers' rights being violated on account of their status among others. It was also noted that the externalization of labour business is big and lucrative which generates a Non Tax Revenue of UGX 20 billion per year for the Government.

11.3.4.3 Training of Religious leaders

Cognisant of the critical role religious leaders play in the observance of human rights and as a follow up on UHRC's findings in chapter six of the annual

report on religious freedoms in Uganda and their human rights implications in 2022, UHRC trained a total of **594** religious' leaders (**412** male and **182** female) drawn from Arua City, Lira City, Soroti City and the districts of Mityana, Kabarole, Omoro, Masindi, Mayuge, Kabale, Masaka, Bushenyi, Moroto, Lyantonde and Lwengo. They were trained on the Human Rights Based Approach to religious matters and how to apply it in their work, as well as reminded of their obligation in the protection and promotion of human rights. They also got skills to advocate and champion the human rights cause in the communities, irrespective of the varying religious beliefs and denominations. The religious leaders committed themselves to promoting and protecting human rights

11.3.4.4 Training of Internal Security Organisation (ISO)

UHRC trained **209** Internal Security Organisation officers (**173** Male and **36** female) drawn from Koboko, Kabarole, Bushenyi, Moroto districts and greater Masaka. The aim was to ground the ISO officers in HRBA and how to apply it in their intelligence work to enhance human rights-based service delivery. The training enhanced their knowledge on protection of individual rights, accountability, preventing conflicts that might amount to human rights violations and abuse, as well as fulfilling constitutional obligations as stipulated under Article 221 of the Constitution and the Security Organisations Act, 1987.

UHRC also conducted a training for the Senior Officers of the Internal Security Organisation with support from the UN -OHCHR under the UN Peace Building Fund. It was aimed at imparting requisite knowledge, attitude and skill to foster protection and observance of human rights by the ISO senior staff in performance of their duties and responsibilities. A total of **50** senior officers (**31** male and **19** female) benefited from the training.

The training identified factors undermining ISO work from upholding human rights principles as follows; Inadequate training/awareness of human rights; Individual overzealousness; inadequate capacity building; inadequate access to the Constitution and Human rights laws; gap between experienced and junior personnel; mistrust between the old school (experienced personnel) and new entrants; adaptability to technological advance-

ments is slow affecting quality of investigations i.e. digital vs. analog work modalities and poor interpersonal relationships by some personnel among others.

11.3.4.5 Training of Community Development Officers and Local Council leaders on human rights-based service delivery.

In light of the role CDOs and LCs play in the observance of human rights at the district and village levels, the UHRC trained them in the districts of Koboko, Kitagwenda, Kisoro, Kanungu, Kween, Serere, Kabarole, Rubanda, Gulu, Sironko Districts and Gulu City, under the theme: *'Strengthening the role of CDOs and Local Council Leaders for human rights-based service delivery'*. A total of **130** CDOs (**58** Male and **72** female) and **263** Local Council leaders (**222** male and **41** female) attended the training that covered their duties and responsibilities in ensuring the promotion and protection of human rights in Uganda. The emerging issues from the trainings included suspects paying for police bond; payments being made by SGBV victims for medical examinations; delays in dispensing court cases; the increasing cases of mob-action, among others.

11.3.4.6 Training of Students' Guild Leaders from selected Universities and tertiary institutions

The UHRC trained **127** students' guild leaders (**88** male and **39** female) from Makerere, Makerere University Business School (MUBS), Kyambogo (Kampala and Soroti Campus), Muteesa Royal I, Kampala International (KIU), Uganda Christian University (UCU), Islamic University in Uganda (IUIU), Victoria, International University of East Africa (IUEA), Gulu, and Busitema (Arapai campus) universities, Uganda College of Commerce, St. Kizito Institute and Soroti Comprehensive Nursing School under the theme, "The role of the students' guild bodies in promoting a culture of respect for human rights in universities". The knowledge acquired would enable them make informed decisions and take actions to ensure the protection and promotion of human rights within the university community.

The training also equipped the leaders with skills to effectively advocate for the rights of students both within the university and at a broader societal level. They were equipped to raise awareness, engage in dialogue with university administrators,



Gulu University students' guild body pose for a group photo during the training on human rights

or organise campaigns and events to address human rights violations. Emphasis was also made on strict compliance with Article 29 of the Constitution of the Republic of Uganda that grants the citizens the right to demonstrate peacefully and unarmed. Student's leaders were urged to be role models in doing away with the primitive practice of rioting as a means address any kind of grievance. However, concerns were raised on the challenge of balancing culture and human rights; the violence and vote rigging in university elections, same sex marriage and detention of suspects beyond 48 hours.

11.3.4.7 Engagement with the members of the Human Rights Committee of Parliament

UHRC held a dialogue with Hon Members of the Human Rights Committee of the Parliament of the Republic of Uganda, which it considered a strategic duty bearer, given its role in overseeing and scrutinising the work of Government as well as making recommendations aimed at improving human rights. The dialogue that was held on 18th May 2023, at Piato Restaurant, in Kampala, and attended by 25 members (8 male, 17female) was a UHRC strategy to ensure that all efforts towards service delivery were human rights-based in order to have effective realisation of human rights for everyone in Uganda.



A cross section of some participants at the start of the engagement with the Hon Members of the Human Rights Committee of Parliament

The dialogue aimed at enhancing the members' appreciation of the HRBA as a mandatory approach to the national development framework geared

towards governance and service delivery; empowering stakeholders with the necessary skills for tracking and monitoring human rights respect, protection and fulfilment at all levels of state and non-state interventions; enhancing members' capacity to mainstream and integrate HRBA in all interventions at various levels.

11.3.4.8 Online capacity building for Local Government planners

UHRC organized an online capacity building training for local Government officials/planners via zoom where a total of **84** officials, **66** of whom were male and **18** were female were in attendance. The officials were drawn from the **47** districts and **5** cities of; Kampala, Kasese, Lyantonde, Kiboga, Kotido , Moroto, Lyantonde, Kabong, Masaka, Kasanda, Kakumiro, Jinja, Lwengo, Kiryandongo, Ibanda, Kamuli, Bushenyi, Mukono, Kiruhura, Kwania, Kole, Isingiro, , Gulu, Kisoro, Bunyangabu, Bukedea, Kween, Buhweju, Kabarole, Namutumba, Nwoya, Pader, Buikwe, Butebo , Amuru, Iganga, Kyankwanzi, Tororo, Kabale, Bundibugyo, Sironko, Mbarara, Kagadi, Kyegegwa, Bukomansimbi, Rubirizi, Amuria, Mubende, Kitgum, Nwoya, Kikuube, Busia and Mbale.

The capacity building training not only aimed at tracking the progress made in integrating and implementing HRBA in the respective sector interventions but also devised strategies on strengthening the use of HRBA for the advancement of the observance of human rights and sustainable development.

During the training, it was indicated that the realisation of Uganda's Vision 2040 and NDPIII depends on the integration and implementation of HRBA hence reinforcing UHRC's call for the need to strengthen HRBA principles.

Furthermore, the training revealed that various strides had been undertaken to ensure that HRBA is integrated in all Government plans and programmes among which included; building capacity of all planners on HRBA for the subsequent planning cycles, developed Human Rights indicators for both NDPIII M&E, Result Frame work and Local Government reporting frame work and many more.



(L-R) A representative of the Executive Director, National planning Authority Mr, Moses Walubiri and Col. Stephen Basaliza Commissioner, representing the Chairperson, UHRC and Ms. Rose Mary Kemigisha SHRO during the online capacity building for Local government planners.

Several challenges hindering the integration and implementation of HRBA were raised and these included: limited information by stakeholders about the role of HRBA in planning and development processes; engrained cultural prejudices against minorities and other vulnerable groups; and subsequent budget cuts.

11.3.5 Capacity building workshop on formulation of ordinances and bye laws

The Local Government Act, Chapter 243 grants legislative authority to local Government councils to create ordinances and bylaws. These regulations ensure the proper and effective implementation of Government Programmes, national policies and laws. District councils have the authority to formulate ordinances, while lower local Governments are empowered to create bylaws. However, the formulation of these ordinances and bylaws remains challenging for local Government councils due to limited funding and expertise.³⁶⁷

For that reason, the Commission partnered with UNFPA to build capacity of local leaders in Northern Uganda to address the challenges of

367 Step by step guidelines for making ordinances and bye laws for local Governments in Uganda (Revised Edition) Acode policy Briefing Paper series No. 54 2020



Director M/I Ms. Ruth Sekandi explaining the role play on HRBA to participants

street children, Sexual and Gender-based violence (SGBV), heavy consumption of crude alcohol and drug abuse that are affecting many communities in this region. The region that is still recovering from the Lord's Resistance Army (LRA) conflict continues to face challenges of SGBV that affect the enjoyment of human rights. During these trainings, the participants were sensitized on the Human Rights Based Approach (HRBA) to planning, legislative drafting process, the concept of human rights as well as the role of Local Governments in the protection and promotion of human rights. A total of 89 officials were trained 26 were female and 63 were men.

11.3.6 Advocacy meeting for the Witness Protection Bill

The Commission partnered with both state and state actors to discuss the relevancy of the Witness Protection Bill 2015 with an aim of raising awareness on the same as well as advocating for its enactment. At the stakeholder's engagement both the state and CSO actors had discussions on the rationale of the witness protection law, the highlights of the Bill, CSO perspective on the Bill, the challenges faced under the justice system due to the lack of a Witness protection law and a call of

action to have the Bill tabled before Parliament. It was agreed that the gaps in the law be addressed and an inter-agency committee formed to implement this law upon its enactment in order to minimize operationalization costs.

11.3.7 Consultative meetings on teenage pregnancies, child marriages and female genital mutilation

Child Marriages (CM), Teenage Pregnancies (TP) and Female Genital Mutilation (FGM) remain prevalent in Uganda despite legal efforts to combat them. These vices have adverse effects on the health, education and overall well-being of young girls.³⁶⁸ The Ugandan Government along with international organizations is committed to addressing these challenges. Strategies including promoting education, improving access to healthcare and raising awareness about the harmful consequences of these practices are ongoing. However, Sustained efforts are essential to create lasting change and protect the rights of women and girls.

In light of this therefore, the Commission in partnership with the United Nations Population Fund (UNFPA) that has a multifaceted mandate that is aimed at advancing reproductive health, gender

³⁶⁸ The Impact of Covid 19 on Child Marriages and Female Genetal Mutilation in Uganda Research Report February 2022 UNICEF



Participants from Teso, Sebei and Busoga Region at Pretorial Hotel Mbale City

equality and sustainable development organized consultative meetings in Soroti, Moroto, Arua and Gulu to share insights to improve on TP, CM and FGM. Child Marriage prevalence is highest in Northern Uganda is at 59%, West Nile 50%, Eastern 52% and lowest in Kampala at 21%³⁶⁹ hence the need to have the consultative meetings in these districts.

During these consultative meetings, the Commission was informed that FGM in Uganda is mostly practiced in the most remote areas of Bukwo, Amudat, Kween and Kapchorwa districts with others crossing the border to Pokot in Kenya. That FGM is performed due to Social pressure to conform to what others do, to be accepted socially, fear of being rejected by community among other reasons.³⁷⁰

The consultative meetings attracted stakeholders from different institutions including Local Government, security officers, Academia, Civil Society Organizations, Religious & Cultural Institutions, the media & JLOS Institutions (now Governance and

Security Program) of the regions of Teso, Sebei, Busoga, Lango, Acholi, Karamoja and West Nile to discuss and share experiences on how to combat these vices. The total number of participants at these meetings was 175, 104 were Male and 71 were Female.

11.3.8 Workshop on Strengthening UHRC's Approach to Investigation and Monitoring of Business Activities

A National Human Rights Institution (NHRI) is a body which is established by a Government under the Constitution, or by law or decree, the functions of which are specifically defined in terms of the promotion and protection of human rights.³⁷¹ Uganda Human Rights Commission (UHRC) has the Constitutional mandate to promote and protect human rights.³⁷² This mandate extends over public and private sector conduct. As a NHRI it implements this broad mandate through partnerships with State, Non state actors, development partners and global and regional networks. They play a key role as the national implementation mechanism to

369 The National Strategy to end Child Marriage and Teenage Pregnancy 2022/2023 -2026/2027 June 2022 Ministry of Gender Labour and Social Development (MGLSD)

370 UHRC Report on Consultative meetings held in Soroti, Moroto, Arua and Gulu Regional Offices

371 UN Centre for Human Rights, National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights (1995) 39

372 Article 52 of The Constitution of the Republic of Uganda as Amended



Staff members at the training at Admas Hotel Entebbe

promote compliance with, monitor and implement the United Nations Guiding principles on Business and Human Rights (UNGPs).

‘The actual and potential importance of NHRI cannot be overemphasized. NHRIs address grievances involving companies, they provide a means to hold business accountable by providing adjudicative or mediation-based remedies that are culturally appropriate, accessible, and expeditious. Even where they cannot themselves handle grievances, they provide information and advice on other avenues of recourse to those seeking remedy. Through increased interchange of information, they act as bridge within the wider system of grievance mechanisms, linking local, national and international levels across countries and regions.’³⁷³

In light of this therefore, UHRC in partnership with the Danish Institute of Human Rights (DIHR) conducted a workshop on strengthening UHRC’s approach to investigating and monitoring business activities in Uganda.

The participants discussed the monitoring interview and monitoring tools developed in partnership with DIHR with a view of evaluating their applicability. At the close of the workshop the

participants agreed that the tools are comprehensive enough to facilitate in-depth analysis on business and human rights in Uganda and would be used in line with the information required. Finally, the participants agreed that Dissemination of the NAP on BHRs should be done for UHRC Staff and actors such as business, MDAs at the national and regional level, UHRC should conduct a Systemic Investigation on the rights of miners in Karamoja region and UHRC should organize a public hearing to respond to violations of rights in the mining sector in Karamoja region.

11.3.9 Human rights education through School Human Rights and Peace Clubs

UHRC uses SHRPCs to pass on critical human rights messages to young people in schools. The activities include debates, quizzes, corporate social responsibility, and nature conservation among others in consultation with the school administration. By 2019, UHRC had established **269** active school HRPCs comprising **15,723** (**8,302** male and **7,421** female) members. The activities are a channel for UHRC to inculcate the culture of respect for human rights and enhance critical thinking amongst the students.

³⁷³ UN Doc A/HRC/8/5, Protect, Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, Human Rights Council (7 April 2008) Para 97.



Top: A UHRC official listening in as students of St. Francis SS for the blind in Soroti City debate. Bottom: UHRC officials, teachers and students of Mbarara S.S after the debate competitions



Top: Debaters at Bishop Kivengere Girls SS with the UHRC officials, head teacher, patron and other students. Bottom: One of the affirmers expressing her views during the debate.

In the period under review, the UHRC conducted **60** intra-school debate competitions in **60** secondary schools with human rights and Peace clubs. The debate theme was: **“Early marriages are beneficial to parents / Guardians**. The best debaters were awarded at the end of the competitions.

The intra-school debates enlightened the students on the rights of children, the rights of a family, the dangers associated with early marriages, the obligations of the different stakeholders in stopping early marriages and the existing laws and policies vital for dealing with the vice of early and forced marriages.

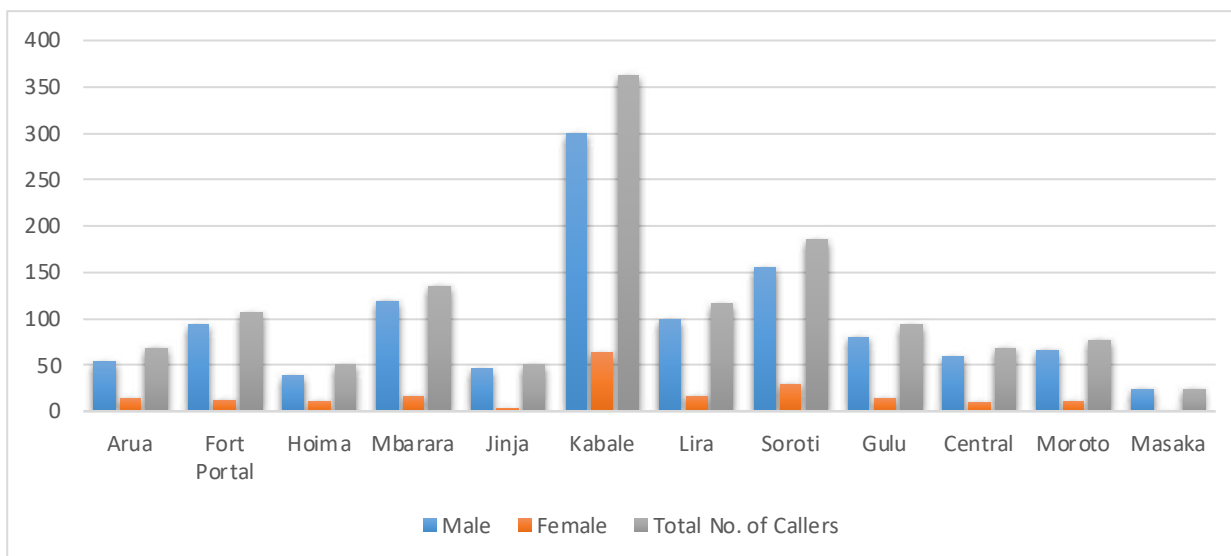
11.3.10 Media-based human rights education

11.3.10.1 Radio talk-shows

UHRC conducted **270** live phone-in radio talk-shows on **85** radio stations country wide. A total

of **1,344** listeners (**1,137** male and **207** female) called in to contribute to the various human rights topics. There was a 641% increase in the number of radio talk-shows conducted by the UHRC which was greatly attributed to the enormous financial support from UNDP towards the implementation of the radio talk shows. The number of callers in 2023 also increased by an 853% as compared to 2022 when they were 141. It is however evident that the number of male callers during the talk shows is still much higher than that of females and this can be attributed to unequal access of resources between men and women especially at the grassroots level that affects the ability of women to own radios and phones and the patriarchal nature of most rural communities in Uganda. The radio talk-shows were conducted in **16** different languages including English, Luganda, Lusoga, Alur, Kakwa, Rutooro, Runyoro, Runyankore, Rukiga, Luo, Leb-Lango, Ateso, Lumasaba, Kup-Sabiny, Nga’karimojong and Lululi.

Figure 25: Call-ins on Radio talk shows by Gender per UHRC Regional Office



Top: The Chief Magistrate Gulu, HW. Barigye Saidi and Mr Ogwang Nicholas at Mega FM in Gulu city discussing rights of children; **Bottom:** The UHRC-Director, RED, Mr Kamadi Byonabye and Mr Chemutai Raymond, HRO- discussing the freedom from Torture in commemoration of the UN Anti-Torture Day on 26th June at Radio9 FM in Bukwo District.

The choice of topics and issues discussed during the talk-shows was influenced by the selected thematic issues as identified by the UHRC and human rights issues pertinent to each region of the country. These were: the establishment of the UHRC, func-

tions and powers; the rights of children with focus on the role of key stakeholders in the protection and promotion of human rights; the rights of women (their empowerment and participation in leadership); rights of the elderly; the rights of suspects and prisoners; effective participation in the Parish Development Model; right to vote (participation of the citizenry), Culture, Religion and human rights; land rights, Inheritance of property: will making/writing process, features and succession rights in Uganda; freedom from torture and the role of duty bearers and rights holders; Commemoration of the UN International Day In Support Of Torture Victims; Domestic violence; mob action and human rights; implications of early/child marriages and teenage pregnancies; UHRC complaint handling procedures; significance of International Human Rights Day; alcohol and substance abuse and the dangers; Rights and duties of refugees; FGM and its human rights implications; and popularization of the UHRC APP.

11.3.10.2 Television talk-shows

UHRC conducted 10 Television talk shows on two (2) in Luganda and Runyankore. two of which through a partnership with SKY TV in Mbarara District where viewers were informed about the Succession Act, will-making and the establishment, powers and functions of UHRC using the local language. Other talk shows were held on various television station in Kampala where a number of topics including children’s rights, rights of suspects and other vulnerable persons were discussed.

11.3.10.3 Spot messages

In 2023, UHRC ran a total of **4,915** spot messages on **30** radio stations countrywide in English, Lugbara, Alur, Rutooro, Luo, Runyoro, Swahili, Lusoga, Japadhola, Ateso, Runyankore, Rukiga, Luganda and Lumasaba. This was a 165.8% increase in the number of spot messages aired in 2023 as compared to 1,849 in 2022. The spot messages regularly reminded the listeners about the observance of human rights, emphasised the duties and responsibilities of citizens and also focused on specific human rights issues such as: the Rights of children, Sexual Gender and Based violence; right to participate in the affairs of the Government; Women's rights in regard to property ownership in the oil and gas sector; Prohibition of early child and forced marriages; Freedom from Torture; Freedom from non-discrimination; Domestic violence; health rights; right to personal liberty; the right to education; and duties and responsibilities of the citizens.

11.3.10.4 Human rights education through Information, Education and Communication Materials (IEC materials)

Production and dissemination of IEC materials is one of the customised strategies used by the UHRC to spread human rights information and other related subjects to the public. In 2023, UHRC produced and disseminated **67,200** brochures on Human rights in electoral processes; **67,500** posters on Sexual Gender-based violence and **72,600** flyers on duties and responsibilities of citizens. These provided the basic understanding of human rights and related themes and were used as a reference point for advancing knowledge for both duty bearers and the rights holders.

