



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

STATEMENT ON ELECTORAL PROCESS IN UGANDA IN LIGHT OF;

ARTICLE 24 AND 44 (a):

**THE RIGHT TO FREEDOM FROM TORTURE AND CRUEL, INHUMANE,
DEGRADING TREATMENT OR PUNISHMENT**

ISSUE:

**TORTURE AND ILL TREATMENT INCIDENTS PERPETRATED
BY SECURITY AGENCIES IN ATTEMPT TO REGULATE THE
ENJOYMENT OF A RIGHT TO FREEDOM OF EXPRESSION,
ASSOCIATION AND ASSEMBLY GUARANTEED UNDER
ARTICLE 29 OF THE 1995 CONSTITUTION OF THE REPUBLIC
OF UGANDA AS AMENDED**

Introduction

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) adds its voice to the concerns expressed by the Uganda Law Society and the Uganda Human Rights Commission to condemn the ongoing violation of the non-derogable Right to the Freedom from Torture and Cruel, Inhumane, Degrading Treatment or Punishment of those involved in peaceful assembly as the country heads towards the general election in 2026. The use of pepper spray, batons, tear gas and Police dogs with impunity on peaceful assemblies calls for concern and urgent action by law abiding enforcement institutions.

The Right to vote under Article 59 and the Freedom of Expression, Association and Assembly under Article 29 of the 1995 Constitution of the Republic of Uganda cannot be enjoyed in a vacuum. A torture and violence free environment is required in the enjoyment of the aforementioned rights and freedoms.

Much as the Uganda Police Force and other security agencies have a duty to keep law and order during public assemblies, such an obligation should be exercised within the confines of Article 29 as opposed to the spirit of regulating which resulted in the nullification of Section 32 of the Police Act following *Muwanga Kivumbi V Attorney General Constitutional Petition No. 9 of 2005*. Security agencies should be seen to be facilitating the enjoyment of the right to expression, assembly and association as opposed to regulating the freedom and being seen as inciters of the violence.

Statistics

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 recommendations

Therefore, we also call for the following urgent actions;

- The Uganda Human Rights Commission (UHRC) to investigate the human rights violations involved in the ongoing campaigns and ensure justice for those affected.
- Security agencies should refrain from partisan conduct during elections and be seen to facilitate the enjoyment of the right to freedom of expression, assembly and association as opposed to regulating the right and freedom.
- The Independent Electoral Commission should provide leveled ground for all candidates and take lead in prevention of election related violence and torture by developing guidelines on peaceful elections in Uganda.
- The Office of the Director of Public Prosecutions should prosecute those found to be in violation of Article 24 and 44(a) under Sections 2,3,4,5 and 7 of the Prevention and Prohibition of Torture Act Cap.130.
- 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.
- The General public should use legal means to advocate for their rights, and respect each other 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.

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