

**THE AFRICAN CENTRE FOR TREATMENT AND REHABILITATION OF  
TORTURE VICTIMS (ACTV)**

**THEMATIC FOCUS ON ARTICLE 5:**

**THE RIGHT TO PROTECTION FROM TORTURE, INHUMAN AND  
DEGRADING TREATMENT AND SLAVERY**

**ISSUE:**

**PROGRES ON THE PROTECTION, PROMOTION AND  
RESPECT OF THE RIGHT TO FREEDOM FROM TORTURE AND  
CRUEL, INHUMANE, DEGRADING TREATMENT OR  
PUNISHMENT IN UGANDA**

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Africa*

## **PROGRES ON THE PROTECTION, PROMOTION AND RESPECT OF THE RIGHT TO FREEDOM FROM TORTURE AND CRUEL, INHUMANE, DEGRADING TREATMENT OR PUNISHMENT IN UGANDA**

The Honourable Chairperson, the Commissioners of the African Commission on Human and Peoples Rights (ACHPR), Member States, the African Union, Inter-Governmental organisations, National Human Rights Institutions, Non-Governmental Organisations (NGOs), ladies, gentlemen and others, all protocol observed. I bring you greetings from The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), an NGO based in the Republic of Uganda in East Africa.

### **PEACEFUL ELECTIONS IN UGANDA**

#### **Introduction**

The Republic of Uganda will be heading to the polls from 12<sup>th</sup> January 2026 to 9<sup>th</sup> February 2026<sup>1</sup>. However, each electoral cycle has been mudded with violence and torture allegations. Despite human rights being non-discriminative in nature, the human rights based principle of non-discrimination in law interpretation, application and enforcement continues to be disregarded especially in light of the right to vote.<sup>2</sup>

We believe this honourable Commission equally subscribes to the notion that the need to safe guard national public safety and national security does not justify the violation or abuse of the right to freedom from torture and cruel, inhumane, degrading treatment of punishment as guaranteed and made non-

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<sup>1</sup> <https://ec.or.ug/roadmap>

<sup>2</sup> Article 59 of the 1995 Constitution of the Republic of Uganda as amended.

derogable in Articles 24 and 44 (a) respectively of the 1995 Constitution of the Republic of Uganda as amended. Therefore, duty bearers therefore should be seen to be facilitating the enjoyment of the right to expression, assembly and association as opposed to being inciters of the violence<sup>3</sup>.

## **Statistics**

According to The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), torture and violence during elections continues with 71% of the survivors and victims suffering from psychological effects ranging from mild to severe including Insomnia, major depression, Post Traumatic Stress Disorder (PTSD), sexually dysfunctional, Anxiety disorders, and suicidal ideations.

Between June 2021 and February 2022, a total of 102 victims and survivors of election related violence and torture were documented; 46 Male and 56 Female. Allegations of torture continue being registered in the year preceding or after the elections; in 2015, out of the 1,277 torture related complaints received, 61 complaints were election related torture. Relatedly, in 2017 after the 2016 general elections, out of the 834 torture related complaints registered that year, 44 complaints were related to election related torture.

## **Key challenges**

- The violation of the Right to Freedom from Torture continues in each election cycle with security agencies implicated as the highest perpetrators.
- Non-Government Organisations which condemn the situation are often perceived by the State as partisan or agents of imperialists.<sup>4</sup>
- Most media houses are owned by politicians and most often portray a partisan approach besides self censorship as opposed to a professional

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<sup>3</sup> Article 29 of the 1995 Constitution of the Republic of Uganda as amended.

<sup>4</sup> [https://www.monitor.co.ug/uganda/special-reports/elections/govt-freezes-accounts-of-4-ngos-doing-poll-work-3216360#google\\_vignette](https://www.monitor.co.ug/uganda/special-reports/elections/govt-freezes-accounts-of-4-ngos-doing-poll-work-3216360#google_vignette)

conduct of being promoters of freedom of access to information expected of all media houses<sup>5</sup>.

- The right to access to information due to internet shut downs is often witnessed<sup>6</sup>. Besides, this honourable Commission has even come out to decry this action in Africa through the ACHPR resolution on Internet Shutdowns and Elections in Africa; Res. 580 (LXXVIII) issued in 2024.<sup>7</sup>
- Lack of accountability and access to justice for persons alleging torture during elections continues to be reported by both the survivors and their political parties they associate or identify with.
- Limited funding appropriated to voter education and civic education for the Electoral Commission and Uganda Human Rights Commission respectively affects civic competence and empowerment to participate in the electoral process.

### **Key recommendations**

Therefore, we also call upon this honourable commission to urge the Republic of Uganda to consider prioritising the following actions;

- The Electoral Commission and the Uganda Human Rights Commission (UHRC) should extensively be funded for a sustained voter education and civic education programme on the rights and duties of every citizen on elections<sup>8</sup>.
- Security agencies should refrain from partisan conduct during elections and implement the Public Order Management Act 2013 besides safeguarding public safety and national security interests within the ambit of Article 44(a) of the 1995 Constitution of the Republic of Uganda.

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<sup>5</sup> Uganda Media Coverage of the 2021 Elections, January Final report. ([https://acme-ug.org/wp-content/uploads/Uganda-Media-Coverage-of-the-2021-Elections-DESIGNED-JANUARY-REPORT-\\_FINAL.pdf](https://acme-ug.org/wp-content/uploads/Uganda-Media-Coverage-of-the-2021-Elections-DESIGNED-JANUARY-REPORT-_FINAL.pdf))

<sup>6</sup> <https://africanlii.org/articles/2021-03-19/carmel-rickard/ugandas-internet-closure-during-elections-challenged-at-east-african-court-of-justice>

<sup>7</sup> <https://achpr.au.int/en/adopted-resolutions/580-internet-shutdowns-elections-africa-achprres580-lxxvii>

<sup>8</sup> Section 7 (2) and (3) of the UHRC Act Cap 24

- The security agencies should be seen to facilitate the enjoyment of the right to freedom of information, expression, assembly and association as opposed to regulating the right and freedom<sup>9</sup>.
- The Independent Electoral Commission should take lead in prevention of election related violence and torture by developing guidelines on peaceful elections in Uganda.
- Journalists and the media should be impartial to all and expose all acts of human rights violations and abuses investigated for relevant institutions to account and embrace the trauma informed approach in investigation and telling stories of torture victims and survivors.
- The General public to always use legal means to advocate for their rights, and respect each in order to avoid political violence.
- Political parties should institute mechanisms that promote political dialogue and tolerance during the electoral process and provide access to professional and timely documentation of survivors of torture and violence.


## **Conclusion**

An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable. Democracy includes tolerance and respect for different opinions by all parties involved. Therefore, human Rights, including the Right to Vote and the Right to Freedom from Torture are not privileges but inherent.

**Thank you for your kind attention.**

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<sup>9</sup> Article 29 of the 1995 Constitution of the Republic of Uganda as amended. See also, Hon. Muwanga Kivumbi V Attorney General, Constitutional Petition No.56 of 2013 on Section 32 (2) of the Police Act.

A handwritten signature in dark ink, appearing to read 'S. Nsubuga', is centered at the top of the page. The signature is written in a cursive style with a large initial 'S'.

**Samuel Herbert Nsubuga**

**Chief Executive Officer**

**The African Centre for Treatment and Rehabilitation of Torture Victims  
(ACTV)**