11.3.10.5 Printing and translating the Uganda Bill of Rights.

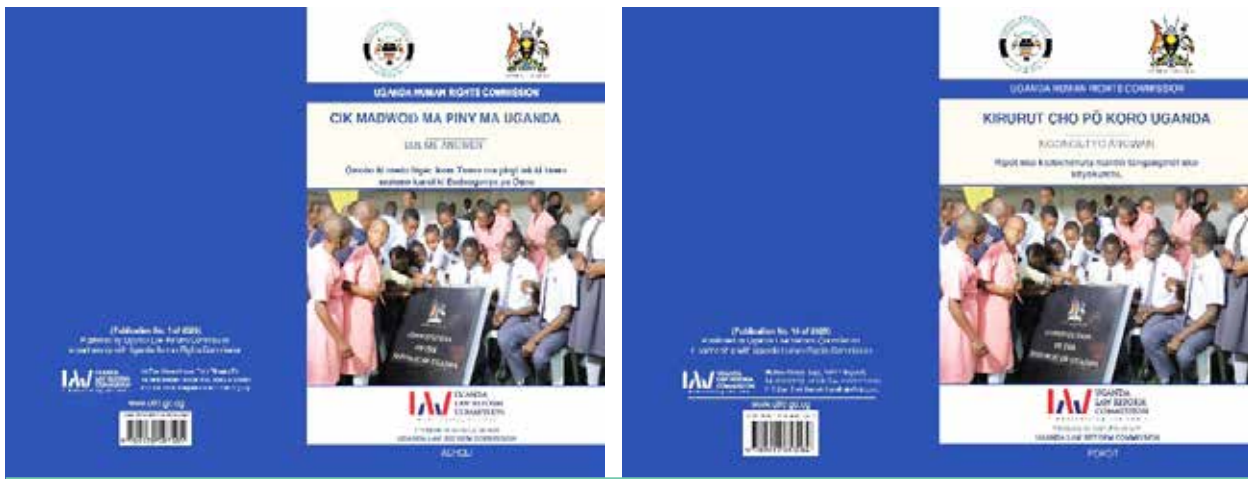
In a bid to popularise and create awareness on the provisions of the Constitution of Uganda, the UHRC translated Chapter 4 (which is the Uganda bill of rights) into **25** local languages of Madi-tii, Dho-adhola, Rufumbira, Kiswahili, Ateso, Runyakitara, Leb-lango, Nga'karimojong, Lugwere, Lukhonzho Aringa –Ti, Lugbara – Ti, Dhu-Alur, Lutwa, Leb-Acholi, Lusoga, Lusamia, Lunyole, Luganda, Pokot, Lunyala, Lumasaba, Kumam, KupSabiny and braille. A total of **18,902** copies were printed and disseminated to the public through the UHRC regional offices.



Top: The flyer on duties and responsibilities. Bottom: Members of the community perusing through UHRC IEC materials

11.3.11 UHRC Library and Documentation Centre

Through the Library and Documentation Centre (LDC) at the head office and in all its 12 regional offices, UHRC provided vital resources for human rights information for both the public and staff during 2023. Physical and online E-resources (peer reviewed articles, E-books and journals) were availed to the users to ensure easy access to accurate human rights information, laws and other subject areas in a timely manner. This was achieved through remote access to the UHRC library, physical collection and subscriptions. As such, UHRC subscribed to CUUL (Consortium for Uganda Universities Libraries) which collaboratively managed information resources to enable member institutions have access; Online law library for all Ugandan legal instruments; and



Samples of some of the translated Chapter Four of the Constitution in local languages produced and ready for dissemination

UPPC for the physical current laws; acts, bills, statutory instruments, gazettes etc. which were obtained as soon as they were endorsed. Over 300 law items were received in 2023. In addition, UHRC automated its newest regional libraries of Lira and Kabale and procured some human rights and law books; textbooks, journals and other literature for them.

11.3.12 Human rights education through partnerships

The UHRC continued to execute its mandate through partnerships and collaborations at both national and international level. In 2023, UHRC was engaged in various human rights awareness activities organised by other stakeholders such as Civil Society Organizations, Government MDAs, security agencies like UPDF, UPS, Local Government, district leaders and communities in various UHRC regions. The organisations and institutions UHRC collaborated with included: ACTV, Judiciary, District Local Government, Uganda Peoples’ Defence Force, UNFPA, European Union, Ministry of Gender, Labour and Social development, Action Aid, FIDA, JLOS, GIZ, UNDP, APPCO, Thrive, and National Coalition for Human Rights Defenders.

11.3.13 Challenges faced in the provision of human rights education

- i) Human rights education continues to face and indeed faced resistance and opposition from some actors /groups such as religious institutions, or conservative groups among others. They tended to view it as a threat to their power, ideology or belief thus undermining the

efforts by the UHRC.

- ii) Inadequate funding affected the implementation of some of the planned activities. Since human rights education activities require significant resources, including financial and human, limited resources hindered the development and implementation of various initiatives.
- iii) Poor road infrastructure coupled with UHRC’s depleted fleet that cannot withstand the changing weather conditions especially heavy rains, floods, mud slides which complicate access to some areas affecting service delivery, particularly barazas and roadshows.
- iv) Loss of trust in the formal justice system due to the delay by Government to dispense justice and pay up the compensation from the tribunal awards. This made some community members resort to mob action and settling matters out of court including criminal matters. It undermined the messages in human rights education urging victims of human rights abuses and violations to report to the respective authorities.
- v) The continued lack of a National Civic Education Policy as reported in the previous year’s still negatively affects coordination, funding and delivery of civic education in Uganda.

11.3.14 Recommendations

- i) The Ministry of Local Government should ensure that District Local Governments construct, maintain and renovate feeder roads for better service delivery.

- ii) Government should increase funding to UHRC to ensure continuous human rights and civic education including finalisation of the Regulatory Impact Assessment which is a prerequisite for the approval of the National Civic Education Policy.
- iii) Local Government should formulate bye-laws and ordinances to curb the cases of drug and substance abuse, domestic violence, defilement and alcoholism.
- iv) Government through the Ministry of Foreign Affairs should establish more embassies and missions in the various countries partnered with such as Qatar, Jordan, Kuwait, and Oman for proper coordination and communication among the recruits, their families, recruitment companies, and partners involved in externalisation of Labour.
- v) The Government should expedite the deployment of labour attachés to all its Missions abroad. Contracts of migrant workers should be given to them after training them on what is expected of them and their obligations.

11.3.15 Conclusion

Provision of human rights and civic education remains one of the critical tenets in any democratic dispensation as it enables Government and the citizens to keep one another engaged on matters vital for a sound and peaceful relationship. It also enhances citizens participation, accountability, transparency and, rule of law. Inadequate resources and the challenges associated with effective civic and human rights education delivery notwithstanding, UHRC was able to deliver on its constitutional mandate. UHRC urges Government to prioritise civic and human rights education through increased funding which is needed than ever before as the country prepares for yet another cycle of elections in 2025/2026.

11.4 UGANDA HUMAN RIGHTS COMMISSION (UHRC) 'S INTERVENTIONS ON ITS MANDATE IN 2023 ENTAILING MONITORING INTERVENTIONS.

11.4.0 Introduction

The Uganda Human Rights Commission (UHRC) is mandated to monitor Government's compliance with international treaty and convention obligations on human rights and recommend to Parliament effective measures to promote human rights under Article 52 (1) (d) and (h) of the 1995 Constitution of the Republic of Uganda. UHRC as a National Human Rights Institution (NHRI) has a pivotal role to play in ensuring that the country upholds its commitments under International Human Rights treaties to foster a culture of accountability. This mandate is exercised through the Directorate of Monitoring and Inspections and its sub units i.e the Vulnerable Persons Unit, Right to Health Unit and the Human Rights Defenders Desk.

Monitoring is a broad term describing the active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about incidents, observing events (elections, trials, demonstrations, etc), visiting sites such as places of detention and refugee camps, discussions with Government authorities to obtain information and to pursue remedies and other immediate follow-up. The term includes evaluative activities as well as first-hand fact-gathering and other work in the field. In addition, monitoring has a temporal quality in that it generally takes place over a protracted period of time.³⁷⁴

Human rights monitoring is a way of keeping an eye on how well a country or region respects people's rights. It's different from other types of monitoring and research. The goal is to collect information about the protection and promotion of human rights over time. Then, this information is used to engage in advocacy and sensitization, prevention of human rights violations, establish facts, inform legal and policy reform, documentation and institutional reforms and accountability.³⁷⁵

374 United Nations Office of the High Commissioner for Human Rights (OHCHR) – Manual on Human Rights Monitoring 4

375 <https://www.endvawnow.org/en/articles/994-> (accessed on 13th February 2024)

11.4.1 Basic Principles of Monitoring

When conducting human rights monitoring it is essential to adhere to a set of fundamental principles.³⁷⁶ These principles serve as guidelines for those engaged in the monitoring activities. These include but are not limited to: -

- a) **Do no Harm** which refers to the prioritization of the safety and well-being of victims, witnesses and all individuals encountered during the monitoring exercise.
- b) **Respect the Mandate:** working within the framework of the Commission mandate and respecting the boundaries and responsibilities therein.
- c) **Knowledge on the human rights standards** that legitimize human rights monitoring and defines legal obligations of Government.
- d) **Integrate Gender:** recognize and address gender specific human rights issues.
- e) **Maintain Credibility:** this calls for objectivity, transparency, accuracy, cultural sensitivity and impartiality.

11.4.2 UHRC Monitoring Interventions

All persons possess human rights by virtue of their common humanity, to live a life of freedom and dignity. These rights and responsibilities are mutually reinforcing. Thus, human rights instruments put in place obligations on the state as the primary duty bearer to respect, protect and promote human rights. When these obligations are not met human rights violations occur hence the need to hold the state accountable.

In 2023, UHRC conducted several monitoring activities that comprised of monitoring Economic, Social and Cultural Rights, legislation, vulnerable persons and situations of vulnerability as well as monitoring Business and Human Rights (BHR) in Uganda. The activities aimed at monitoring compliance to human rights standards promotion of justice, fairness and dignity for all individuals within a country.

11.4.3 Monitoring Economic Social And Cultural Rights

Economic, Social and Cultural Rights (ESCR) are the basic building blocks for a good life. They cover

things like having enough food, a safe place to live, access to education and healthcare and being able to participate in cultural activities. These rights enable people live a dignified life and are provided for under the International Covenant on Economic Social and Cultural Rights (ICESCR). States that are party to the ICESCR have obligations to respect, protect and fulfil these rights.³⁷⁷

11.4.4 Right To Adequate Standard Of Living

Uganda does not have a food and Nutrition law to regulate the food processing and production industry which keeps evolving. To remedy this, in 2023, the Commission in partnership with Makerere University, the World Food Programme(WFP), the Food and Agriculture Organization (FAO), the Norwegian Embassy, Office of the High Commissioner for Human Rights (OHCHR), University of Oslo, Food Rights Alliance (FRA), Centre for Food and Adequate Living Rights (CEFROHT) and other partners organized a national cross-disciplinary conference on the right to adequate food in Uganda under the theme “Entrenching the Human Rights to Adequate food in Uganda’s Food system transformation Agenda”.

The Objectives of this conference were: -

- i) *Take stock of the progress, challenges and opportunities for the progressive realization of the right to adequate food twenty years after the first conference in 2003*
- ii) *Amplify the human rights dimensions affecting food systems transformation and development in Uganda*
- iii) *Share available lessons and evidence on the right to adequate food in Ugandan communities*
- iv) *Build consensus on the desired steps and actions to deepen actions and accountability on the human right to adequate food in Uganda*

The conference featured strategic advocacy and communication from a number of partners and international agency representatives, panel discussions, and presentations on research and implementation of various projects. The event provided a platform for participants to engage in lively

³⁷⁶ n 1 above 4-10

³⁷⁷ Article 2 International Convention on Economic, Social and Cultural rights

discussions and to learn from experts in the field of the right to adequate food nationally, regionally, and globally.

Prior to this conference, in January 2003, the Uganda Human Rights Commission (UHRC) in partnership with the Ministry of Agriculture (MAAIF), Makerere University and the International Project on the Right to Food in Development (IPRFD) of the University of Oslo, Norway, organized the 1st ever National Conference on Implementation of the Rights to Adequate Food in Uganda which influenced several decisions around the right to adequate food including the inclusion of this right in the 2002-2003 UHRC Annual Report and the formulation of the Uganda Food and Nutrition Policy (UFNP) of 2003. Despite these efforts, the draft Food and Nutrition Bill of 2009 has not yet been approved to proceed to Parliament for adoption into law. This law is key as it provides for the protection of public health, protection of consumers, food safety and protection of the environment.

The Commission and the partners present made the following commitments at the conference.

Aware of the significant occurrences of hunger, starvation, malnutrition, food-related mortalities and the other consequences of deprivation of the right to adequate food across Uganda, we the representatives of the people of Uganda at this Conference commit that we shall:

- i) *Increase civic awareness and education through mass campaigns across the country about the human right to adequate food and other human rights in general.*
- ii) *Advocate for the human right to adequate food at all times to ensure no one is left behind in the struggle to end the indignity of hunger and malnutrition in Uganda.*
- iii) *Ensure a specific policy and law are in place to safeguard food as a national strategic resource and fundamental human right for all.*
- iv) *Support monitoring and reporting on the human rights to adequate food through an annual status report and conference.*
- v) *Re-convene every year to take stock of progress achieved and renew commitments until the face of hunger and malnutrition are wiped out across Uganda.*



Ms. Agnes Kirabo Executive Director Food Rights Alliance (FRA) at a press conference at Uganda Media Center and Professor Byaruganga Rukoko Senior Lecturer of Human Rights Makerere University



Chairperson of the Uganda Human Rights Commission Mariam Wangadya and the Minister of Justice and Constitutional Affairs Hon Nobert Mao making closing remarks at the Conference.

11.4.5 Meeting to validate the National population and housing census tools for Uganda

Data collection is key in the promotion and protection of human rights. It helps identify human rights violations, track progress in addressing these violations and inform policy making advocacy efforts. Data collection also enhances tracking progress on the implementation of human rights standards with a view of filling the identified gaps. Therefore, in light of this, the Uganda Human Rights Commission with the generous support of the OHCHR organized a half day stakeholders consultative meeting



The Chairperson of the Commission, members of the Commission and development partners at the population tools validation meeting



Chairperson UHRC, members of the Commission, Board of Directors UGANET, Executive Director UGANET, staff of UHRC and other participants at the advocacy meeting

to validate the National Population and Housing Census tools for Uganda. Both state and non-state actors participated in this meeting with a view of improving the census tool in line with international human rights standards.

Stakeholders applauded the Government of Uganda for the deliberate strides to better plan for Ugandans through the national population census that is conducted every 10 years. They further welcomed the deliberate joint interventions between the state, non-state actors as well as development partners in ensuring that no one is left behind in the planning process. The tool included provisions for persons living with albinism, little persons, homeless persons, the unemployed as well as those in the agricultural sector, food security and the Ugandans in the diaspora. The UHRC and OHCHR urged UBOS to incorporate the Human Rights Based Approach to data in a bid to endure that no Ugandan is left behind in this process.

11.4.6 Monitoring Legislation

NHRIs keep an eye on the laws and policies made by the Government. By doing this, the Commission can find gaps that might amount to violation of human rights and provide redress for the same. The Commission may advise Government to amend existing laws or make new laws to address the human rights issues identified. The Commission also encourages public participation, transparency, equality and non-discrimination hence promoting fairness and good governance.

11.4.7 Review of legislations

The Commission in conjunction with Uganda Network on Law Ethics and HIV/AIDS (UGANET) and United Nations Population Fund (UNFPA) organized a high-level advocacy meeting to discuss legislation on HIV/AIDS legislation in Uganda. The meeting was attended by legal and human rights practitioners, the judiciary, Uganda Law Reform Commission (ULRC), the ODPP, academia, CSOs, and the media among others.

The HIV and AIDS Prevention and Control Act 2015 in Uganda aims to address the prevention and management of HIV and AIDS. However, it has raised a number of human rights concerns which include: ³⁷⁸

- **Mandatory testing and disclosure:** the Act mandates HIV testing for pregnant women and partners. While testing is crucial for prevention and care making it mandatory can infringe upon an individual's right to privacy.
- **Disclosure of a patient's HIV status** by medical providers without consent can lead to stigmatization and discrimination.
- **Criminalization of HIV transmission:** the Act criminalizes HIV transmission, attempted transmission and behaviour that may result in transmission by those who know their HIV status. What entails attempted transmission is not clearly defined in the law. While this aims to prevent intentional transmission, it may inadvertently discourage people from seeking testing and treatment due to fear of legal repercussions.
- **Access to treatment:** the Act establishes the HIV and AIDS Trust Fund, ensuring adequate funding and efficient utilization remains essential. Access to antiretroviral therapy (ART) and other essential drugs is crucial for managing HIV. Any barriers to treatment violate human rights.

The call to action at the close of the meeting was to advocate for laws that do not negatively affect people living with HIV AIDS. Participants called for the decriminalization of HIV in Uganda under the HIV and AIDS Prevention and Control Act 2015. They also called for the amendment of the law to remove the Section on attempted transmission that is already provided for under Section 129 (3) and (4) (b) of the Penal Code. The Uganda Law Reform Commission (ULRC) made a commitment to addressing the gaps in the current HIV and AIDS law and that UHRC and its partners make appropriate recommendations to Parliament have the law amended.

11.4.8 Monitoring Vulnerable Persons And Situations Of Vulnerability

Vulnerable people are people who are easily susceptible to physical or emotional injury, or subject to unnecessary criticism, or in a less advantageous position in any society.³⁷⁹ Accordingly, vulnerable groups are those groups of people who may find it difficult to lead a comfortable life, and lack developmental opportunities due to their disadvantageous positions. Due to adverse socio-economic, cultural, and other practices present in each society, they find it difficult many a times to exercise their human rights fully.

11.4.9 Rights of Persons Living with HIV AIDS

Dissemination Of The UHRC HIV/AIDS Policy

With funding from GIZ, the Commission developed an HIV/AIDS work policy in May 2014, which has been actively implemented. The Primary objective of the policy is to alleviate the socio-economic impact of HIV and AIDS within the UHRC. It aims to achieve this by enhancing prevention measures, promoting behavior change among employees and ultimately contributing to a reduction in HIV infections. Furthermore, the UHRC has integrated HIV and AIDS awareness into its human resource training Programmes for employees and guided by the policy, the UHRC has taken steps to prevent unjust discrimination against employees living with HIV. This proactive approach does not only protect their rights but also enhances their overall quality of life fostering caring and supportive work environment.

In the year under review, the Commission disseminated this policy to staff under Masaka and Mbarara regional Offices. Other staff that were trained in the previous year were staff of Fort Portal, Hoima, Jinja, Soroti and Central Regional Offices. Preparations to train all the staff of the Commission are underway.

378 Uganda Network on Law and Ethics and HIV/AIDS Judicial Handbook on HIV, Human Rights and the law in Uganda 27-60

379 Draft Uganda Human Rights Commission Human Rights Monitoring Guide 123

11.4.10 Migrants and Refugees

Regional meeting for National Human Rights Institutions (NHRI) on Better Migration (BMM).

The UHRC with support from GIZ hosted NHRI's from the member states of the InterGovernmental Authority of Development (IGAD) that host millions of migrants. That is Uganda, Djibouti, Ethiopia, Kenya and South Sudan. The objective of the training was to urge NHRI's to work towards creating an enabling environment that supports migrants especially refugees and asylum seekers

that are in vulnerable situations such as war, famine and economic challenges among others.

Migrants have been dehumanised and suffered a host of human rights violations such as starvation, torture, loss of property and loss of lives. States have always placed more emphasis on prevention of entry but were called upon to focus on monitoring and documenting violations, raising awareness of migrant's rights and responsibilities and pursuing strategic litigation and intervention to protect the rights of migrants.



Chairperson of the UHRC Mariam Wangadya, the Executive Director NANHRI, Commissioners and representatives of NHRI's as well as IGAD at the meeting



Commissioner Omara Apitta Lamax, Commissioners from Kenya NHRI, South Sudan NHRI, Deputy Chief Commissioner Ethiopian NHRI, Director Monitoring and Inspections Ruth Ssekindi and other participants at the meeting

11.4.11 National Minorities

11.4.11.1 Monitoring Benet Communities In Yatui And Rwanda Settlement Camps In Kween District

In accordance with its mandate, the Commission monitored the human rights situation of indigenous individuals and minority groups across the country to assess their living conditions. During the fact-finding mission, the Commission visited the Benet community, which was forcibly evicted from

the Mt. Elgon Forest in Yatui Village. This community resides near the Uganda Wildlife Conservation area and the Rwanda Camp for displaced persons in Kween District. The purpose of the visit was to investigate the human rights challenges faced by these communities, identify potential remedies and resettlement plans and evaluate Government interventions since the eviction and subsequent settlement in the camps. The Commission engaged with community members (evictees), local leaders and the District Administration.

The Commission noted the following human rights concerns: -

- i) **Right to health:** - the Benet community does not have health facilities nearby, and the nearest hospital is 15 km away.
- ii) **Right to Education:** - The Benet community that settled at Yatui camp has only one Primary school that is Kere Primary School, which is dilapidated and temporary. It was constructed in 1962. UHRC was also notified that the community is not permitted to build any permanent structures on the area where they are resettled. The nearest Secondary School is Kwasir Girls Secondary School, which is around 5 kilometers away. The Benet community that settled at Rwanda camp do not have a school nearby.
- iii) **Poor Sanitation:** -The Commission also noted poor sanitation conditions among the Benet, particularly in the Rwanda camp. The town is built on a rock, and when it rains, the water stagnates and the houses leak. They cannot build pit latrines because the land is rocky.
- iv) The lack of land for food cultivation has resulted in poverty and starving. UWA has only permitted the community to grow crops on the recently planted forest area in order to sustain the growing trees, but as the trees get taller, they will be forced to stop cultivating on the land and risk starvation once more.
- v) In Rwanda camp, there is no burial ground for deceased relatives due to a lack of land.

11.4.11.2 Monitoring The Human Rights Situation Of The Ik In Kaboong District

The Commission also visited the Ik community in Morungole Sub County, Morungole Parish in Morungole Village in Kaabong District. The purpose of the visit was to monitor the human rights issues affecting these communities and ascertain remedies to the same.

The Commission noted the following human rights concerns: -

i) Limited Access to Education:

Due to poverty, inadequate infrastructure, and cultural hurdles, children from the Ik commu-

nity have a high dropout rate. There is only one community school in Morungole Village that conducts education to primary four level. The school is further operated by non-professionals. For primary five through seven, students must relocate to Lokwakarama, which is 25 kilometers away. Additionally, Kamion Seed School, which only offers instruction at the Ordinary Level (O'Level), is the closest secondary school and is located around 45 kilometers from Morungole village. Finally, the pupils transfer to Kaabong town, which is roughly 68 kilometers from Morungole Village, for the Advanced level (A Level).

ii) Limited access to health facilities:

The Health Center II (HC II) in the town of Morungole is a comparatively small facility staffed by just three (3) health personnel instead of the required nine. Due to a shortage of space, the medical staff are housed in the store. Additionally, it was mentioned that emergency cases are sent to the general hospital, which is located 68 kilometers away, or to Kalapata Health Center III, which is 30 kilometers away from Morungole village.

iii) Land Rights and Displacement:

The IK community faces land tenure issues, leading to forced displacement and land grabbing by other groups most especially the Dodoth.

iv) Food Insecurity and limited access to water

The IK community struggles with food insecurity, mainly due to the impact of climate change and attacks by wild animals like baboons and wild pigs. It was also reported that the community does not have access to clean and safe water. The community borehole was not functioning at the time consequently the community had to fetch water from the river that is 500 meters away from the community. The river is utilized by both human beings and animals.

v) Insecurity

The Turkana from Kenya, Didinga from South Sudan and the Dodoth raid the IK community for sorghum and cattle. The last raid by the Dodoth was reported in August 2023.

vi) Network/ transport

The Ik inhabit remote, difficult-to-reach places. Situated 68 kilometers from Kaabong town,

Murungole Village is part of Morungole Parish, Morungole Sub County, and Kaabong District. It is situated along the Morungole Mountains. Because of the area's inadequate road system, the people there frequently ride motorcycles (boda boda). The 68-kilometer ride to Kaabong town on a motorcycle costs UGX 30,000 per passenger. The Commission observes that this presents a challenge to one of the poorest communities in Uganda. As a result of the inadequate infrastructure, access to health-care, education, and basic services is restricted.

vii) Government programmes

Despite the existence of several Government Programmes, such as the Northern Uganda Social Action Fund (NUSAF), Operation Wealth Creation, UYEP, and Social Assistance Grant for Empowerment (SAGE), the elderly population of the IK community has not received any financial assistance for the past six months. It was also alleged that not all IKs are involved in these Government Programmes, that some are normally left behind.

11.4.11.3 Monitoring The Human Rights Situation Of The Batwa In Bundibugyo District

The Uganda Wildlife Authority (UWA) conveyed that the Batwa community once inhabited the forest, relying on hunting wild animals and gathering fruits for their sustenance. However, they faced eviction when the forest was designated as a conservation area. Now, they are permitted to return to the forest only on specific days to collect firewood and gather fruits, adhering to strict guidelines: no tree felling and no hunting or killing of animals. Despite these regulations, the Batwa have repeatedly violated UWA's rules by cutting down trees and engaging in hunting.

The Batwa King, His Highness Nzito Geoffrey, highlighted that the Batwa community faced eviction from their original home, which now lies within the Semliki National Park, during the early 1990s. Their unique culture and extensive knowledge of the forest are at risk of disappearing due to their current living conditions. Much of their heritage remains unseen and unpassed to younger generations.



IK community in Kabong District



Commission staff and the Batwa King in Bundibugyo District

Furthermore, he emphasized that despite being invited to numerous engagements, meetings, and conferences, where he has the opportunity to voice the community's concerns, no meaningful change has occurred. Even in these gatherings, the Batwa issues remain unaddressed, and they continue to experience discrimination.

The Batwa voiced a number of human rights concerns that included limited access to their ancestral land, extinction of their culture, limited access to Government economic development Programmes, increased HIV/AIDS prevalence because of the misconception that having relations with Batwa women cures HIV/AIDS, high levels of unemployment and limited access to education.

11.4.12 Validation Meeting For A Report On Children With Learning And Development Disabilities

The Uganda Human Rights Commission (UHRC) with support from the Danish Institute for Human Rights (DIHR) conducted special research on children living with learning and development disabilities in the districts of Kampala, Wakiso and Mukono. The purpose of the research was to establish the conditions and needs of the children with

learning and development disabilities. Following this research, a draft report was prepared and findings were shared with relevant stakeholders at a sharing finding meeting.

11.4.13 Monitoring Business And Human Rights

An increasing number of companies are demonstrating their respect for human rights by working to embed international human rights standards within their core business practices.³⁸⁰

11.4.14 5th Annual National Symposium on Business and Human Rights in Uganda

The Commission with support from the Danish Institute for Human Rights (DIHR) organized the 5th Annual National Symposium on Business and Human Rights in Uganda under the theme: **‘Twelve Years of UNGPs Implementation: Assessing Uganda’s Journey in Enhancing Judicial and Non-Judicial Mechanisms for Responsible Business Conduct’**.

The Annual Symposium on Business and Human Rights is Uganda’s largest annual gathering on business and human rights with more than 100 participants from Government, business, community groups, civil society, legal fraternity, investor organizations, UN bodies, trade unions, academia and the media. Since 2018, UHRC has partnered with other stakeholders such as Ministry of Gender Labour and Social Development (MGLSD), Resource Rights Africa (RRA) and DanChurchAid (DCA) to organize an Annual Symposium on Business and Human Rights in Uganda.

The annual event brings together multiple stakeholders in Uganda and beyond, to take stock of the opportunities and challenges in advancing respect for human rights by businesses in the country. Over the years, the Symposia have particularly focused on the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) via the development of the National Action Plan on Business and Human Rights (“NAPBHR”) for Uganda. This has been done by identifying lessons learnt, and existing opportunities in promoting Business and Human Rights through a regulated business environment and identifying challenges associated with the process in Uganda. Further-

more, the Symposia have enabled a broad exploration of how accountability and remedy mechanisms for business-related human rights issues in Uganda can be enhanced and generally how responsible business conduct can be strengthened to advance respect for people and planet.

The lead taken by Uganda to organize the annual symposium on BHR has led to the birth of the Africa Forum on BHR in 2022 and the East African Conference on BHR in 2023. Undoubtedly, Uganda has contributed knowledge and expertise that has shaped the outlook of BHRs in the Region. The partners at the symposium agreed to disseminate the National Action Plan on Business and Human Rights for key stakeholders at the national and regional level as well as conducting public hearings to respond to human rights violations in areas affected by business and human rights.

11.4.15 Monitoring Mayuge and Bugambe Tea Factory

The Commission conducted a monitoring exercise at Mayuge sugar factory in Mayuge District and is part of Mayuge Sugar Industries Limited (MSIL). Then Bugambe Tea factory is located in Kikuube District that has two divisions Nyamaroby and Buseruka comprising of tea fields, eucalyptus plantations and natural forests.

The objective of the monitoring exercise is to assess the protection and promotion of human rights in accordance with the monitoring tools developed as well as the UNGP. This monitoring visits were funded by the Danish Institute for Human Rights (DIHR). During these visits the Commission assessed the working conditions of the workers, the health and safety policies of the factory, grievance handling mechanisms as well as the protection of the rights of vulnerable persons.

At Mayuge Tea Factory, the Commission was informed that despite the provision of ear protection equipment, workers still suffer hearing loss due to the excessive noise at the factory. Furthermore, liquid waste management was not proper, the spent wash was being released directly to the environment, and yet it is highly acidic this can negatively affect the environment in different aspects.

380 n 1 above 189

At Bugambe Tea Factory, the Commission noted that the factory provided free schooling for the children of the estate workers as well as housing, there are also on estate clinics to provide for the health care of the workers and the community at large, the workers employment rights such as leave and freedom of association are respected and lastly, the factory also works out growers to supplement the factory's production. Lastly, the Commission noted with concern the ever-dropping price of tea on the world market that had affected all the factory activities due to economic hardship.

11.4.16 Independent reports to treaty bodies

The Commission submitted an independent report to the United Nations Committee on the International Covenant on Civil and Political Rights

This report made an assessment of civil and political rights in Uganda, focusing on the period 2018 and 2022. It provided an overview of key developments and achievements, highlighted areas of concern and recommendations for the Government of Uganda to address human rights challenges.

11.4.17 Partnerships

In executing its broad mandate, the Commission partners with relevant stakeholders in accordance with its Partnership Strategy. The Commission also established a Human Rights Defenders' desk under the Directorate of Monitoring and Inspections that plays a coordination and liaison role for Human Rights Defenders. The desk engages with relevant Government agencies, coordinates the activities of different Human Rights Defenders at National or Regional level as well as monitoring and evaluating the protection and promotion of the rights of Human Rights Defenders. The desk is also charged with preparing periodic reports on implementation of the Marrakech Declaration and the situation of Human Rights Defenders.

Owing to this, the Commission has entered partnerships with numerous stakeholders in the period under review and these include: - Center for Constitutional Governance (CCG), Justice Access Point (JAP); Defend Defenders (DD) (The East and Horn of Africa Human Rights Defenders Project); Uganda



General overseer of the National Fellowship of Born-Again Pentecostal Churches (NFBPC) Archbishop Moses Odong and the Chairperson Uganda Human Rights Commission (UHRC) Hon. Mariam Wangadya, PRO NFBPC and staff of UHRC upon entering a partnership agreement

National NGO Forum (UNNGOF); National Fellowship of Born-Again Pentecostal Churches of Uganda (NFBPCU); Sensitize Uganda; Centre for Women in Governance (CEWIGO); United Nations Africa Institute for the prevention of crime and the treatment of offenders and Norms Africa Development.

The Commission entered into these partnerships with the aim of advancing key principles including good governance, constitutionalism, access to justice, accountability and the rule of law that are pivotal for the protection and promotion of human rights.

11.4.18 Recommendations

- i) Uganda Law Reform Commission (ULRC) should amend the Anti-FGM Act 2010 and also translate it into Kupsabiny and Karamojong and widely disseminated by UHRC and the other like-minded partners.
- ii) The Ministry of Justice through Ministry of Finance Planning and Economic Development should adequately fund the Commission, Judiciary, Local Governments and Uganda Police Force to execute their mandates effectively.
- iii) Parliament should expedite the passing of the food and Nutrition Bill 2009 that provides for consumer protection and food safety.
- iv) Government must permanently resettle evictees from Yatui village in Benet Sub County and Rwanda camp in Kwanyi Sub County.

11.4.19 Conclusion

In the realm of monitoring compliance to human rights standards, the adage “what is not measured cannot be improved” resonates profoundly. When it comes to safeguarding fundamental rights and liberties within a country, meticulous measurement and thorough measurement and assessment are essential. Without a robust system of quantifying and evaluating adherence to these standards, progress remains elusive. Just as a skilled artisan thoroughly measures each stroke while sculpting a masterpiece, so too must we consciously measure and track our commitment to human rights. Only through rigorous monitoring can we identify gaps, address deficiencies and strive for continuous improvement. Human Rights monitoring enables the Commission to hold institutions accountable, advocate for change and ensure that human rights translate into tangible realities for all citizens.

11.5 FINANCE AND ADMINISTRATION IN THE FINANCIAL YEAR 2022/2023

11.5.0 Introduction

The Finance and Administration Directorate is critical for supporting the implementation and achievement of strategic objectives in the Commission Strategic Investment Plan (SIP). It comprises the following units: Policy and planning, Human Resource and administration, Procurement and disposal, Finance and Systems and perform the functions of budgeting, financing of activities as well as management of human resources, logistics, procurements and disposals, IT systems and public relations. This chapter is a summary of how the Finance and Administration function was executed in 2023.

During the period under review, the Commission’s planned activities and operations were funded by the Government of Uganda (GOU) and development partners namely, UNFPA, Danish institute of Human Rights, Chinese embassy in Uganda, Justice Law and order Sector (JLOS), JLOS –EU supreme project. The planned activities included complaints

management, civic education, monitoring and inspections of places of detention and other facilities of human rights interest, and administrative tasks /operations.

11.5.1 Funding

The financial information is based on the financial year (FY) 2022/23 because funding is provided on this basis as opposed to activities that are reported based on calendar year.

In FY 2022/2023 GOU remained the major funding source for the Commission providing a total of UGX20.240 billion supplemented by contributions from development partners amounting to UGX 1,849,300,464. These were: Justice, Law and Order Sector (JLOS), JLOS-European Union (EU), Chinese Embassy in Uganda, Danish Institute of Human Rights and UNFPA.

Government of Uganda provided 91.6% of which 3% financed the core activities; while development partners gave 8.4%. Government funding decreased from the 93.1% provided in the last FY 2021/22.

11.5.1.1 Donor funding

The total funding received from development partners during the FY 2022/23 was UGX 1,849,300,464 comprising of UGX 804,125,000, from JLOS SWAP project, UGX 822,557,692 from JLOS–EU Supreme Project, UGX 66,491,538 from the Chinese Embassy in Uganda, UGX 104, 014,234 from the Danish Institute for Human Rights and UGX 52,112,000 from UNFPA.

United Nations Office of the High Commissioner for Human Rights provided used IT equipment and office furniture and two used motor vehicles (station wagons) and other items in kind to UHRC as it wound up operations in Uganda.

The development partners mainly funded core activities in accordance with the UHRC mandate, excluding the administrative costs. Table 39 below shows the funding trend for the last five years.

Table 39: GOU and External Funding to the Commission over the last five years

| EXPENDITURE ITEM | 2018/19 UGX IN BILLIONS | 2019/2020 UGX IN BILLIONS | 2020/2021 UGX IN BILLIONS | 2021/2022 UGX IN BILLIONS | 2022/2023 UGX IN BILLIONS |
|--|-------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Wage | 6.595 | 6.595 | 6.595 | 7.595 | 7.595 |
| Non-Wage | 12.267 | 12.256 | 12.256 | 12.250 | 12.014 |
| Capital Development | 0.412 | 0.0518 | 0.0518 | 1.000 | 0.631 |
| Total Funding from GOU | 19.294 | 18.903 | 18.903 | 20.845 | 20.240 |
| External Sources | 5.235 | 3.263 | 3.593 | 1.542 | 1.849 |
| Total funding GOU including External Sources | 24.529 | 22.166 | 22.496 | 22.387 | 22.089 |
| % of GOU Contribution | 78.7% | 85.3% | 84% | 93.1% | 91.6% |
| % Development Partners Contribution | 21.3% | 14.7% | 26% | 6.9% | 8.4% |

Figure 26: Percentage Funding Contribution by GOU and Development Partners

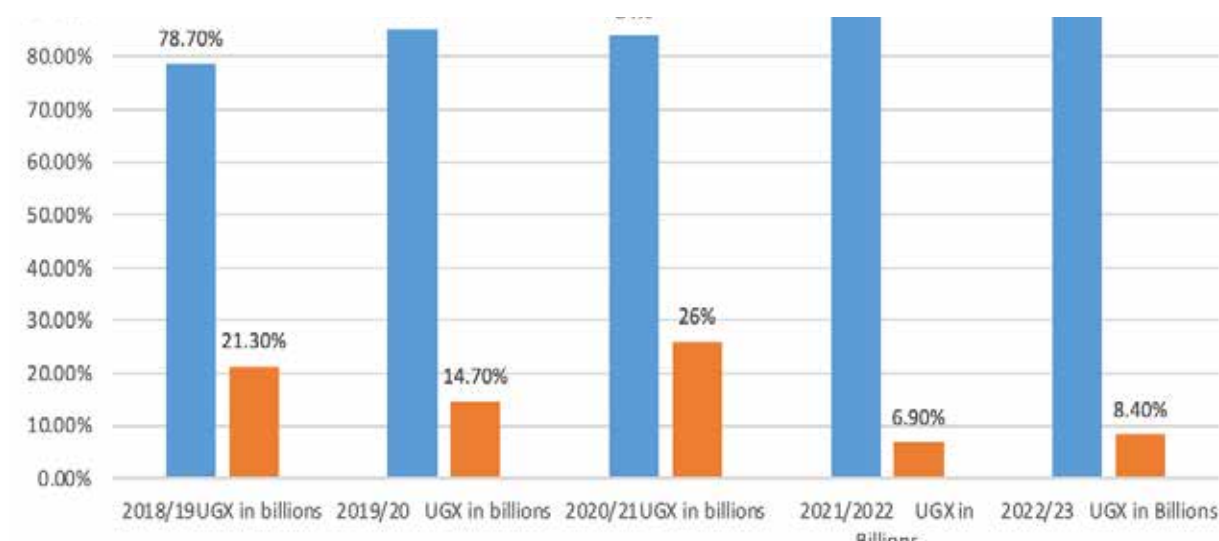


Figure 27: Funding Contributions by GOU and Development Partners

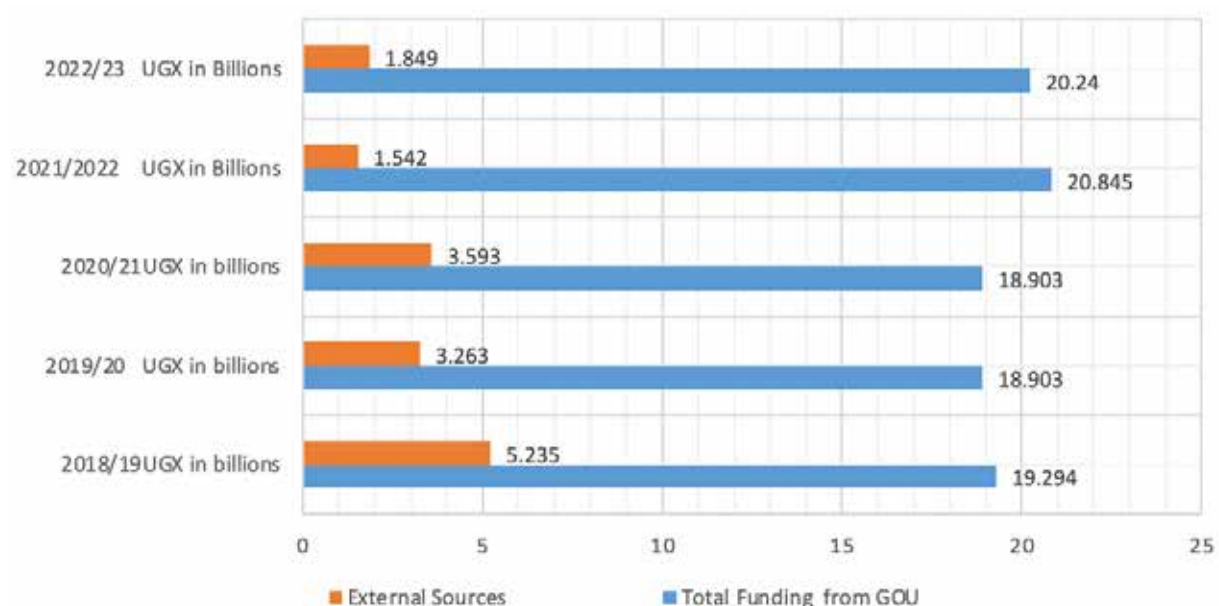
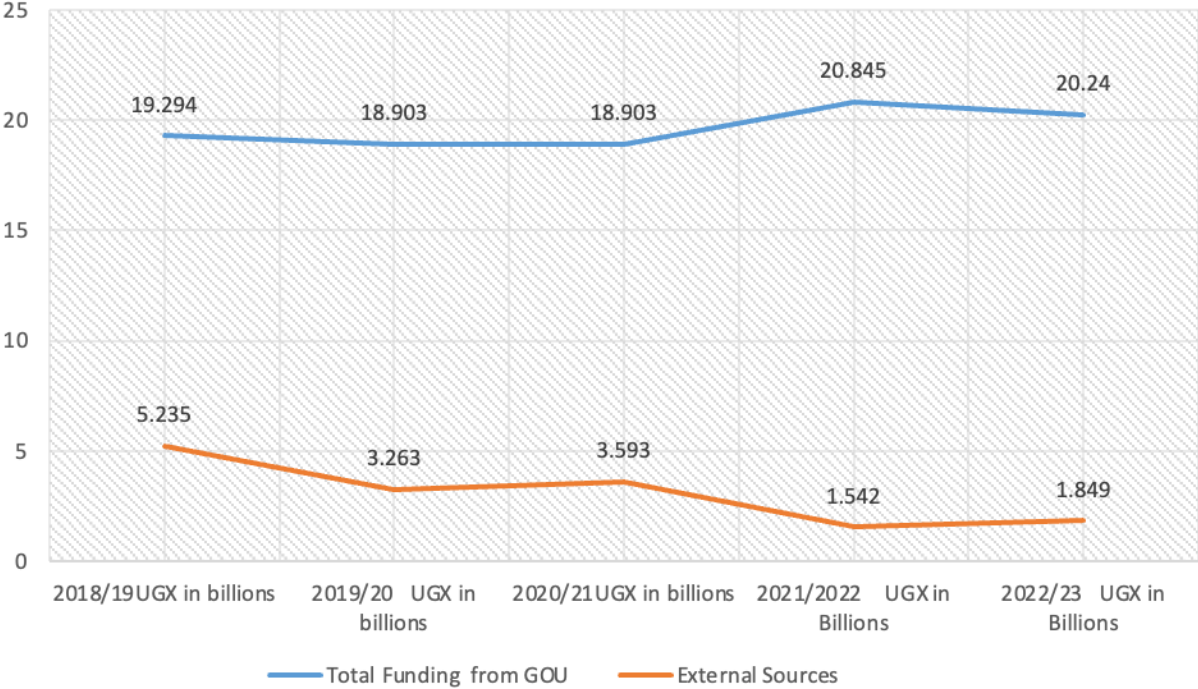


Figure 28: Funding Trend to the Commission in the last Five Years



11.5.1.2 Construction of own office premises at headquarters, regional offices and Field offices

Apart from Gulu Regional Office, the Commission rents all its other office premises at headquarters, the regions and the field offices, which it finds very costly. During the year under review the Commission had undeveloped plots of land in Soroti City, Moyo Municipality and on Buganda Road in Kampala City which had been acquired for construction of office premises for Soroti Regional Office, Moyo Field Office and headquarters in Kampala City, respectively. The Commission appreciates the two local councils for donating plots of land and appeals to other local Governments to do the same.

Apart from the Moyo office premises which were constructed with some funding from JLOS-EU Supreme Project, the plots of land in Soroti and on Buganda Road require funders for the construction

of office premises since the Commission has no budget for construction.

11.5.1.3 Transport

At the beginning of 2023, the Commission fleet was at only 50 motor vehicles, 17 of which had been grounded and earmarked for boarding off. These were available to serve the Commission personnel including 8 members of the Commission and the staff that are chauffeur-driven by appointment, as well as those in the 12 regional offices and 11 field offices. However, some directors who are entitled to motor vehicles did not actually have access. Each regional office had only one vehicle but that was not enough to facilitate the timely implementation of activities. The Commission operates country-wide including in areas with bad terrain. Whereas a reliable and sound fleet is a must in such circumstances, the Commission’s fleet was old and dilapidated as shown in Table 40 below.

Table 40: Status of Commission Fleet

| NO. OF M/Vs REQUIRED | NUMBER OF VEHICLES (FLEET) 2023 | M/Vs GROUNDED AND IN POOR CONDITION | M/Vs EARMARKED TO BE BOARDED OFF | M/Vs BOARDED OFF DURING THE YEAR UNDER REVIEW 2023 | M/Vs AVAILABLE FOR USE (2023) | NO. OF VEHICLES REQUIRED BY UHRC |
|----------------------|---------------------------------|-------------------------------------|----------------------------------|--|-------------------------------|----------------------------------|
| 67 | 50 | 17 | 17 | 00 | 33 | 34 |

The Commission therefore needs an additional of forty (34) new vehicles to enhance implementation of activities in time.

In addition, the Commission needs to acquire, instead of hiring speed boats, to enhance the timely implementation of activities in the two field offices based on the islands. These are Buvuma (covering 54 islands) and Kalangala (covering 84 islands). Their only mode of transport is by water to connect from one island to another.

11.5.2 Human Resource Management Unit

During the year 2023, the Commission was fully constituted with chairperson and six (6) members. The Commission recruited and promoted five (5) key officers on five-year contracts, and recruited five staff to beef up the human resource gap created through resignations. Contracts for 138 staff were extended for one year in accordance with the guidance of the Ministry of Public Service (RAPEX). However, due to limited funds and other various reasons, key staff positions approved by the Ministry of Public Service had not been filled by the end of 2023.

Table 41: The Human Resource Staffing Levels for the year ending December 2023

| TITLE | APPROVED POSITIONS | CURRENT STAFFING | FEMALE | MALE |
|---------------------------|--------------------|------------------|--------|------|
| Chairperson | 1 | 1 | 1 | 0 |
| Members of the Commission | 6 | 6 | 2 | 4 |
| Substantive staff | 220 | 199 | 110 | 89 |

In addition, the Ministry of Public Service had not approved the Commission's proposed Staff Structure of 469 staff and this inhibited adequate service delivery.

11.5.2.1 Training and Capacity-building programmes for staff and other National and International Institutions

The Commission trained staff in various programmes as highlighted in Table 42 below.

Table 42: Training programmes undertaken by Commission staff

| TRAINING PROGRAMMES/INTERVENTIONS | NO OF PARTICIPANTS | FEMALE | MALE |
|--|--------------------|--------|------|
| Study leave | 2 | 2 | 0 |
| Masters (Students) | 6 | 4 | 2 |
| PGD (Bar course LDC) | 1 | 1 | 0 |
| PGD (students) | 4 | 2 | 2 |
| Professional Courses CPA | 6 | 1 | 5 |
| Professional Courses (CIPS) | 1 | 1 | 0 |
| TRAINING WORKSHOPS/SEMINARS /RETREATS | | | |
| TRAINING PROGRAMMES | NO OF PARTICIPANTS | FEMALE | MALE |
| Training in Human Capital Management to all Staff (modules covered: Leave and absence management & performance management) | 199 | 110 | 89 |
| Training of Trainers (ToT) for Human Resources in automation of Human Resource Activities and Business strategy (Human Capital Management system). | 2 | 2 | 0 |
| Induction Training for New staff in the Commission service | 5 | 1 | 4 |

11.5.2.2 Staff recruitment and exit in the Commission service

In the period under review, the Commission appointed 5 substantive staff to fill the vacant positions, while other staff exited due to various reasons as illustrated in Table 43 below;

Table 43: Recruitment and exit of staff

| ACTIVITY | TOTAL NUMBER | FEMALE | MALE |
|-----------------------------------|--------------|--------|------|
| Newly appointed substantive staff | 5 | 1 | 4 |
| Promotion | 12 | 9 | 3 |
| Assignment of duties | 2 | 1 | 1 |
| Designations of titles | 2 | 2 | 0 |
| Resignations (substantive) | 1 | 1 | 0 |
| Non-renewal of contract | 8 | 0 | 8 |
| Reinstatement | 1 | 0 | 1 |

11.5.2.3 Proposal for opening up new Regional Offices and expanding the regional coverage of the Commission

Due to a growing population and the establishment of more districts, there is a need to bring human rights services closer to the people. In view of this, the Commission proposed in the staff structure to open up other additional offices in Mbale and Central Uganda. The Commission hopes to implement this in the subsequent financial year if the Commission receives additional funding. During the year under review, the Commission operated twelve (12) regional offices and eleven (11) field offices as shown in Table 44 below.

Table 44: The Commission regional coverage

| REGIONAL OFFICE | FIELD OFFICE | DISTRICTS COVERED |
|-----------------|------------------------|--|
| Arua | Moyo | Arua City, Arua, Terego, Maracha, Pakwach, Zombo, Yumbe, Moyo, Koboko, Ubongi and Madi-Okollo. |
| Central | Buvuma | Kampala City, Buvuma, Buikwe, Mukono, Kayunga, Mpigi, Butambala, Gomba, Mubende, Kassanda, Mityana, Kiboga, Nakaseke, Luwero, Nakasongola and Wakiso |
| Fort Portal | Kasese and Bundibugyo | Kasese, Bundibugyo, Kitagwenda, Kyenjojo, Kyegegwa, Kamwenge, Kabarole, Ntoroko, Fort Potal City, Bunyangabu. |
| Gulu | Kitgum and Pader | Gulu City, Pader, Agago, Lamwo, Kitgum, Amuru, Nwoya, Omoro, Gulu |
| Jinja | 0 | Jinja City, Jinja, Kamuli, Buyende, Kaliro, Mayuge, Iganga, Luuka, Bugweri, Namutumba, Bugiri, Namayingo, Busia, Tororo, Butaleja, Pallisa, Butebo, Budaka, Kibuku |
| Hoima | 0 | Hoima City, Hoima, Kikuube, Kakumiro, Kibaale, Kagadi, Buliisa, Masindi, Kiryandongo, Kyankwanzi |
| Kabale | 0 | Kabale, Kisoro, Kanungu, Rukungiri, Rubanda, Rukiga |
| Lira | 0 | Lira City, Lira, Amolator, Apach, Kwania, Otuke, Oyam, Kole, Dokolo, Alebtong |
| Mbarara | 0 | Mbarara City, Mbarara, Ibanda, Kazo, Kiruhura, Buhweju, Bushenyi, Mitooma, Rubirizi, Sheema, Isingiro, Rwampara, Ntungamo |
| Masaka | Kalangala | Masaka City, Masaka, Kalangala, Lwengo, Rakai, Kyotera, Lyantonde, Sembabule, Kalungu, Bukomansimbi |
| Moroto | Nakapiripirit, Kotido | Moroto, Kotido, Nakapiripirit, Napak, Abim, Kalenga, Kaabong, Amudat, Nabilatuk |
| Soroti | Kapchorwa, Kaberamaido | Soroti City, Soroti, Kaberamaido, Kalaki, Kapchorwa, Kween, Bukwo, Manafwa, Bulambuli, Bududa, Namisindwa, Kumi Bukedea, Katakwi, Kapelebyong, Amuria, Serere, Ngora |

11.5.3 Information and communication technology

Information and Communication Technology (ICT) is a vital and integral part of the Commission’s operations. The Commission has invested into ICT infrastructure and systems to stimulate efficiency, support management planning, analysis and monitoring of the Commission’s performance.

In a bid to disseminate human rights information, enhance communication with the general public and ease the reporting of human rights violation, the Commission, with the support from GIZ, upgraded the UHRC App which can be downloaded and installed both on Android and Mac mobile phones.

The full automation of all Commission’s business processes still remains a big challenge due to inadequate funding. The Commission’s inability to secure all the funding necessary for the significant investment in ICT has affected existing initiative as well as future plans.

11.5.4 Public Affairs Management

The Public Affairs Unit is responsible for managing the communications function, the image/brand, visibility and public relations of the Commission. This involves strengthening partnerships with stakeholders, prompt and timely responses to the general public, receiving feedback and sustaining the Commission image countrywide. All this is done

in accordance with the requirements of the Paris Principles and the Commission Strategic Investment Plan.

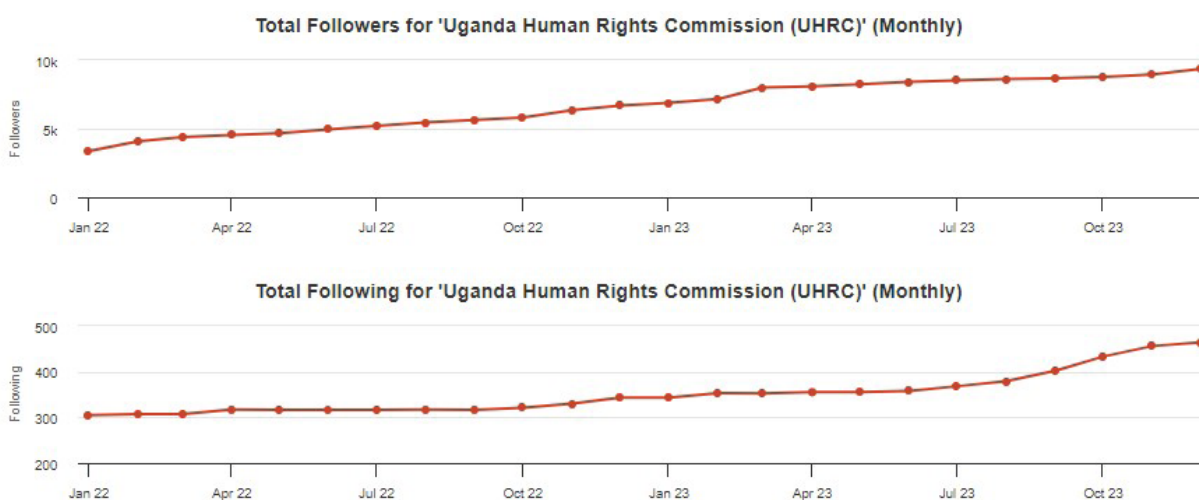
In the period under review the Unit Head, the then Public Affairs Manager Ms. Florence Munyirwa retired from Commission service and the Public Affairs Officer Mr Alex Bukumunhe was appointed in acting capacity.

11.5.4.1 Commission Social Media/Online Presence

To circumvent the challenges of a meagre budget, the unit took advantage of the growing influence of new media, particularly social media, to sustain its communications, thereby enhancing the Commission’s online presence. The Unit used the already available social media platforms like X (formerly twitter), Facebook, YouTube and the website to constantly update the general public, conduct civic education and share general knowledge/information about the Commission.

The Commission’s online presence progressively improved in the period, especially for the X platform. From January 2022 to December 2023 followers of the Commission account increased from 3,376 to 9,364. The Commission increased the number of people/organizations it follows from 305 to 464 and tweets increased from 1,673 in January 2022 to 3,483 tweets by December 2023 as shown in Figure 29 below.

Figure 29: Trends in the Commission’s presence/interaction on X



Source: https://socialblade.com/twitter/user/uhr_uganda/monthly and UHRC twitter account @UHRC_UGANDA

Between March and June 2023, the Commission published institutional messages that were shared on X and on the institutional website about its mandate. A total of 4,593 people were reached on X (twitter). Examples of the published messages on the establishment of the Commission and its role, as well as those expounding on human rights are shown below.



11.5.4.2 Announcements on change of address

The Unit designed and shared social media messages on the Commission’s change of address from Plot 22B Twed Plaza, Lumumba Avenue to its current premises on Plot 19, Rume Building, and Lumumba Avenue. The audio-visual messages, short animated videos and online banners were posted intermittently in the month of September 2023. This information reached a total of 1,393 people on X.

11.5.4.3 Commemoration of key Human Rights Days

The Commission commemorates annually key Days on the UN calendar and uses the occasion for advocacy for specific rights, to strengthen partnerships as well as create publicity for its activities and engagements. In line with tradition, the Unit organised the Commission’s commemoration activities of the World Press Freedom Day 2023 (May 3rd), the UN day in Support of Victims of Torture (June 26th) and the International Human Rights Day (December 10th).

i) World Press Freedom Day

The Commission joined partners including the Uganda Media Sector Working Group (UMSWG), the Media Council of Uganda, Makerere University, and African Center for Media Excellence (ACME) and the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) to organise two commemorative activities. A joint press conference was held at UBC grounds, during which a joint statement was issued on 2nd May 2023 and a half-day national Public Dialogue held at Golden Tulip Hotel on 3rd May. Member of the Commission Hon. Lamex Omara Apitta represented the Chairperson at UBC grounds flanked by fellow Members Hon. Shifra Lukwago and Hon. Col. Steven Basaliza as well as the Executive Director Uganda Broadcasting Corporation (UBC) Mr Winston Agaba, Chairperson Media Council Mr Paul Ekocho and ACME Communications Officer Mr Apollo Kakaire. A total of 1530 people were reached online (X platform) while the physical attendance was 180 people.



L-R Commissioner Hon. Basaliza, UBC MD Mr Winston Agaba, Chairperson Media Council Mr Ekochu, Commissioner Lamex Omara Apitta who chaired the press conference, Commissioner Hon. Shifra Lukwago and Mr Apollo Kakaire, the Communications Officer at ACME



Chairperson Hon. Wangadya (2nd L), members of the Commission and ACTV CEO Mr. Herbert Samuel Nsubuga (R) jointly addressing a press conference to commemorate the Anti-Torture Day 2023



UHRC Director Ruth Ssekindi (L) participating in a public Dialogue to Commemorate the World Press Freedom Day (WPFDD)



UHRC Chairperson Hon. Mariam Wangadya flagging off the Anti-torture Day football gala on June 24th, 2023

The Public Dialogue, was graced by the Minister for ICT and National Guidance Hon. Dr. Chris Baryomunsi as Chief Guest while the panel discussion was constituted by the UHRC Director Monitoring and Inspection Ms. Ruth Ssekindi, Dr. Adolf Mbaine of Makerere University, Dr. John Bosco Imokola and a representative from the American Bar Associates. The panel discussion was held under the theme: **“Protecting Freedom of Expression in Uganda as a Driver for all other Human Rights.”**

ii) The UN Day in Support of Torture Survivors

The Unit took lead in mobilising partners to participate in the three commemoration activities: A joint press conference at UHRC Headquarters on 20th June 2023, a Football Gala at Kitukutwe Community playground on 24th June 2023 and a National Public Dialogue on 26th June at Golf Course Hotel, Kampala.

The day, marked under the theme: **“Stop Torture, Rebuild Lives of Survivors for Sustainable Development”**, provided an opportunity to partly monitor

Government compliance with the United Nations Convention Against Torture (UNCAT); Articles 25 and 44 of the Constitution of Uganda on freedom from torture, cruel inhuman degrading treatment or punishment; as well as the Prevention and Prohibition of Torture Act, among other laws and obligations. The Joint Press Statement was issued by the Chairperson Hon. Mariam Wangadya flanked by Members of the Commission: Hon. Lamex Omara Apitta, Hon. Crispin Kaheru, Hon. Shifra Lukwago and the CEO ACTV Mr Samuel Herbert Nsubuga. It was widely circulated in both mainstream and social media.

The Chairperson kicked the ball to flag off the gala which was eventually won by a team of journalists who got the Anti-Torture Day trophy and medals. Other teams were the Torture Survivors Association, the Kitukutwe Brothers football team and one comprising UHRC and members of the Torture Coalition Against Torture. The Kikutukwe Brothers were the runners up while UHRC team came third. Through the gala it was possible to demonstrate that torture survivors can be rehabilitated and healed.

The public dialogue was attended by 520 people physically while 33,218 attended online. The panelists were UHRC Director M&I Ruth Ssekindi, Ms. Maureen Katushabe of the Uganda Police Force, Mr Moses Bagada of the Office of the Director of Public Prosecutions, Col. Deo Karikona of the UPDF and Ms. Aliyo Natukunda of Uganda Prisons Service.

iii) International Human Rights Day/UDHR@75

The Commission with support from GOU partnered with Avocats Sans Frontieres (ASF), GIZ Uganda, United Nations Population Fund, the African Centre for Treatment and Rehabilitation of Torture Victims and the Justice Access Point (JAP) to conduct a series of activities to mark the International Human Rights Day which also marked 75 years since the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR).

A joint press conference was held on 6th December, by the UHRC Chairperson Hon. Wangadya flanked by Mr Mohammad Ndifuna (ED JAP), Mr Nsubuga (CEO ACTV) and Ms. Faridah Komuhangi (Coordinator of Programmes at ASF), to announce and flag off commemoration activities. In addition, three community barazas were held for Mpigi fishing communities in three Sub-counties of Buwama, Nkozi and Kayabwe Town Council. They attracted 700 people who were physically registered and 427 on the UHRC X platform. Radio talk shows and a multi-stakeholder national public dialogue were also held. At least 138 participants (85 male and 53) female were registered to have physically attended the Public Dialogue and the Press Conference while a total of 2,955 people were engaged online (both YouTube and X). The Commission also produced IEC materials with support from UNFPA.

11.5.4.4 Online distribution of the 25th Annual Report

Given the limited hard copies of the annual report and the lack of budget to distribute it, the Commission engaged a videographer to make extracts of chapters of the report for online distribution during the launch. A total of 15 short videos were made and shared online on UHRC YouTube, Facebook, X and website. A quick sample from the X platform shows that the video reached a total of 4,172 people.

11.5.4.5 Media Stakeholder Engagements

The UHRC held three media stakeholder engagements with respective regional media associations. The meeting with Hoima Media Association was held in October 2023; that of the Teso Media Initiative for Development held on 2nd October 2023; and another with the Busoga Media Association (BUSOMA) on 26th October 2023. In all the three engagements, the leadership of the associations called for more such engagements to enable the Commission improve its visibility at the regions and receive exclusive reports which may not be brought by citizens.

All in all, inadequate finances remained a big challenge affecting procurement of tools both software and hardware including for video, photo editing and graphic design, and larger storage capacities as well as the human resources to sustain the growing presence online; boost posts and keep engaging so that more people can get signed on.

11.5.5 Policy And Planning Unit

11.5.5.1 Budgetary preparatory consultative meetings

Budgetary preparatory consultative meetings were held in 8 regional offices namely, Soroti, Mbarara, Moroto, Kabale, Hoima, Fort Portal, Central, Gulu plus the head office to identify and address the areas of focus, the human rights concerns in the respective regions, the issues to note for better implementation and budget performance for the regional offices. The findings informed budgeting for the various funding mechanisms for the ensuing FY 2023/2024.

11.5.5.2 Preparation of Budget Framework Paper, Ministerial Policy statement and mandatory Reporting frameworks.

The Commission in compliance with the Government planning and budgeting frameworks, prepared and submitted the Ministerial Policy Statement (MPS) for FY 2023/24 and Budget framework Paper for FY 2024/25 to Ministry of Finance, Planning and Economic Development as well as quarterly, bi annual and annual performance reports to GOU and the Governance and Security Programme Secretariat.

11.5.5.3 Annual Performance assessment Exercise

UHRC introduced the Annual Performance Assessment as one of the avenues through which service delivery is evaluated and later improved. The exercise is intended to promote good practice in administration, resource management, accountability and service delivery. It is also an additional vessel for the identification of UHRC functional capacity gaps and needs to serve as a major input in the institutional development/strengthening plans and strategies. The appraisal process takes stock annually of undertakings for addressing UHRC challenges as well as sustaining performance; incentivises best performance through rewarding good practices while restricting bad practices; and contributes to the general UHRC monitoring and evaluation (M&E) system.

Through this process, there will be improvement in the Commission's administration and management; planning and budgeting; and in systems of financial and procurement management; accountability and oversight. To this end, the first performance assessment for the FY 2021/2022 was done using agreed on indicators clustered under: Transparency Accountability and Oversight Requirements; Human Resource Management and Development; Financial Management and Reporting; Procurement & Disposal Management; and Programme Planning, Budgeting Implementation, Monitoring and Evaluation Capacity. The Commission management discussed the report of the findings and made recommendations for improvement in various functional areas.

11.5.6 Monitoring and evaluation

Mandatory quarterly monitoring and evaluation undertakings were carried out to assess the extent to which GOU-funded interventions like civic education programmes contributed to human rights awareness among the population. This was conducted in 8 out of 12 regional offices (Kabale, Mbarara, Soroti, Fort Portal, Hoima, Arua, Gulu and Jinja). Findings revealed that, majority of the service beneficiaries (62%) reported an improvement in the human rights situation in their communities due to human rights awareness and civic education campaigns carried out by the Commission.

“UHRC has been very handy during this period in my life, I was laid off by Elephant Plains Safari lodges without any pay during the Lockdown, and recently a friend told me of UHRC. I immediately called the UHRC Kasese field office and reported the matter. The UHRC officer requested me to go register my complaint at their office. Surprisingly a few weeks later, I was contacted by the manager of Plains Safari Lodges and fully paid my salary. Thank you UHRC for your timely intervention” said Mr James of Kikorongo Kasese district.

In addition, UHRC conducted joint monitoring and evaluation (M&E) of the EU SUPREME Project supported activities in Gulu and Arua regional offices. The project aims improving access to justice and safety of refugees and host communities in Northern Uganda. UHRC main focus area is increased knowledge of rights and obligations of refugees and host communities. The UHRC accomplishments established by the M&E mission included: A total of 101 (37 female and 65 male) members of the Refugee Welfare Committees from Terego, Yumbe, Koboko, Obongi, Madi-Okollo and Adjumani trained on human rights and prevention of sexual and gender-based violence; 173 male and 58 female frontline JLOS actors trained on human rights and the Human Rights Based Approach to service delivery; 89 police officers (70 male, 19 female) trained in human rights and refugee protection laws; as well as 10 baraza conducted in refugee settlement areas.

It was further established that from the UHRC sensitization and training campaigns, persons who lived in refugee settlement areas and host communities acquired knowledge on human rights and relevant country laws and were also empowered to demand for their rights as they fulfilled their responsibilities.

11.5.7 The Commission Accreditation

The Commission's 2023 accreditation by the Global Alliance for Human Rights Institutions (GANHRI), was deferred by the Sub Committee on Accreditation for 18 months. The accreditation certifies the National Human Rights Institutions from all over the world on compliance with international requirements for a fully functional national commission. The UHRC has for the last 4 rounds (2003, 2008, 2013, and 2018) been getting A-Status. This means it met the criteria set by the Paris Principles which

all NHRIs are supposed to comply with.

The Paris Principles require that a fully functioning NHRI has a abroad mandate based on universal human rights standards and competence; autonomy from Government; independence guaranteed by statute or constitution; pluralism including through membership and/or effective cooperation; adequate resources and adequate powers of investigation. The accreditation gives a successful NHRI full rights to participate as a voting member in international and regional fora of NHRIs; maintain observer status during the Universal Periodic Review (UPR) and make statements to the Human Rights Council.

11.5.8 General Challenges

- Dependency on donor funding for core activities. This was worsened by the closure of operations of major development partners to the Commission in Uganda. The Democratic Governance Facility (DGF) closed operations in 2021, while the MoU between the GOU and the UN Office of the High Commissioner for Human Rights (OHCHR) expired in 2023.
- The Commission is still one of the least-funded Government institutions in terms of activities, human resources and capital development.
- The salaries of the Commission staff remain grossly uncompetitive, hence high staff turnover which affects its capacity to effectively deliver on its core mandate of protecting and promoting human rights in the country.
- The Commission operates country-wide including in areas with bad terrain and hard-to-reach areas, yet it does not have a reliable and sound fleet.
- Funds for good quality repair and maintenance of the fleet are inadequate.

- Lack of speed boats to use on the islands where the Commission has the Buvuma and Kalangala Field Offices. The approach of hiring is not sustainable as it is costly and affects the timely implementation of activities.
- Lack of funds to strengthen the existing Regional Offices and open more regional and field offices to increase the reach of Commission services.
- The impending rationalisation exercise scheduled for June 2024 is affecting the morale, psyche and concentration of staff since there is no job security.

11.5.9 Recommendations

As previously recommended, The Ministry of Finance, Planning and Economic Development should make deliberate efforts to increase the Medium-Term Expenditure Framework (MTEF) to address the underfunding of the Commission to enable it to

- End donor dependency for core activities
- Pay competitive wages to staff
- Acquire at least 34 new vehicles, and maintain the existing fleet;
- Acquire speed boats for Buvuma and Kalangala Field Offices based on the islands.
- Budget and implement capital development by constructing own office premises for the Commission headquarters and regional offices and district /field offices
- Investment adequately in ICT for affordable internet of appropriate speed, equipment, software and apps to support service delivery.
- Invest in full digitalisation of the Commission to enable it keep up with the times and expand service delivery in view of the current dynamics of digital migration.

UHRC POSITION ON BILLS

12.0 INTRODUCTION

Uganda Human Rights Commission is a national human rights institution established under Article 51 of the Constitution of the Republic of Uganda. One of its core functions as provided for in Article 52(1) is to monitor Government's compliance with international treaty and convention obligations ratified by Uganda and make appropriate recommendations to Parliament on effective measures for the promotion of human rights.

The UHRC further has an obligation as a national human rights institution to review and analyse bills, laws and policies to ensure that they are in line with human rights standards and not in conflict with other existing laws. It is upon this basis that the UHRC reviewed and aimed at providing a human rights assessment of the following;

1. Employment (Amendment) (No 2) Bill, 2022
2. The Animal Feeds Bill, 2023

12.1 THE EMPLOYMENT (AMENDMENT) (NO 2) BILL, 2022

12.1.1 General Background of The Bill

The Bill provides for recruitment agencies and seeks to streamline the process of recruitment of employees for work abroad; further provide for severance allowances enabling workers to receive an allowance at the end of the employment relationship with the employer; child care and breastfeeding facilities at workplaces; requires all employers to put measures in place to prevent sexual harassment; dismissal from employment and termination of a contract of service so as to eliminate the ambiguity caused by using the two words in the Act interchangeably; introduces a new Part IXA on employment of migrant workers within Uganda and regulate which jobs may not be offered to non-citizens, and other related matters.

12.1.2 Positive Aspects of The Bill

The Bill has a number of positive aspects that not only regulate, but also present an opportunity to align the employment laws with international best practices, including the ILO Convention 190 and the UN Convention on Economic, Social and Cultural Rights. Below are some of the positive aspects to the Bill: -

i) Prohibition of Sexual Harassment in Employment

Clause 2 introduces an amendment to Section 7 of the Act and provides for every employer to put measures in place that prevent sexual harassment at the workplace.

The Commission notes that the current law only makes provisions for the definition of sexual harassment; the procedure for a complaint in case of sexual harassment at work; and the limit requirements for sexual harassment procedures to bosses with more than twenty-five (25) employees. The proposed Bill strengthens this provision by further prohibiting mistreatment, harassment and violence at the workplace and removal of the 25-employee limit. The Commission believes that the proposed amendment offers more protection to all workers by creating a general obligation to all employers, regardless of the number of employees.

ii) Nursing and working mothers

To make the work environment more accommodative for nursing and working mothers, through providing for child care and breastfeeding facilities for employees; The Bill in particular proposes that every employer must make available at the place of work; time, space and facilities for breastfeeding and childcare for employees' children between the ages of 3 months to 3 years. This is commendable because the Bill takes into account the natural maternal responsibilities of women as recognized under Article 33(3) of the Constitution of the Republic of Uganda.

iii) Labor Externalization

There has been an increase in the number of Ugandans travelling abroad for employment, especially in the Middle East over the last 10 years. The applicable labour externalization regulatory regime had however not adequately addressed the challenges in the trade.

Under the Bill, recruitment agencies are barred from locally recruiting labour for employment outside of Uganda unless licensed by the relevant authority. The recruitment agencies are also required to only recruit when there is a job order issued by the Commissioner responsible for employment services. The Bill further requires recruitment agencies to only recruit persons for employment abroad when the contract of employment provides for the right of the employee to be repatriated at the expense of the employer. The Commission finds these provisions in the Bill commendable, because they are intended to protect Ugandans from human rights abuses often faced abroad without the possibility of repatriation.

iv) Protection against unfair and wrongful dismissal

The Commission notes that the terms 'unfair' and 'wrongful' dismissal are also used interchangeably in the current law. The UHRC is happy to note that the Bill creates a clear distinction on both unfair and wrongful dismissals. The gist of this proposal is that it would be unfair dismissal where the employee is not dismissed within the parameters of the proposed law under section 65A, while it would be wrongful dismissal where the contractual due process is not adhered to in the dismissal process.

12.1.3 Human Rights Concerns on the Bill

i) Definition of the term disability

Clause 1 of the Bill amends section 2 of the principal Act which is the interpretation section by substituting the definition of "commissioner, disability, dismissal from employment and defines a "job order".

Recommendation: *The Uganda Human Rights Commission recommends that the definition of disability should be comprehensive and based on international standards and norms including the UN Convention on the Rights of Persons with Disabilities, which Uganda ratified in 2008, and ILO Convention 159. Under Article 27 of the UN Convention on the Rights of Persons with Disabilities, state parties must adopt measures that "recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible."*

This includes a right to reasonable accommodations in the workplace. Article 2 of the UN Convention on the rights of persons with disabilities defines "reasonable accommodation" to mean "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."

ii) Limitation of the powers and roles of a labour officer to handle labour related complaints

Clause 3 of the Bill amends section 13(1)(a) of the Principal Act by repealing the words “arbitration and adjudication”. Section 13(1)(a) of the Principal Act provides as follows; “A Labour officer to whom a complaint has been made under this Act shall have the power to investigate the complaint and any defence put forward to such a complaint and to settle or attempt to settle any complaint made by way of conciliation, arbitration, adjudication or such procedure as he or she thinks appropriate and acceptable to the parties to the complaint with the involvement of any labour union present at the place of work of the complainant”.

The UHRC notes that this amendment seeks to reduce the methods of settling a complaint before the labour officer to only by way of “Conciliation”. Conciliation is a “non-binding procedure in which an impartial third party assists the parties to a dispute in reaching a mutually agreed settlement of the dispute”. It is voluntary and parties have a choice to reject it. Limiting the powers of labour officers to only conciliation will increase a case backlog in the industrial court, which currently has two judges adjudicating all matters arising from labour officers in the whole country. This amendment would limit access to justice for workers and should be revised.

Further leaving this amendment as it stands in the current bill also means that the Labour (Disputes Settlement and Arbitration) Act will also have to be amended to provide for the new jurisdiction of the Industrial Court. Labour officers are courts of first instances according to the Principal Act, with decisions from them being appealed or referred to the Industrial Court.

Recommendation: - *The Uganda Human Rights Commission therefore recommends that Labour officers should remain with their current power as provided for in the Principal Act. They should only be empowered to use the said methods instead of limiting them.*

i) Prohibition of illicit movement of migrants for employment purposes

Clause 4 and 5 repeal sections 37 and 38 of the Principal Act. Section 37 of the Principal Act prohibits illicit or clandestine movement of migrants for employment for purposes of departing from, passing through or arriving in Uganda or giving assistance to any organisation for that purpose. It further prohibits a person from employing a person whom he or she knows to be unlawfully present in Uganda and a person who contravenes the same commits an offence.

Section 38 of the Principal Act provides for a recruitment permit. It prohibits any person or his or her agent or messengers from engaging in the business of operating a recruitment agency unless he or she is in possession of a valid recruiting permit issued by the Commissioner. The permit is to be issued subject to such terms and conditions as given by the Commissioner.

The said two repealed sections are replaced by new parts in the bill under clause 7 as follows;

PART 1V(A): Recruitment of Persons for Employment Abroad: This new part is created by clause 7 of the bill and provides for new sections highlighted below; a). S39A provides for illicit or concealed movement of persons. Section 39A(1) provides that a “ person shall not facilitate the illicit or concealed movement of persons for employment abroad by organizing the departure, transit or arrival of the persons in Uganda, or give assistance to any organisation for that purpose. Whereas section 39A (2) of the bill provides that; “an employer shall not employ a person whom he or she knows to be unlawfully present in Uganda”.

Recommendation: - *The Uganda Human Rights Commission notes that the words illicit or concealed movement if not defined may have ambiguous interpretations and therefore recommends that they are defined and also the term “person” under section 39A (1) should include a “company” as well for purposes of clarity.*

ii) Recruitment agency to carry out due diligence on the suitability of an employer

Clause 39F requires a recruitment agency to carry out due diligence on the suitability of an employer whom the recruitment agency intends to recruit for, prior to recruiting for the employer.

Recommendation: - *The UHRC recommends that this kind of due diligence that needs to be carried out by the recruitment agency needs to be defined or highlighted. There should be a non-exhaustive list of what constitutes due diligence on the part of the private recruitment agencies.*

iii) Recruitment agency obligated to orient an employee before deployment

PART IV(A) created by clause 7 and under clause (39G), a recruitment agency is required, before a person who intends to work abroad signs a contract of employment, to orient the person on the policies, procedures and terms and conditions of employment including the rights and duties under his or her contract of employment, prior to signing the contract of employment for employment abroad; ensure that the person who intends to be employed abroad is qualified for the job advertised; ensure that the contract of employment is not prohibited under the laws of Uganda and is in accordance with the laws of the country where the person is to be employed; assume full responsibility for all claims which may arise in connection with the use of the licence of the agency; and keep and maintain a record of all persons recruited through the recruitment agency, including names and addresses, contracts of employment, bio data and passport-size photographs.

Recommendation:- *The Uganda Human Rights Commission recommends that recruitment agencies should be obligated to orient the person on their legal rights in the country of destination, including with respect to labour rights and violations of the terms of the contract, as well as where to go to report complaints. Orientation materials should be presented in a clear, straightforward manner in a language the person understands. Recruiters should also be prohibited from keeping any original identification documents, including passports or visas, or other original personal or official documentation of the employee.*

iv) Migrant workers

Clause 24 inserts a new Part IXA of the principal Act and it provides for employment of migrant workers in Uganda. The same clause empowers the Minister by notice in the gazette to declare a range of jobs that migrant workers shall not be offered for employment. The clause prohibits the National Citizenship and Immigration Board from issuing an entry permit to a migrant worker who is offered a job declared by the Minister under Section 92b, except where the migrant workers possesses an exemption certificate issued by the Commissioner responsible for employment services.

Recommendation: - *The Uganda Human Rights Commission recommends that this provision in the Bill should not only focus on limiting the categories of jobs offered to migrant workers but it should also include clauses that provide for protection and promotion of migrant workers' rights among others.*

12.1.4 Conclusion

The Bill seeks to prevent the exploitation and abuse of various categories of employees and ensures that employment laws are up to date with international labour laws and standards. The proposed amendments to Uganda's Employment Act after 17 years of implementation not only seeks to rectify some of the defects identified in the law, but also provide an update in the law to ensure it remains relevant and effective in meeting the aspirations of both employees and employers. The Bill is therefore a welcome move to protect these categories of workers, which is greatly commendable.

12.2 THE ANIMAL FEEDS BILL, 2023

12.2.1 General Background of the Bill

The Bill seeks to provide a legislative framework for the operationalization of the animal feeds policy by regulating production, importation and exportation and marketing of animal feeds by establishing a committee to regulate the production, importation, exportation and marketing of animal feeds.

12.2.2 Positive Aspects of The Bill

The Bill has several positive aspects that not only regulate but also present an opportunity to promote the production of safe and nutritious animal feeds and protect consumers from the dangers of contaminated or adulterated feeds. The UHRC believes that it is important that the animal feed industry is well regulated, to safeguard the quality of animal feeds in the country thus contributing to improved animal productivity, health, and welfare through improved nutrition. The Commission, therefore, notes the following positive aspects.

i) Establishment of the animal feeds committee

Clause 23 of the Bill introduces the much-needed legal framework, paving way for safer and more nutritious animal feeds. Through the establishment of the Animal Feeds Committee, the Bill introduces in regulations for importing, exporting, and labelling animal feeds. These measures are poised to enhance feed quality, ultimately improving animal health and productivity.

Generally, the Animal Feeds Bill, 2023 is anticipated to make significant strides in enhancing animal health and productivity, fortifying food security, fostering economic growth, and safeguarding consumer interests.

ii) Safeguarding provision of safe and nutritious food for human consumption

Like many laws and bills, the Animal Feeds Bill also has potential positive impacts on human rights. It makes provisions to ensure safe and nutritious food for human consumption through regulating the manufacture, importation, sale, and use of animal feeds. This will help to prevent the spread or transmission of diseases from animals to humans through contaminated feeds.³⁸¹

iii) Right to appeal

Clause 34 of the Bill creates a right of appeal against decisions of the Committee to the Minister. It gives the procedure, timelines and when decisions of appeal are to be made.³⁸² The UHRC believes that this will help in regulation, oversight and addressing or remedying any abuse of discretionary powers.

12.2.3 Human Rights Concerns on the Bill

iv) Definition of key terms

The Bill under clause 2 does not define important terms such as the meaning of person, licence, corporation, applicant, premises, storage, producer, seller, importer, exporter, transporter, storage, tampering, adulteration, contamination, feed ingredient, among others. The terms are generally used yet they have significant implications as manifested in clause 10,12(4),16(4) ,24(2).

Recommendation: *The Uganda Human Rights Commission notes that undefined terms may create ambiguity in the proposed bill and therefore recommend that the terms are thoroughly defined in the interpretation section of the Bill.*

³⁸¹ Clauses 13-22 of the Bill

³⁸² Clause 34

v) Restrictive definition of animal feed.

Clause 2 of the Bill defines animal feeds as any plant, material, single or multiple whether processes, semi-processed or raw, which is intended to be fed directly to animals, except bees. The Commission notes that the clause is restrictive in nature since sometimes feeds are not from only plant material.

Recommendation: *The Commission recommends that the definition of ‘animal feeds’ should be stated as material (single or multiple), whether processed, semi-processed or raw, which is intended to be fed directly to animals (except bees).*³⁸³

vi) Scope limitation

Clause 1(a) provides that the Bill is intended to cater for animal feeds produced in Uganda for commercial purposes, for sale to the public, and the storage and transportation of such animal feeds. The current scope applies solely to commercially-produced animal feeds but excludes a substantial segment of small-scale producers within the industry. This omission raises fairness concerns, as these producers form a significant part of the sector. The Commission notes that this exclusion might compromise the effectiveness of the regulations, leaving gaps in oversight and standards across the entire feed production landscape.

Recommendation: *The Commission recommends that the scope of the Bill be expanded to include small-scale producers. Expanding the scope of the Bill to include small-scale producers would promote fairness and the effectiveness of regulation.*

vii) Need to provide a criterion for issue and denial of the certificate of registration of premises:

Clauses 3, 8, 9, 10, 11, and 12 vest powers in the committee to license production, storage, transportation, and sale of animal feeds; renew a license, revoke a license, issue an import permit, and issue a sanitary certificate respectively. If the rules do not guide the criterion for issue and denial of the application in either case, then the discretion is likely to be abused.

Recommendation: *The Uganda Human Rights Commission recommends that there should be clear regulations detailing the process of application of all types of permits and certificates under the Bill. Clear requirements for qualification for such a grant should be expressly given. This will limit abuse by leaving the discretion to the committee to determine whom to grant and reject without known criteria followed.*

viii) Qualification for animal feeds committee members

Clause 23 of the Bill provides for the establishment and composition of the Animal Feeds Committee. The Commission notes that the structure and composition of the Animal Feeds Committee, tasked with overseeing the industry, raise questions about transparency and representativeness. The absence of diverse stakeholder representation within this committee could limit its ability to consider and address the varied needs and perspectives across the industry. This could lead to decisions that lack holistic insights and fail to consider the interests of all involved parties.

Recommendation: *Uganda Human Rights Commission recommends that the Bill should provide for qualifications of the committee members and also expand stakeholder representation on the committee to enhance public participation in the development and implementation of the regulations.*

383 OIE Terrestrial animal health code 2021

i) Lack of clarity on refusal to register

The Bill does not clearly state how an applicant can be denied registration and the grounds for the denial. It is important to empower the committee and for applicants to know the criteria and grounds used to deny registration so as to promote transparency and prevent potential abuse.

Recommendation: *Uganda Human Rights Commission recommends that for clarity, transparency and to prevent potential abuse of power by the committee, the Bill should introduce a new clause that spells out grounds for refusal of registration to read as follows; The committee may refuse to register an applicant for registration if; (a) The application is defective and does not follow the requirements; (b) The applicant has not paid the prescribed fees; (c) The physical plans and proposed infrastructure do not meet the required standards (d) The applicant does not have the required capacity or standards as may be set out by the minister through regulations.*

ii) Alteration of premises

Clause 5 provides for the alteration of premises where a license holder is not allowed to alter premises that have been licensed. The Commission notes the Bill does not clearly define what would amount to alteration of premises.

Recommendation: *Uganda Human Rights Commission recommends that the Bill should provide for a definition of alteration of premises. We also recommend that such alternations should be limited to major changes and that minor changes should not be covered since the actual plans and layout would have been provided at application and approved as part of the registration requirement.*

iii) Suspension of the certificate of registration

The Commission notes that whereas clause 6 is an important clause on suspension, it should have clarity on the length of the suspension and similarly provide for a fair hearing before a certificate is suspended.

Recommendation: *Uganda Human Rights Commission recommends that for clarity purposes the Bill should provide for the duration of the suspension. Then, once a person exceeds the time of suspension, a certificate can be revoked under **clause 7 of the Bill**.*

iv) Revocation of certificate of registration

The Commission notes that whereas clause 7 is an important provision, it does not provide for grounds under which a certificate can be revoked.

Recommendation: *Uganda Human Rights Commission recommends that the Bill should provide for clear grounds under which a certificate of registration can be revoked. This will provide clarity to the implementers of the Bill and the certificate holders on criteria for revocation.*

v) Regulated additives

Clause 14 provides that a person who produces animal feeds may use animal feeds additives in the production of animal feed. The Commission notes that the clause regulating additives in animal feed is very important, however, the bill does not define what additives are. This could potentially result in abuse or cause ambiguity.

Recommendation: *The Uganda Human Rights Commission recommends that for clarity purposes the following should be added to the Bill:-*

- a) *Meaning of additives should be well-defined.*
- b) *The Bill should provide for the process of certification and approval of feed additives to ensure that only proven additives are provided for.*
- c) *The Bill should provide for the prohibition of items that shall not be allowed or used as additives. The Bill should have standards for the protection of animal health, human health, the environment, and other factors.*
- d) *Furthermore, the Commission notes that in order to ensure that all additives added are safe for human and animal health, a new sub-clause prohibiting the use of antibiotics, coccidiostats, and other materials be added to read as follows (5) Antibiotics, other than coccidiostats or histomonostats, shall not be authorized as feed additives.*

i) Contaminants in animal feeds

Clause 15 provides for prohibited contaminants and lays down examples of some prohibited scientific words for the contaminants. The Bill however does not define the terms used which makes it difficult for the law enforcers and the subjects of the law to understand exactly what is prohibited

Recommendation: *The Uganda Human Rights Commission recommends that for clarity purposes the Bill should define the terms salmonella, mycotoxins, and dioxins used in clause 15(2).*

ii) Animal feeds quality control laboratory

Clause 18, provides that a person who intends to produce animal feeds shall establish and maintain a feed quality control laboratory approved by the committee or have proof of access to one. The Commission notes that whereas this is a good requirement, it might be difficult to implement, especially for medium and small-scale producers and those who use locally sourced materials.

Recommendation: *Uganda Human Rights Commission recommends that license holders be permitted to outsource laboratory services and where services have been outsourced, the committee should approve the laboratory. More so, in the event that a person does not have a laboratory, every batch must be tested and records of the tests should be available for inspection.*

iii) New clause to provide for qualification for animal nutritionist or chemist

The Commission notes that whereas clause 18(2) refers to an animal nutritionist or a chemist who should be available at the animal feed processing lab or plant, the bill is not clear on what qualifications they should have. This may give rise to the possibility of unqualified persons being considered as animal nutritionists or chemists.

Recommendation: *Uganda Human Rights Commission recommends that new sub-clauses 5 and 6, be introduced to provide for qualifications of the animal nutritionists and chemists. This could read as follows: -*

- a) *(5) “for purposes of this Act, an animal nutritionist shall be a person qualified in animal nutrition with a University Degree or post graduate study specialising in animal nutrition.”*
- b) *Introduce a new sub-clause (6) to read as follows (6) “For purposes of this Act, a Chemist shall be a person qualified with a degree or similar postgraduate qualification in pharmacy, or veterinary medicine.*

iii) Provision of basic standards for labelling

The Commission notes that whereas Clause 21 provisions on labeling are important, the Bill does not set the basic standards that relate to labeling.

Recommendation: *Uganda Human Rights Commission recommends that the Bill should provide for standards that should be on the label such as the license number under which the product is being produced, sold, or marketed, the batch number of the product, the date of manufacture of the feed, the date of expiry of the feed, nutrition value and any other information, as the Minister may, by regulation, prescribe.*

iv) Qualification for an animal feed analyst

Clause 30 provides for an animal feed analyst. However, the Commission notes that the clause does not provide for the qualifications of the analyst.

Recommendation: *The Uganda Human Rights Commission recommends that the bill should provide for a sub-clause on the qualification of **an** animal feeds analyst.*

v) Title of the Bill

The Commission notes that the title 'Animal Feeds Bill' may be misunderstood to mean that the Bill only deals with plural feeds and not feed. In order to ensure clarity, the Commission proposes the use of singular instead of plural "feeds" to remove the ambiguity that may come with the use of plural "feeds".

Recommendation: *The Uganda Human Rights Commission recommends that the title of the Bill be changed to read "Animal Feed Bill, 2023.*

12.2.4 Conclusion

The Animal Feeds Bill, 2023 has the potential to make significant improvements to the animal feed industry in Uganda. However, addressing the concerns and implementing the recommendations outlined above are crucial for ensuring its effectiveness and promoting positive outcomes for animal health, food security, and human well-being.

■ UPDATES ON UGANDA'S REPORTING TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES

13.0 INTRODUCTION

Uganda's commitment to the advancement and protection of human rights is heightened by her past history that was characterized by rampant violations of human rights and therefore as a safeguard to the promotion and protection of all human rights of its citizens and to avoid the recurrence of bad experiences, Uganda became a member of the United Nations and the African Union (AU) on 25 October 1962, the same year it attained independence. On 25th May 1963, Uganda joined the regional mechanism-AU subsequently committing herself to the promotion and protection of human rights³⁸⁴ This commitment came with periodic reporting obligations that Uganda has since embraced through the ratification of the core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, CEDAW and the CRC among others as illustrated in Table 45. Moreover being a dual state, Uganda also committed herself to the domestication of the treaties and conventions ratified and to put in place national mechanisms to enhance the implementation of the provisions contained in the treaties and conventions.

Uganda Human Rights Commission is one such mechanism at the national level that spearheads the protection and protection of human rights in the country. The UHRC's mandate under Article 52(1) (h) of the 1995 Constitution as amended is among others to, monitor Government's compliance with international and regional treaties and conventions obligations on human rights that have been ratified and to make recommendations to enhance the enjoyment of human rights in the country.

In line with that, UHRC monitored Government's compliance with the international and regional treaty and convention obligations on human rights in 2023. The chapter therefore, presents updates on the new ratification efforts of the core conventions and treaties, assess the level of domestication of the treaties and conventions ratified specifically focusing on CRPD and progress made in fulfilling the voluntary pledges. It also presents an update on the status of submission of reports to the treaty bodies in 2023, highlights special procedure mandate and Uganda's level of adherence to the obligations under them and suggests appropriate recommendations.

13.1 RATIFICATION PROCESS IN UGANDA

Ratification of a treaty which could also mean the "acceptance", "approval" and "accession" is the state's consent to be bound by a treaty. In Uganda, Article 123(2) of the 1995 Constitution states that, Parliament shall make laws to govern ratification of treaties, conventions, agreements or other arrangements made under clause (1) of this Article thereby guiding the legislative arm of Government on its role. Other legis-

384 State parties to the African Charter "Ratification table" available at <https://achpr.au.int/en/taxonomy/term/287> (accessed on 16 Feb 2024)

lative instruments include the Ratification of Treaties Act Cap 204 (Laws of Uganda), passed by Parliament in 1998. The Act defines a treaty to include a convention, agreement or other arrangement made under Article 123(1) of the Constitution. In line with that definition therefore, Table 45 presents the status of ratification of the treaties and conventions at the international and regional levels.

Table 45: Ratification Status for Uganda as at December 2023

| TREATY | SIGNATURE DATE | RATIFICATION DATE,ACCESSION A(SUCCESSION (D) DATE | DENUNCIATION DATE |
|---|---------------------------|---|-------------------|
| CAT - Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | | 03 rd Nov 1986 (a) | |
| CAT-OP - Optional Protocol of the Convention Against Torture | | | |
| ICCPR - International Covenant on Civil and Political Rights | | 21 st Jun 1995 (a) | |
| ICCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty | | | |
| CED – the International Convention for the Protection of All Persons from Enforced Disappearance | 06 Feb 2007 | | |
| CED, Art.32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance | | | |
| CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women | | 22 nd Jul 1985 | |
| CERD – International Convention on the Elimination of All Forms of Racial Discrimination | 30 th Jul 1980 | 21 st Nov 1980 (a) | |
| ICESCR – International Covenant on Economic, Social and Cultural Rights | | 21 st Jan 1987 (a) | |
| CMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | | 14 th Nov 1995 (a) | |
| CRC – Convention on the Rights of the Child | 17 th Aug 1990 | 17 th Aug 1990 | |
| CRC-OP-AC – Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | | 06 th May 2002 (a) | |
| CRC-OP-SC – Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | | 30 th Nov 2001 (a) | |
| CRPD - Convention on the Rights of Persons with Disabilities | 30 th Mar 2007 | 25 th Sep 2008 | |

| TREATY | SIGNATURE DATE | RATIFICATION DATE, ACCESSION A(SUCCESSION (D) DATE | DENUNCIATION DATE |
|---|--|--|-------------------|
| Optional Protocol to the CRPD on Individual complaints procedure | | 25 th Sep 2008 | |
| Articles 6-7 on inquiry procedure under the CRPD | | 25 th Sep 2008 | |
| 9 FUNDAMENTAL ILO CONVENTIONS | | | |
| Forced Labour Convention, 1930 (No. 29) | | 4 th June 1963 | |
| Freedom of Association and Protection of the right to organise Convention, 1948 (No. 87) | | 2 nd June 2005 | |
| Right to Organise and Collective Bargaining Convention, 1949 (No. 98) | | 4 th June 1963 | |
| Equal Remuneration Convention, 1951 (No. 100 | | 2 nd June 2005 | |
| Abolition of Forced Labour Convention, 1957 (No. 105) | | 4 th June 1963 | |
| Discrimination (Employment and Occupation) Convention, 1958 (No. 111) | | 2 nd June 2005 | |
| Minimum Age Convention, 1973 (No. 138) ³⁸⁵ Minimum age specified: 14 years, | | 25 th March 2003 | |
| Worst Forms of Child Labour Convention, 1999 (No. 182) | | 2001 | |
| THE AFRICAN UNION INSTRUMENTS | | | |
| The African Charter on Human and People's Rights (Banjul Charter) | | 10 th May 1986 | |
| The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) | | 22 nd July 2010 | |
| The African Charter on the Rights and Welfare of the Child (ACRWC) | | 17 th August 1994 | |
| Protocol to the African Charter on Human and Peoples' Rights on the Establishment of African Court on Human and Peoples' Rights | | 16 th Feb 2001 | |
| Protocol to the African Charter on Human and Peoples Rights on the rights of older persons. | Was adopted by Au member states on 31 st Jan 2016 | | |
| The World Trade Organization Trade Facilitation Agreement | | 28 th May 2018 | |

385 25 Mar 2003

| TREATY | SIGNATURE DATE | RATIFICATION DATE,ACCESSION A(SUCCESSION (D) DATE | DENUNCIATION DATE |
|---|----------------|---|-------------------|
| The Common Market for Eastern and Southern Africa-East Africa Community – Southern Community Free Trade Area Agreement | | 22 nd August 2017 | |
| The International Civil Aviation Organization Conventions and Protocols | | 5 th June, 2017 | |
| The East African Community Protocol on the Privileges and Immunities of the East African Community | | 21 st July 2018 | |
| Agreement for the Establishment of the East African Standby Force | | 4 TH February 2018 | |
| The Protocol on the Amendment to the Statute of the African Court of Justice and Human Rights | | 9 ^h March, 2018 | |
| The Kigali Protocol to the Montreal Protocol on Substances that Deplete the O-zone layer | | 23 rd August, 2018 | |
| Agreement for the Establishment of the International Anti-Corruption Academy | | 10 th November 2017 | |
| Agreement for the Establishment of the African Charter on Statistics | | 11 th October 2017 | |
| Agreement for the establishment of the East African Community Protocol on Cooperation in Defence Affairs- | | 19 th November 2018 | |
| The Agreement Establishing the African Continental Free Trade Area – 20th November 2018 | | 20 th November,2018 | |

As illustrated in the table above, there were no new treaties ratified in the period. It is over five years that Uganda last ratified a treaty.³⁸⁶

386 UN Treaty body data base available at https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN (accessed on 15th Feb 2024).

13.2 DOMESTICATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRDP)

Uganda signed and ratified CRPD in 2007 and 2008 respectively. Being a dualist State, it also means that all international treaties and conventions that have been ratified should be domesticated through the legislative & policy and through establishment of institutional frameworks to ensure actual implementation. As was done in the 25th annual report (2022) when the section focused on assessing the level of domestication of ICCPR, in 2023, the focus is on the domestication of CRPD. This section therefore assess the extent of incorporating CRPD provisions into national laws, policies and institutional frameworks to ensure actual implementation to realize the enjoyment of the human rights it protects. The assessment is therefore illustrated in Table 46 below;

Table 46: Some of the domesticated CRPD provisions in Uganda

| ARTICLES | STATUS OF DOMESTICATION |
|---|---|
| <p>Article 1: states the purpose of the convention to include; to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.</p> <p>It also defines Persons with disabilities to include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.</p> | <p>This provision is domesticated in both legal, policy and institutional frameworks of;</p> <ul style="list-style-type: none"> • The 1995 Constitution of the Republic of Uganda under the National Objectives and Directive Principles of State Policy XV1 that recognizes the Rights of PWDs to respect and dignity. • Art 32(2) prohibits laws, cultures, customs and traditions that are against the dignity, welfare or interest of marginalized groups that include PWDs. • Article 35(1) which stipulates the right to respect and human dignity of PWDs and the need for the state and society to take appropriate measures to ensure PWDs realize their full mental and physical potential. • Article 35(2) mandates Parliament to enact appropriate laws for the protection of PWDs. • The PWDs Act 2020 that ensures legal protection and equal opportunities for persons with disabilities, emphasizing a rights-based approach to disability. • The institutional frameworks include; the National Council for Disability, Equal Opportunities Commission, Uganda Human Rights Commission. • Department of Disability and Elderly, in Ministry of Gender, Labour and Social Development, implements functions and mandates that protect and promote the rights of PWDs. • The Ministry of Education and Sports has a Department of Special Needs Education and Career Guidance with 14 staff positions headed by a Commissioner. • The Ministry of Health has a Disability Prevention and Rehabilitation section. • All Ministries are responsible for mainstreaming of disability in all their activities.³⁸⁷ |

387 Uganda's initial status report 2010 to the UN convention on the rights of persons with disability page 8.

- In 2004, the UHRC also established a Vulnerable Persons' Unit to address issues raised by vulnerable groups – including people with disabilities. The issues raised by people with disabilities for the attention of the Commission, centering on education, transport, employment and accessibility to basic services. All these are mechanisms whose sole purpose is to protect the rights of PWDs and to ensure that they fully realize and enjoy their rights.
- Other domestic strategies to enhance protection include: The National Planning Authority's (NPA) Second and Third National Development Plans and the Ministry of Gender's Social Development Sector Plan. For example, the NDP/II committed to design, implement and follow up the integration of human rights and disability responsive policies, while the Social Development Sector Plan committed to enhancing community-based implementation.
- Rehabilitation for children with disabilities and improving access to disability grants for persons with disabilities.
- This definition is fully captured in the PWD Act 2020 to mean a substantial functional limitation of a person's daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation in society on equal basis with others.
- The PWDs Act 2020, does provide broad definitions of PWDs and expands to include communication in terms of languages and assistive devices among others in the Part 1-(Preliminary):

Article 2: definitions; For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3 General Principles; the principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4 General obligations; States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

- Objective XVI of the Constitution provides for respect for dignity.
- The PWD Act, 2020 caters for all the principles in sections II and III
- Art 21 of the Constitution prohibits discrimination
- EOC Act 2007 provides for equality of opportunities
- Objective VI of the Constitution on gender balance
- Art 33 of the Constitution provides for Equality of men and women
- Article 35(2) mandates Parliament to enact appropriate laws for the protection of PWDs
- Article 35(1) of the 1995 Constitution of the Republic of Uganda which stipulates the right to respect and human dignity of PWDs and the need for the state and society to take appropriate measures to ensure PWDs realize their full mental and physical potential
- Art 32(2) that prohibits laws, cultures, customs and traditions that are against the dignity, welfare or interest of marginalized groups- they include PWDs
- Article 32(1) that provides for affirmative action for marginalized groups that include PWDs.
- In 2004, the UHRC established a Vulnerable Persons’ Unit to address issues raised by vulnerable groups – including people with disabilities.
- And the issues normally raised by people with disabilities for the attention of the commission center on education, transport, employment and accessibility to basic services.

- e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- h) To provide accessible information to persons with disabilities about mobility aids devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- 1) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

- Objective XX1V(c) on Development of Sign Language for the deaf with Uganda being among the first in the world to recognize sign language in it's Constitution.
- Modules on disability are included in training for professionals- including health workers.³⁸⁸
- The PWDs Act 2020, section II sub section 15.
- Article 32(1) that provides for affirmative action for marginalized groups that include PWDs.
- In 2004, the UHRC established a Vulnerable Persons' Unit to address issues raised by vulnerable groups – including people with disabilities.
- And the issues normally raised by people with disabilities for the attention of the commission center on education, transport, employment and accessibility to basic services.
- Objective XX1V(c) on Development of Sign Language for the deaf with Uganda being among the first in the world to recognize sign language in it's Constitution.
- Modules on disability are included in training for professionals- including health workers.³⁸⁹
- The PWDs Act 2020, section II sub section 15.
- The National Council for Disability Act (No. 14), 2003, monitors and evaluates the rights of persons with disabilities as set out in international conventions and legal instruments like the Constitution and other laws.

388 N (4) above page 10

389 N (4) above page 10

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

- The consultative mechanisms (organization) include; The National Union of Disabled Persons of Uganda (NUDIPU), a national umbrella organization-
- Made up of disability associations, NUDIPU is frequently consulted by the Government on matters related to disability.

The National Union of Women with Disabilities of Uganda (NUWODU). NUWODU is one of-

- The first organization in East and Southern African run by and for women with disabilities. It provides leadership and training for emerging women's organization in other countries and focuses on economic development projects.³⁹⁰

Article 5 Equality and Non Discrimination; States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

- The Constitution of Uganda, 1995 in Article 21 prohibits discrimination.
- The PWDs Act, 2020 in part (section) II also prohibits discrimination against PWDs.
- And allows an employer with employees with disabilities a deduction of up to ten percent on the chargeable income, as may be provided for by the Income Tax Act.
- The revised National Policy on persons with Disabilities, 2023 that addresses two issues of vulnerability and exclusion for PWDs by providing the needed guidance on disability inclusion across the entire development spectrum and among stakeholders from national to household levels.
- The Equal Opportunity's Act, 2007, and the Employment Act (No. 6), 2006 both prohibit discrimination of PWDs in employment based on disability.

³⁹⁰ as above

Article 6 Women with Disability: States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

State Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

- Objective Vi of the 1995 Constitution provides for gender balance and fair representation of marginalized groups who include PWDs on all constitutional and other bodies.
- Article 21 of the Constitution forbids discrimination including on the grounds of sex and disability.
- Article 32 provides for affirmative action in favor of marginalized groups on the basis of gender and disability with the purpose of redressing imbalances which exist against them.
- Article 33 recognizes the equal dignity of women with men and their right to equal treatment, establishes the State's duty to contribute to women's potential and empowerment and recognizes women's right to affirmative action.³⁹¹
- The amendment in 2005 emphasised, that laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or any other marginalised group or which undermines their status, are prohibited by this Constitution.
- In the field of political participation, both the 1997 Local Government Act and the 2001 Parliamentary Elections Act reserve seats for women with disabilities.³⁹²
- Article 33 recognizes the equal dignity of women with men and their right to equal treatment, establishes the State's duty to contribute to women's potential and empowerment and recognizes women's right to affirmative action.³⁹³
- The amendment in 2005 emphasised, that laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or any other marginalised group or which undermines their status, are prohibited by this Constitution.
- In the field of political participation, both the 1997 Local Government Act and the 2001 Parliamentary Elections Act reserve seats for women with disabilities.³⁹⁴

391. Constitution, Article 33 "Rights of women" "(1) Women shall be accorded full and equal dignity of the person with men. (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (5) Without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom. (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.

392. one of the two seats reserved for persons with disabilities at local Government level and one of the five seats reserved in Parliament for representatives of PWDs, respectively

393. Constitution, Article 33 "Rights of women" "(1) Women shall be accorded full and equal dignity of the person with men. (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (5) Without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom. (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.

394. one of the two seats reserved for persons with disabilities at local Government level and one of the five seats reserved in Parliament for representatives of PWDs, respectively

- In addition, the PWD Act refers to the need to pay particular attention to the “requirements of the girl child in rural areas”³⁹⁵ and establishes the duty of Government to promote access to “health services which are relevant to women with disabilities”.
- The PWD Act reinforces the right of a person with a disability (thus includes women with disabilities) to “experience his or her sexuality and to have sexual and other intimate relationships”.

Article 7. Children with Disability. State Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8 Awareness Raising- States Parties undertake to adopt immediate, effective and appropriate measures:

- To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- To promote awareness of the capabilities and contributions of persons with disabilities

2. Measures to this end include:

- Initiating and maintaining effective public awareness campaigns designed:
 - To nurture receptiveness to the rights of persons with disabilities;
 - To promote positive perceptions and greater social awareness towards persons with disabilities;

- At the first level, they are protected from discrimination under 21 of the Constitution as well as the provisions in the PWD Act, 2020 which protect all PWDs (including children) from discrimination in the areas of education³⁹⁶, health as well as access to goods, services and facilities
- The Children (Amendment) Act 2016, the National Action Plan for Children with disabilities 2016/17-2020/21.
- The National Council for Children and UHRC both address concerns of children with disabilities.
- The Universal Primary Education Act makes it financially possible for families to send their disabled children to school by providing for free primary education for all including disabled children.

- The PWD Act in section III establishes the National Council for PWDs and stipulates functions which among others include advocacy and awareness raising to alleviate blindness by raising awareness on the prevention, early detection and treatment of eye diseases to promote the welfare of the persons with visual disability; and advocate for the education, training and employment of persons with visual disability;
- The existence of institutions such as UHRC, Equal Opportunities Commission established by the Constitution to carry out many functions among which include awareness raising on human rights, duties and responsibilities of citizens and on the various provisions of the Constitution including on those that protect and promote the rights of PWDs.

³⁹⁵ PWD Act,
³⁹⁶ Sections 2 and 3

- iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9. Accessibility -To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

- Government ministries, the National Council for Disabilities, Disabled Persons Organisations and NGOs have been using information materials, media and training workshops to sensitize their staff and the general public on the different disability legislations and programmes. Modules on disability are included in trainings for professionals including health workers.³⁹⁷

- Objective XX1V(c) of the Constitution of Uganda 1995 on Development of Sign Language for the deaf.
- The PWDs Act in section II provides for access for PWDs to arrange of public goods and services that include; buildings, transport means, commercial services among others.
- The State has taken effort to ensure reasonable accommodation through modification of new public building designs to ensure easy access by persons with disabilities. This practice has been adopted by local governments as well in the awarding of tenders for the construction of public buildings.³⁹⁸
- A number of local governments have rumps in public schools and health centres.
- Government has also made provisions to ensure that students with disabilities in public universities who need extra support have guides (particularly for blind students and students in wheel chairs). And the use of sign language interpreters in public dialogues and public media like TVs.

397 Source , Uganda's initial report 2010 to the UNCRPD.

398 As above

- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 1.1 Situation of Risk and Humanitarian Emergencies, States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

- Article 35 of the Constitution prohibits discrimination against persons with disabilities. This prohibition logically extends to situations of risk including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.
- Uganda was also one of the first countries in the region to become party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Uganda Launched the National Mine Action Programme (NMAP) in July 2005 with overall responsibility under the Office of the Prime Minister (OPM) to address cross-cutting issues and develop an integrated approach for all thirteen (13) districts known to be affected by landmines and explosive remnants of war (ERW). In 2008, the Government launched the first comprehensive plan on victims' assistance intended to address the rights and needs of land mine survivors, enable the Government to establish a framework of rapid response to support landmine survivors, other persons with disabilities and older persons who are in emergency and conflict situations to enable them participate and re-integrate into the development process and raise awareness on Uganda's obligations.
- Article 35 of the Constitution prohibits discrimination against persons with disabilities. This prohibition logically extends to situations of risk including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

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- The plan of action is premised on the thematic areas as agreed by the states parties, including understanding the extent of the challenges faced for example through appropriate data collection; Emergency and continuing medical care; Physical rehabilitation, including physiotherapy, prosthetics and assistive devices; Psychological support and social reintegration; Economic reintegration; and, The establishment, enforcement and implementation of relevant laws and public policies.³⁹⁹
- This right is protected under Article 21 of the 1995 Constitution.
- The amendment of the Mental Health Act, took into consideration the presumption of capacity of PWDS, including capacity to act, on an equal basis with others.

Article 12; Equal recognition before the law. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13; Access to Justice; States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

- Article 21 of the 1995 Constitution provides that all persons are equal before and under the law and Article 28 of the Constitution protects the right to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.
- The PWDs Act 2020 section II sub section 15 does the same.
- Article 28(3) of the Constitution provides that anyone charged with a criminal offence shall be presumed innocent until proven guilty.
- Article 44 of the Constitution guarantees the right to a fair hearing as one of the absolute rights.
- The rights of the accused are also provided in other laws that Uganda has domesticated including: the Magistrates Courts Act, Cap 16; the Trial on Indictment Act, Cap 23; the Criminal Procedure Code Act, Cap 116; the Prisons Act, 2006 and the Police Act, Cap 303.
- Section 118 of the Evidence Act allows witnesses with speaking disabilities to give their testimony in writing or in signs.
- Various institutions such as the UHRC, Ministry of local Governments through the office of CDOs, DPOs and NGOs carry on sensitizations to empower PWDs to know and demand for their rights including of access to justice.
- Article 23 of the Constitution protects the right to personal liberty except as authorized by law.
- The Penal Code Act, Cap 120 (sections 239-248) criminalizes offences that deprive persons of their personal liberty such as kidnapping, abduction and wrongful confinement.
- The PWDs Act, 2020

Article 14; Liberty and Security of Persons; 1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

- a) Enjoy the right to liberty and security of person;
- b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

ARTICLES

STATUS OF DOMESTICATION

Article 15; Freedom from Torture or cruel, inhuman and degrading treatment or punishment;

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to

- The 1995 Constitution under Article 24 prohibits any form of torture, cruel, inhuman or degrading treatment or punishment against any person in Uganda.
- The Prevention and Prohibition of Torture Act (PPTA) 2012 and the Prevention and Prohibition of Torture Regulations, 2017 provide that acts of torture should be prohibited and punished in Uganda.

- The Human Rights Enforcement Act, 2019 gives effect to Article 50(4) of

Article 16. Freedom from exploitation, violence and abuse; . States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

- Article 25 of the 1995 Constitution prohibits the holding of any person in slavery or servitude and this right is one of the non-derogable rights under Article 44 of the Constitution.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

- The Children’s Act 1997 (as amended) prohibits the employment of children in any activity that may be harmful to their health, education or mental and physical or moral development.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

- The Employment Act, 2006 prohibits forced or compulsory labour as well as the employment of children in harmful activities.

- The Penal Code Act, Cap 120 prohibits the buying of any person as a slave and the habitual dealing in slaves.

- The PWDs Act 2020 protects PWDs.

- The Penal Code Act, Cap 120, criminalizes any sexual violence through rape (Section 123), indecent assault (Section 128) and defilement (Section 129) of women and girls respectively. attention of the commission center on education, transport, employment and accessibility to basic services.

Article 17 protecting the liberty of the person; Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

- Article 23 of the Constitution protects the right to personal liberty except in the prescribed cases.

- The Penal Code Act, Cap 120 (sections 239-248) criminalizes offences that deprive persons of their personal liberty such as kidnapping, abduction and wrongful confinement.

Article 18 Liberty of Movement and Nationality; States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

Article 19 Living Independently and being included in the community; States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20 Personal Mobility; States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

- The PWD Act 2020, under Section 3 provides for the development and promotion of participation of persons with disabilities in all aspects of life as equal citizens of Uganda.
- Through the National Community Based Rehabilitation Programme, which is delivered through a tripartite ministerial arrangement, the Ministry of Gender, Labour and Social Development, Ministry of Health and Ministry of Education and Sports distribute mobility devices both at the community level and in schools.
- As part of the Victim Assistance Programme for people affected by land mines in the affected areas of Uganda, The Ministry of Gender, Labour and Social Development provided assistive devices especially walking aids to more than 1000 persons with disabilities from 2008.
- In addition, orthopedic workshops have been established/renovated at regional referral hospitals including Gulu in the north, Kumi in North East, Buluba in the East and Fort Portal in the western region, which was supported by International Committee of the Red Cross. Positions of orthopedic technicians have been established at the regional referral and district hospitals and are fully remunerated by Government to ensure that the appropriate service is provided.
- In order to make white canes (for the visually impaired) more affordable, Government supports white cane production at Kyambogo University, to help produce less costly and customized white canes to meet local conditions.
- Kyambogo University has also trained more orientation and mobility instructors, who in turn work with visually impaired persons to empower them with mobility and other life skills in the community.

Article 21 Freedom of Expression and Opinion and Access to information; States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille,

Article 22 Respect for privacy; No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23 Respect for home and security; States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

- Article 29 (1) (a) of the Constitution protects this right of Ugandans.
- Article 29 (1) (b) for its part protects the right of every person to freedom of thought, conscience and belief which includes academic freedom in institutions of learning.
- In addition, Article 41 of the Constitution recognizes the right of every citizen to access “information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person”. In addition and significantly, the Constitution provides for the promotion of Sign Language as a cultural objective.
- The PWD Act, 2020 establishes the obligation of Government at all levels to promote persons with disabilities’ access to information through the use of accessible format.⁴⁰⁰
- Art 27 of the Constitution stipulates the right of persons to “privacy of the person, home or other property”, and prohibits unlawful searches and interferences with a person’s home, correspondence, communication or other property.

- The right of persons with disabilities in Uganda to marry and found a family is Constitutionally protected under Article 31 (1) which is to the effect that men and women of the age of 18 years and above have the right to marry and to start a family and are entitled to equal rights in marriage, during marriage and at its dissolution.
- The PWDs Act section II subsection 4, recognizes the right of persons with disabilities to marry and found a family and to decide the number of and spacing of children and other benefits such as guardianship, trusteeship and adoption of children and provides for supportive child care services to render appropriate assistance to persons with disabilities in the performance of their child raising responsibilities.

- c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24 Education; State Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

- The right to education is granted to all persons in Uganda by virtue of Article 30 of the Constitution which provides that all persons have a right to education. For children, Article 34 (2) of the Constitution further clarifies that every child is entitled to basic education which shall be the responsibility of the state and the parents of the child.
- The PWDs Act 2020, section II sub section 6.
- The children's act
- The PWDs regulations that promote inclusive education environment;

- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

- The Universities and Other Tertiary Institutions Act, as amended; provides for affirmative action during admission of persons with disabilities and this has increased the number attaining higher education. The Act that established the Uganda National Institute of Special Education, mandated with the functions of training education personnel in special needs education, conducting research, developing materials among others.⁴⁰¹
- Education assessment and resource services are established in some districts each furnished with an office block and three staff houses, six homes for children with hearing impairments,⁴⁰² and 15 resource rooms.⁴⁰³ Classrooms with specialized equipment and educational materials where children with special learning needs can be positioned for extra-specialized teaching based on their needs were also established. A total of 45 double cabin pickup trucks were also purchased to facilitate coordination of special needs education in the respective districts.
- A fully-fledged department named Special Needs Education/Guidance and Counseling has been established and staffed.
- Through the School Facility Grant and the School Completion Fund, structural modifications have been made in all schools that have benefited from the facilities to cater for the needs of children with disabilities. Provisions include the provision of ramps, larger doors and accessible toilet facilities.
- From 2008 to date, the Ministry of Education has been preoccupied with the adaptation of the thematic curriculum to take into consideration the learning needs of children with disabilities. The curriculum has been adapted with special features for sign language users as well as those who use tactile methods. The position of a personnel with knowledge of special needs education was established at the National Curriculum Development Centre to guide the development of accessible curricula while a similar position was established at the Uganda National Examination Board (UNEBC) to guide on the development of assessment methods that take into consideration the learning potentials and challenges of learners with disabilities.

401 Uganda National Institute of Special Education Act, chapter 138.

402 The six small homes for children with hearing impairments are located at Kapchorwa Demonstration School, Rutsya P/s in Mbarara, Laroo P/s in Gulu, Ojwina P/s in Lira, Toroma Girls P/s in Katakwi, and Rukoki Model P/s in Kasese.

403 Schools where resource rooms were established include Tukore Invalids Salvation Primary School in Mbarara, Arua primary school in Arua, Badadiri P/s in Mbale, Father Hilders P/s in Soroti, Nakatunya P/s in Soroti, Mpondwe P/s in Kasese, Agururu P/s in Tororo, Kyambogo P/s in Kampala, Entebbe children's welfare unit in Entebbe, Gulu Prison's in Gulu, Luwero Boys P/s in Luwero, Iganga Demonstration School in Iganga, Buckley High school in Iganga and Magale P/s in Mbale.

c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

- All Government programmes for promoting education – UPE, USE and Business and Vocational Technical Training are all embedded with affirmative action for learners with disabilities. The Business, Technical, Vocational Education and Training (BTVET) Act, No. 12, 2008, promotes equitable access to education and training for all disadvantaged groups, including disabled people.
- Text books and other materials have been transcribed into Braille for vocational training among others.
- **An Education Management Information system was designed by ministry of Education and Sports to track data of children including those with special needs who are in the educational system.**
- **Partnership with NGOs to provide additional learning materials** refresher trainings for special needs education teachers, building additional resource rooms and bursaries for children with disabilities.
- Affirmative action further provides redress to ensure that learners with disabilities joining higher institutions of learning receive additional points as well as equipment and personal assistance such as guides, readers and Sign Language interpreters which has significantly led to an increase in the number of disabled learners in high institutions of learning.
- Government also supports the students with disabilities admitted to Public Universities with a stipend to buy learning materials such as Braille paper. Government pays an allowance to mobility guides for blind students and sign language interpreters for students with hearing impairments
- In the Constitution of Uganda, the right to health is contained in Section XIV (b) of the Preamble providing that all Ugandans must have access to health services.
- The PWD Act section 2 recognizes the right of persons with disabilities to enjoy the same rights with other members of the public in all health institutions
- The Government has also implemented programmes including distribution of assistive devices like wheel chairs and prevention of blindness. Aspects of disability and managing disability from the social perspective are included into the training curriculum of health workers.

Article 25 Health: States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

- c) Provide these health services as close as possible to people's own communities, including in rural areas;
- d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, *inter alia*, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26 Habilitation and Rehabilitation; 1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
 - b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

- The Government of Uganda adopted community based rehabilitation (CBR) as the main strategy for delivery of rehabilitation services and ensuring full - participation in poverty eradication programmes with the overall goal to achieve full inclusion of persons with disabilities in the mainstream of society.
- The CBR programme is designed with mechanisms to ensure early identification, assessment and referral to promote access to relevant interventions using and building on available local resources. The current CBR programme focuses on creating awareness, building capacity of communities, improving livelihoods of Persons with disabilities and their families and influencing legislations in favor of Persons with disabilities. In order to affect this, the programme thrives on a network of professionals, associations of persons with disabilities, other NGOs, family members backed by volunteers at the community level CBR programme for equalizing opportunities, involving the rehabilitation and inclusion of PWDs in their respective communities).⁴⁰⁴
- Government also funds these programmes.
- The PWDs Act 2020 section II sub section 8

Article 27. Work and Employment; States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- g) Employ persons with disabilities in the public sector;
- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

- The right to work for all citizens of Uganda is primarily protected under Article 25 of the Constitution, which prohibits slavery and other forms of servitude, as well as by Article 40 which guarantees the right to every worker to form and join a trade union of their choice, to collectively bargain and to withdraw their labour according to the law.

Over the years, the Government of Uganda has been facilitating a vocational training programme to equip persons with disabilities with employable skills to promote their access to employment. There are many vocational training centers spread in different parts of Uganda. The centers provide training in carpentry, cookery, knitting, tailoring and shoe repair among others. Every year, about 280 people with disabilities graduate from these centers.

The PWD Act 2020 prohibits discriminations against PWDs in employment opportunities and provides that any company that employs persons with disabilities would get a tax waiver of 10%. Also provided for an applicant with a disability who applies for a job, reasonable accommodation necessary to undertake the job interview; and to provide an employee with a disability reasonable accommodation in the performance of the job or task.

Article 28 Adequate standard of living and social protection; 1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
- a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
 - b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
 - c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
 - d) To ensure access by persons with disabilities to public housing programmes;
 - e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

The right to an adequate standard of living and to social protection in Uganda has its foundation in the 1995 Constitution, in the National Objectives and Directive Principles of State Policy which state that all efforts shall be made to ensure that all Ugandans enjoy rights and opportunities and access to pension and retirement benefits.

In addition, the PWD Act 2020 has as one of its objects, under Section 3 to encourage all sectors of Government and community to promote and include disability issues into all economic, political and social development policies and Programmes.

The Act additionally obliges Government to provide supportive social services to PWDs through acquisition of assistive devices, medical specialty and assistance in personal services; as well as specialized training to improve functioning, counseling, rehabilitation and orientation to improve their self-image; as well as child care services for the children of PWDs.

Further to the above, disability-related benefits are payable under the 1985 National Social Security Fund Act⁴⁰⁵ to a member of the fund who becomes fully or partially incapacitated to work because of a physical or mental disability. Additionally, the 2000 Workers' Compensation Act requires employers of workers who are injured or disabled through industrial accidents to pay a sum of money as compensation.⁴⁰⁶

Social Assistance Grants

Government (led by MGLSD) has introduced/launched a Social Assistance Grant for Empowerment programmes starting the FY 2010/2011-targeting households headed by persons with disabilities, older persons, orphans, etc. The programme is intended to benefit the chronically poor segments of the community as a way of fighting poverty and also addressing the rights of persons with disabilities.

There are special disability grants put in place by Government that are meant to help people with disabilities lead a dignified life. The grant is sent to districts for the persons with disabilities to access through the office of the District Community Development Officer. It is targeted to organized groups of persons with disabilities in the district. The grants are meant to support entrepreneurship and improve the livelihoods of persons with disabilities.

The guidelines for these grants include the principle of gender equity - which both men and women with disabilities should benefit from.

⁴⁰⁵ National Social Security Fund, chapter 222

⁴⁰⁶ The Workers' Compensation Act, Chapter 225, Article 5 and 6

Article 29 participation in political and public life; States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of Government, facilitating the use of assistive and new technologies where appropriate;
 - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
 - b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - i. Participation in non-Governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

The Constitution of Uganda recognizes in Article 59 the right to vote of every citizen above 18 years of age. Article 38 recognizes the right of every Ugandan citizen to participate in the affairs of Government, individually or through his or her representatives in accordance with law. Article 36 also reaffirms the right of all minorities (who according to the Constitution include PWDs) to participate in decision-making processes, and to have their views and interests taken into account in the making of national plans and programmes.

Article 59 (4) of the Constitution of Uganda provides that “Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote”. The Constitution of Uganda provides that Parliament consist including of a certain number of representatives of PWDs as the law might determine. The Parliamentary Elections Act establishes such number at five, of whom at least one should be a woman.⁴⁰⁷ This affirmative action approach to political representation of persons with disabilities represents a higher standard of protection as required by the Convention.

The 2005 Parliamentary Elections Act contains provisions making a general reference to the opportunity “as far as possible” to locate polling stations in areas of convenient access “such as to facilitate access by persons with disabilities and the aged”,⁴⁰⁸ and in the case of voters who are visually disabled, for example, the Act provides for assistance in fixing the mark to be provided to such person by a person of his or her choice.⁴⁰⁹ The clause contained in Article 54 (1) of the 1995

Electoral Law which prevented persons of “unsound mind” from voting⁴¹⁰ is not any longer present in the more recent Electoral Commission Act.⁴¹¹

The PWD act of 2020 stipulates the right of Persons with disabilities to vote and be voted in any political office, to vote by secret ballot,⁴¹² fully participate and take part in decision-making, and the Article is reinforced by the provisions on participation of persons with disabilities in public life, on accessibility, right to auxiliary aid or services, and access to information all provided for by the same act.

407 Parliamentary Elections Act, Article 8 (2) (d)

408 Parliamentary Elections Act, Article 29 (1)

409 Parliamentary Elections Act, Article 37 (1)

410 The Electoral Law, Article 54 (1) read “the following persons might be registered as voters and their names might remain in the voters registers and voters roll in their respective polling divisions but shall not be qualified to and shall not vote at an election –(b) every person whose liberty of movement is lawfully restrained or who is lawfully deprived of management of his or her property by reasons of being of unsound mind”

411 Electoral Commission Act, Chapter 140

412 PWD Act, Article 37 (4) (b)

The PWD Act further obliges Government to ensure that PWDs realize the rights stated above by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; protecting their right to vote by secret ballot in elections and referendums without intimidation and to stand for elections; and (Allowing assistance in voting by a person of their own choice, on request and facilitating the use of assistive and new technologies where appropriate).

By law and in practice, there is at least one person with a disability at each of the five levels of local councils, and at the top three levels, there must be at least one woman with a disability.

The Local Governments Act 1997 amended in 2002 and 2005 provides for the election of two PWD councillors at the local council III (Sub-County), LC V (district), a representative on the district public service commission and a representative on the district tender board and district contracts committee.

The Local Government Act also provides that Government facilitates NUDIPU to form

structures for the election of representatives of Persons with disabilities in the different local councils.

The NCD⁴¹³ has among its functions, to assist the Electoral Commission to ensure the conducting of free and fair elections of representatives of persons with disabilities to Parliament and Local Government Councils.

Government has continued to maintain the active participation of five MPs representing PWDs in Parliament (1 for PWDs in central region; 1 for eastern region; 1 for women with disabilities; 1 for northern region and 1 for central region). It has also maintained one Minister of State for Disability and Elderly within the MGLSD, and providing support to District Community Development Officers (DCDOs) in all districts-serving as Executive Secretaries to District Councils for Disability. Government has also continued to maintain the PWD leadership structures at all levels (male and female PWD Councilors from Village to District Levels).

The Local Government Act, 1997, Parliamentary Elections Statute, 1996, and the Movement Act, 1998. These laws aim to increase the representation of disabled people in the public sphere. The Local Government Act, for example, provides for representation of disabled people at the various Local Council levels. In addition, Section 37 of the Parliamentary Elections Statute provides for five seats in Parliament for representatives of persons with Disabilities. Prohibits denial of a driving permit on the basis of disability.

413 NCD ACT, 2003, (part 6 functions of the council)

Uganda Communications Act, 1998 provides for the promotion of research into the development and use of new communications techniques and technologies, including those which promote accessibility of hearing-impaired people to communication services.

Traffic and Road Safety Act, 1998 prohibits discrimination.

b

The National Union of Disabled Persons-(NUDIPU)

The National Union of Women with Disabilities-of Uganda (NUWODU)

Uganda Foundation for the Blind

Uganda National Association of the Blind

Uganda National Association of the Deaf-

Disabled Women Network and Resource- Organization

Uganda Disabled Women's Association

Uganda Mental Health Association-

Uganda Parents Care for the Mentally Handicapped

Uganda National Action on Physical Disability acts as an umbrella organization of/for people with disabilities. Others are Uganda Parents' Association of Children with Learning Disabilities (UPACLED)

Legal Action on Persons with Disability (LAPD)

Spinal Injury Association (SIA)-

Epilepsy Support Association of Uganda (ESAU)-

National Association of the Deaf Blind (NADB)

Article 30 Participation in cultural life, recreation, leisure and sport; 1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

a) Enjoy access to cultural materials in accessible formats;

b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

The 1995 Constitution of Uganda National Objective XXI(V)(c) on the promotion and preservation of cultural values and practices which enhance the dignity and well-being of all Ugandans who include even those with disabilities.

The Constitution of Uganda under Article 35 (1) recognizes the rights of persons with disabilities to respect and human dignity, and obliges the state to take appropriate measures to ensure that they realize their full mental and physical potential.

Objective XVII of the National Objectives and Directive Principles of State Policy enjoins the state to promote recreation and sports for the citizens of Uganda as well as with Article 37 of the Constitution which guarantee the right of every person to belong to, enjoy, practice, profess, maintain, and promote any culture, institution, language, tradition, creed or religion in community with others.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
- To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
 - To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
 - To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
 - To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
 - To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31; Statistics and Data collection; 1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

It is also important to note that the Constitution has expressly recognized that Sign Language is a distinct culture that deserves protection and promotion by the state. This recognition is contained in Objective XXIV (Cultural Objectives) of the National Objectives and Directive

Principles of State Policy, under which the state is obliged to promote the development of sign language for the deaf.

The PWD Act also contains an extensive enumeration of the right to sports and recreational activities.

The Act provides that no person shall exclude any person from a sporting activity or recreational activity in which they can participate on the ground of their disability.

The Act also recognizes the right of PWDs to fully participate in the cultural life of their community and to develop and utilize their creative, artistic and intellectual potential for the enrichment of their community as well as to have access to broadcasting, films, theatres and other cultural activities.

Persons with disabilities also have access and state facilitation to participate in the Special Olympics.

The Uganda Bureau of Statistics Act (1998) does stipulate that UBOS must collect all statistics needed by the Government. UBOS's Department of Population and Social Statistics specifies disability as one of the issues it is responsible for. As a signatory to CRPD, Uganda has committed to an international agreement to produce, share and use disability data.⁴¹⁴

414 Governance of disability inclusion and data in Uganda Report; available at <https://devinit.org/resources/uganda-disability-data-landscape-economic-inclusion-persons-with-disabilities/governance-disability-inclusion-and-data-uganda> (accessed on 14th March 2024)

b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present

Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32; States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - c) Facilitating cooperation in research and access to scientific and technical knowledge;
 - d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Further the National Disability-Inclusive Planning Guidelines for Uganda (2017) and the National Planning Authority (NPA) committed to promoting evidence-based planning to ensure that planners use context-specific, verifiable data or newly emerging evidence for decision-making concerning PWDs.

The NCD is mandated by the Persons with Disabilities Act (2019) to collect data on violations of disability rights.

Cooperation with ILO for example;

The primary goal of the ILO today is to promote opportunities for everyone, including people with Disabilities, to obtain decent and productive work, based on the principles of freedom, equity, security and human dignity. The ILO works to achieve its goals of decent work for all through promoting labour standards, advocacy, knowledge building and technical cooperation services and partnerships, both within the ILO and externally. The Uganda Decent Work Country programme therefore establishes the framework for delivery of ILO action.

In Uganda, current ILO technical cooperation projects on disability are; **The project "Promoting the Employability and Employment of People with Disabilities through Effective Legislation" (PEPDEL)**. Earlier phases of PEPDEL included the compilation of a country study on legislation, policy and implementation mechanisms on the training and employment of persons with disabilities to build a knowledge base on people with disabilities; identification of priority and needs in consultation with Government, representatives of workers' and employers' groups and disabled persons' organizations; support to NUWODU for the development of a simplified version of the Persons with Disabilities Act, 2006, and of the UN Convention on the Rights of Persons with Disabilities; and, a disability audit of Ugandan laws concerning the education, training and employment of persons with disabilities.

The project "Promoting Decent Work for Persons with Disabilities through a Disability Inclusion Support Service" (INCLUDE). The project builds capacity at regional and national levels to effectively support the full participation of women entrepreneurs with disabilities in entrepreneurship development activities conducted under the ILO's Women's Entrepreneurship Development and Gender Equality (WEDGE) programme. The INCLUDE Programme also involves advocacy and awareness-raising activities to promote decent work for persons with disabilities⁴¹⁵

415 ILO Fact sheet on "Inclusion of Persons With Disability in Uganda" available at https://www.ilo.org/wcmsp5/groups/public/@ifp_skills/documents/public/@ed_emp/@ifp_skills/documents/public/wcms_115099.pdf (Accessed on 11 March 2024).

The National Development Plan is the primary Government national strategic plan and the anchor for Government fiscal strategy, and lower level or sectoral plans. The NDP also defines areas of international cooperation and indeed has a number of development partners financing its implementation.

To ensure ownership of the plan and to support the realization of its objectives, the preparation of this NDP took an interactive, consultative, and participatory process. It involved bottom-up and top-down approaches to ensure adequate participation at the Central and Local Government levels, civil society groups and the private sector.

The National Council for Disability worked with DPOs to develop a position paper on disability issues to be included in the National Development Plan. These ideas were passed on to the Secretariat of the National Planning Authority and the disability movement lobbied further for their inclusion.

The National Council for Disability Act (No. 14), 2003 mandates the National Council for Disability to monitor and evaluate the implementation of disability policies in the country, as well as the CRPD.

The UHRC, EOC and MGLSD disability desk are all established to ensure the protection of rights of PWDs.

Cabinet sub-Committee was established to support monitoring and reporting on issues of human rights in the country

Regarding the committee on CRPD, Government has worked closely with the Office of the United Nations High Commissioner for Human Rights towards the popularization of the convention; as well as training DPOs on monitoring the convention. And has always submitted required reports as stipulated by the Conventions including to the CRPD Committee

Article 33; State Parties, in accordance with their system of organization, shall designate one or more focal points within Government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within Government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34; Committees on the rights of persons with disability

Article 35; Reports by State parties; Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.
6. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 36; consideration of reports; 1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

Government has always submitted required reports as stipulated by the Convention.

Uganda submitted her first report to the Committee in 2013 and the 2nd, 3rd and 4th Combined Report in March 2023 in accordance with **Article 35** of the Convention. The next report is due 2027.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37; cooperation between the states parties and the committee; 1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

In line with the global development goals, Uganda has through its NDPs provided for the mainstreaming of disability in all sectors. Notably, in eradicating extreme poverty the NDP provides for cash transfers to the elderly and persons with disabilities. The NDP also has a number of agricultural improvement programmes designed to benefit the poor – including persons with disabilities.

With regard to Universal Primary Education (Millennium Development Goal 2), the NDP and the Education Sector Strategic Plan provide for inclusive education and special needs education as well as human resources, instructional materials and infrastructure improvements to accommodate the needs of children with disabilities. The empowerment of women caters for the needs of women with disabilities – many of who have access to electoral positions, as well as affirmative action in institutions of higher learning.

Article 38; Relationship of the Committee and other bodies; In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39; Report of the Committee; The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40; conference of state parties; 1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41; Depositary; The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42 signature; The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43; consent to be bound; The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44; 1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45; entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
 2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.
-

13.3 OBSERVATION

Uganda's legislative, policy, institutional frameworks and practices takes into consideration the need to protect and enhance the rights and inclusion of persons with disabilities. Important policy tools for PWDs include the Constitution of the Republic of Uganda (1995) and the Persons with Disability Act (2020). Uganda ratified both the convention and protocol of the United Nations CRPD in 2008. The major institutions involved in disability governance are the Ministry of Gender, Labour and Social Development, particularly its Disability Desk, and the National Council for Persons with Disabilities (NCD). Details of other legislation and institutions identified as important for persons with disabilities are presented in Table 46.

13.4 TREATY BODY REPORTING PROCESS

The State Party's consent to be bound by the treaty places a legal obligation to regularly or periodically report on the implementation of the rights and standards protected in that treaty. The State is required to submit an initial report within one or two years after the treaty enters into force, thereafter, periodic reports are submitted at an interval specified by the relevant treaty. The reporting system is an essential tool for a State to assess what it has achieved and what more needs to be done to promote and protect human rights in its jurisdiction.⁴¹⁶ In Uganda and as directed by Cabinet under Minute 137 (CT 2011) of the meeting held on 6th July 2011, the Ministry of Foreign Affairs is charged with the role of spearheading Uganda's reporting obligations under the various international and regional human rights instruments in addition to chairing the Inter-Ministerial Technical Committee on Human Rights. To fulfil that role therefore the Ministry of Foreign Affairs oversees the;

- a) Preparation and presentation of the various periodic reports to UN Treaty bodies, the African Commission on Human and Peoples Rights and other regional bodies,
- b) Preparation of responses to queries and reports on Uganda's human rights situation by

the various United Nations Mandate Holders, regional bodies, unilateral bodies and bilateral partners,

- c) Preparation and presentation of updates to Cabinet on the outcome of Uganda's engagement with human rights treaty bodies, and
- d) Preparation of updates to the Parliament of Uganda regarding Uganda's engagements on international and regional human rights issues.

As earlier on indicated, Uganda has ratified several core international and regional treaties with reporting obligations. Table 47 therefore presents a summary of reports submitted 2023.

13.5 UHRC'S INTERVENTIONS

In 2023, UHRC submitted independent reports on ICCPR and ACHPR to the Human Rights Council and to the African Commission on Human and Peoples' Rights respectively. The reports are yet to be reviewed. The Commission appreciates the concerted efforts of all stakeholders involved in the reporting processes especially in ensuring that the overdue reports are submitted and in ensuring timely reporting to the international and regional mechanisms.

13.6 UGANDA'S REPORTING STATUS IN 2023

13.6.1 Tracking progress of implementation of the Universal Periodic Review (UPR) recommendations

The UPR is a unique mechanism of the United Nations Human Rights Council (HRC), established in accordance with a UN General Assembly Resolution 60/251 of 15 March 2006. Under this mechanism, a State voluntarily accepts to be reviewed by her peers on the human rights situation in her country. Since the inception of the UPR framework, Uganda has undergone three comprehensive reviews: in 2011, 2016 and 2022. Uganda will be reviewed again under the UPR framework in the fourth cycle of 2022-2026- four yearly cycle.

In January 2022, Uganda reviewed a total of 278 recommendations, out of which 140 were noted

416 <https://www.ohchr.org/sites/default/files/Documents/Issues/HRIIndicators/MetadataReportingCompliance.pdf> accessed on 14th February 2024

and 138 recommendations were accepted by the Government. The UHRC is therefore tracking the implementation of the recommendations accepted.

As has been previously reported in the UHRC's annual reports, the recommendations accepted in the first and second cycles have to a large extent been implemented like the adoption of the NAP on Business and Human Rights, the NAP on Albinism, the enactment of laws like the Data Protection and Privacy Act, 2019; the Computer Misuse (Amendment) Act, 2022, Succession Amendment Act⁴¹⁷, the Human Rights Enforcement Act among many others.

On 31st October 2022, the other voluntary pledge that was adopted, was the establishment of a Cabinet Sub-Committee on human rights whose mandate is to investigate the alleged human rights abuses in the country. The Committee chaired by Ministry of Foreign Affairs(MOFA) has since been established to support monitoring and reporting on issues of human rights in the country. However, the key voluntary pledge whose process needs to be urgently concluded since it has dragged on for close a decade, is the adoption of the NAP on Human Rights. On 9th December 2023, UHRC established from MOFA, the agency that spearheads Uganda's international reporting obligations that the NAP on Human Rights was at the final stages of drafting and approval for implementation.⁴¹⁸ It must be noted that the NAP on Human Rights was among the first voluntary pledges Uganda made when it was reviewed in 2011. The UHRC regrets to note that the development of the NAP on Human Rights has taken over 10 years. The draft NAP is currently being considered by the political leadership at the Ministry of Justice and Constitutional Affairs.

13.6.2 International Covenant on Civil and Political Rights (ICCPR)

Uganda is a party to the ICCPR and is required to submit periodic reports to the UN Committee. According to MOFA, Uganda submitted her first periodic report under **Article 40** of the Covenant in February 2003 and has also submitted her second report in August 2020 that exhaustively addressed

pertinent human rights issues at the time.⁴¹⁹

13.6.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Pursuant to **Articles 16 and 17** of ICESCR, the UHRC established that Uganda submitted her first report to the Committee in December 2012. However the second periodic report has been pending since June 2020. According to Ministry of Foreign Affairs, the process of its preparation has started and will be concluded soon.

13.6.4 Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

Uganda ratified the CEDAW in 1985 and submitted her 1st and 2nd Combined Periodic Report in 1992 and her 3rd in May 2000. The 4th, 5th, 6th and 7th Combined Reports were submitted in 2009 and the 8th and 9th Combined Report was submitted in 2020. Additional written responses on questions raised by the 81st Session of the UN Committee were also submitted in February 2022, therefore the next report is due in 2026.

13.6.5 Convention on the Rights of the Child (CRC)

Under **Article 44** of the Convention, State parties are obliged to submit regular reports to the Committee on the steps they have taken to put the Convention into effect and on progress in the enjoyment of children's rights in their territories. Uganda submitted her first and second reports in 1996 and 2003 respectively as well as the 3rd, 4th and 5th Combined Report on Uganda's progress on the implementation of the CRC and its two Optional Protocols in May 2021.

13.6.6 Convention on the Rights of Persons with Disabilities (CRPD)

Uganda submitted her first report to the Committee in 2013 and the 2nd, 3rd and 4th Combined Report in March 2023 in accordance with **Article 35** of the Convention. The next report is due 2027.

417 The Act allocates 20% estate to the surviving spouse of a person who died intestate. It also criminalizes the act of evicting or attempt to evict a surviving spouse who is entitled to occupy a residential holding.

418 MOFA presentation at the UHRC 26 Annual Report Consultative meeting held on 9 December 2023.

419 MOFA presentation to the UHRC 26 Annual Report Consultative meeting held on 9 December 2023.

13.6.7 International Convention on the Elimination of all forms of Racial Discrimination (CERD)

Uganda ratified the CERD in November 1980 and submitted her first report in 1983. Subsequently, the 2nd up to the 10th Combined Report, as required by **Article 9** of the Convention, was submitted to the Committee in 2001. The 11th, 12th and 13th combined report has been due since December 2005. According to MOFA, the process of preparation of this report is already underway.

13.6.8 The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)

Uganda ratified the CAT in November 1986 and submitted her initial report in May 2004. Pursuant to the simplified reporting procedure, Uganda submitted her second periodic report in August 2020. The next report under this Convention is due in November 2026.

The African Regional Human Rights mechanism

13.6.9 African Commission on Human and Peoples' Rights (ACHPR)

Uganda is a member of the African Union and reports to the ACHPR. The ACHPR promotes and protects human and peoples' rights in Africa, as outlined in the African Charter on Human and Peoples' Rights. Under Article 62 of the African Charter on Human and Peoples' rights, Uganda presented the Combined Periodic Report for the period 2013-2022 together with the initial report under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in Arusha, Tanzania in October 2023. The conclusion of submission of this report included additional written responses to the Secretariat on the 30th November, 2023. There are no overdue reports under the ACHPR.⁴²⁰

In summary therefore Uganda submitted reports under two human instruments in in 2023 as indicated in Table 47.

Table 47: Summary of Reports submitted in 2023

| TREATY/ CONVENTION | DATE OF SUBMISSION OF REPORT |
|--------------------|------------------------------|
| CRPD | March 2023 |
| Maputo Protocol | October 2023 |

Source: Ministry of Foreign Affairs

Table 48: Summary of Reports Pending

| TREATY/ CONVENTION | DUE DATES |
|--------------------|---|
| CERD | Since 2005 (03 reports pending) |
| CRC | State party reporting schedule not specified in Article 44 of the Convention but as and when required |
| ICESCR | |
| ICCPR | |

Source MOFA

13.7 THE UN SPECIAL PROCEDURES MANDATE HOLDERS

The UN Special Procedures Mandate Holders are independent subject-matter experts nominated by the Human Rights Council to report and advise on human rights from a thematic or a country's perspective. They can either be an individual called a Special Rapporteur, Independent Expert or a Working Group of five members. At the invitation of Governments, Special Procedures Mandate Holders may conduct country visits and issue recommendations to the country's systematic efforts towards protecting the dignity and rights of its citizens. As of November 2023, there were 46 thematic and 14 mandates at the UN level and 16 mandates and working groups at the African level.⁴²¹

Specifically, the visits enable Special Procedures Mandate Holders to make recommendations towards reforms in the country's legislative and institutional redress mechanisms, mainstreaming and raising awareness on human rights. The last time Uganda engaged with the Special Procedures Mandate Holders was in 2007 when Mr Paul Hunt

420 Uganda/African Commission on Human and Peoples' Rights , available at <https://achpr.au.int/en/taxonomy/term/287> (accessed on 16 February 2023)

421 Special procedures of the Human Rights Council available at <https://www.ohchr/en/special-procedures-human-rights-council>; <https://achpr.au.int/index.php/en/special-mechanisms> (accessed on 16 February 2024)

a former Special Rapporteur on the right to health visited the Uganda Human Rights Commission and made a recommendation for the establishment of a Right to Health Unit which does exist in the Commission.

13.8 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

- i) The process of developing, preparing and submitting periodic reports is relatively slow.
- ii) Non-ratification of treaties that are key for the promotion and protection of human rights.
- iii) Non-usage of the data base on recommendations, makes it hard to access new development because the data base is not updated at all.
- iv) Non-extension and acceptance of invitations and request to and from the special procedures mandate holders.

13.9 RECOMMENDATIONS

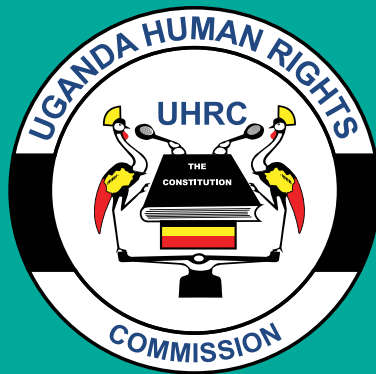
- i) Government should consider issuing standing invitations to UN Special Procedures Mandate Holders for persons with albinism and for food security and should also accept requests of special mandate holders to enhance its efforts in the protection and promotion of human rights.
- ii) As earlier reported, the Ugandan Government should urgently ratify pending treaties, especially those signed, for example, the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons from Enforced Disappearance, 2006 as well as the Second Optional Protocol to the ICCPR regarding abolition of the death penalty.
- iii) The Ministry of Foreign Affairs, Ministry of Gender, Labour and Social Development and Ministry of Justice and Constitutional Affairs should follow up on the implementation of pending voluntary pledges like the NAP on Human Rights and recommendations made by treaty bodies to enhance the promotion and

protection of human rights in the country.

- iv) Parliament and Ministry of Foreign Affairs should ratify the Third Optional Protocol to the CRC and the Hague Convention on Inter Country Adoption.

13.10 CONCLUSION

The Government of Uganda has improved efforts to maintain and improve existent treaty reporting mechanisms, thus demonstrating that Uganda values international obligations as it uses the opportunity to assess its human rights record for improvement. With the few overdue reports as illustrated above, UHRC will continue with its advocacy role with the line ministry and agencies to ensure that Government keeps on track in adhering to the international obligations of ratification of relevant treaties, engagements with Special Mandate Holders and on reporting commitments.



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