



**UGANDA HUMAN RIGHTS COMMISSION**

# **16<sup>TH</sup> ANNUAL REPORT 2013**



**16<sup>TH</sup>**  
**ANNUAL REPORT**  
**2013**





The 16<sup>th</sup> Annual Report of the  
Uganda Human Rights Commission  
To the Parliament of the Republic of Uganda

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Published by Uganda Human Rights Commission



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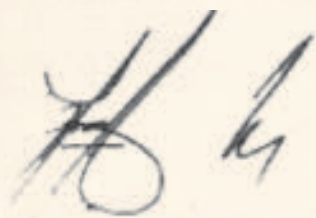
Dear Madam,

RE: UGANDA HUMAN RIGHTS COMMISSION 16<sup>th</sup> ANNUAL REPORT TO PARLIAMENT

The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 16th Annual Report in accordance with Article 52 (2) of the 1995 Constitution of the Republic of Uganda.

The report is divided into two sections namely; the activities carried out by the UHRC (chapters 1-4) and the state of human rights in the country (chapters 5-13). The first section covers the activities of the UHRC in the year 2013, such as complaints management, visiting places of detention and human rights education and the second section covers the UHRC's analysis of the human rights situation in the country in the 2013.

FOR GOD AND MY COUNTRY!



**Med S.K. Kaggwa**  
**CHAIRPERSON,**  
**UGANDA HUMAN RIGHTS COMMISSION**

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# ABBREVIATIONS

(U)	Uganda
4GC	For God and My Country
ACHPR	African Charter on Human and Peoples Rights
ACPR	African Charter on Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ACTs	Artemisin Combination Therapies
ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
ADF	Allied Democratic Force
ADR	Alternative Dispute Resolution
ADRA	Adventist Development and Relief Agency
AHSPR	Annual Health Sector Performance Report
AIDS	Acquired Immune Deficiency Syndrome
APCOF	African Policing Civilian Oversight Forum
APT	Association for the Prevention of Torture
ART	Anti-Retroviral Therapy
ARU	Arua
ARVs	Anti-Retroviral Drugs
ASM	Artisanal and Small-scale Mining
ASTU	Anti-Stock Theft Unit
AU	African Union
BAT	British American Tobacco
BCG	Bacillus Calmette-Guerin
BCU	Bugisu Cooperative Union
BoU	Bank of Uganda
CAO	Chief Administrative Officer
Cap	Chapter
CAT	Coalition Against Torture
CAT	Convention Against Torture
CDO	Community Development Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on Elimination of All Forms of Racial Discrimination
CESCR	Convenant on Economic Social and Cultural Rights
CHRAJ	Commission on Human Rights and Administration of Justice
CIID	Criminal Intelligence and Investigation Directorate
CIL	Complaints Investigations and Legal Services
CLO	Community Liaison Officer
CMI	Chieftaincy of Military Intelligence
CNOOC	Chinese National Offshore Oil Corporation
COCTIP	Coordination Office for Counter Trafficking In Persons

CPRD	Committee on the Rights of Persons with Disabilities
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CTRL	Central
DANIDA	Danish International Development Agency
DCCs	District Coordination Committees
DENIVA	Development Network of Indigenous Voluntary Association Development
DGF	Democratic Governance Facility
DGSM	Department of Geological Survey & Mines
DHRDs/C	District Human Rights Desks/Committee
DLO	District Labour Officer
DNA	Deoxyribonucleic Acid
DPP	Directorate of Public Prosecutions
DPT	Diphtheria Pertussis and Tetanus
Dr	Doctor
DRC	Democratic Republic of Congo
DSTV	Digital Satellite Television
E & P	Exploration and Production
EIA	Environmental Impacts Assessment
EID	Early Infant Diagnosis
EMTCT	Elimination of Mother to Child Transmission
ESAMI	East and Southern African Management Institute
ESCR	Economic, Social and Cultural Rights
Et al	Latin word for 'and others'
F/Y	Financial Year
FDC	Forum for Democratic Change
FIDA (U)	The Uganda Association of Women Lawyers
FPT	Fort Portal
GDP	Gross Domestic Product
GIZ	German Agency for International Cooperation
GLU	Gulu
GoU	Government of Uganda
HC II	Health Centre Two
HC III	Health Centre Three
HC IV	Health Centre Four
HIV	Human Immune Virus
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
HIV+	Human Immune Virus positive
HMA	Hoima
HQ	Headquarters
HRBA	Human Rights Based Approach



HRC-U	Human Rights Centre- Uganda
HRE	Human Rights Education
HRNJ-U	Human Rights Network for Journalists-Uganda
HRO	Human Rights Officer
HSSIP	Health Sector Strategic Investment Plan
HURINET (U)	Human Rights Network Uganda
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICRMW	International Convention on the Rights of Migrant Workers
ICT	Information Communication Technology
IDPs	Internally Displaced Persons
IDs	Identity Cards
IEC	Information Education and Communication
IGG	Inspector General of Government
ILO	International Labour Organization
IPPS	Integrated Personnel and Payroll System
IPT	Intermittent Preventive Treatment
ITU	International Telecommunication Union
JATT	Joint Anti Terrorism Task Force
JDL	Juveniles Deprived of Liberty
JJA	Jinja
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
KACITA	Kampala City Traders Association
KCCA	Kampala Capital City Authority
KFM	Kilowatt Frequency modulation
KIU	Kampala International University
LC	Local Council
LCI	Local Council One
LCII	Local Council Two
LCIII	Local Council Three
LRA	Lord's Resistance Army
Ltd	Limited
M & I	Monitoring and Inspections
M23	Rebel group in Democratic Republic of Congo
MAAIF	Ministry of Agriculture Animal Industry and Fisheries
MAC	Mission After Custody
MBR	Mbarara
MDGs	Millennium Development Goals
MEMD	Ministry of Energy and Mineral Development
MIA	Ministry of Internal Affairs
MMR	Maternal Mortality Ratio



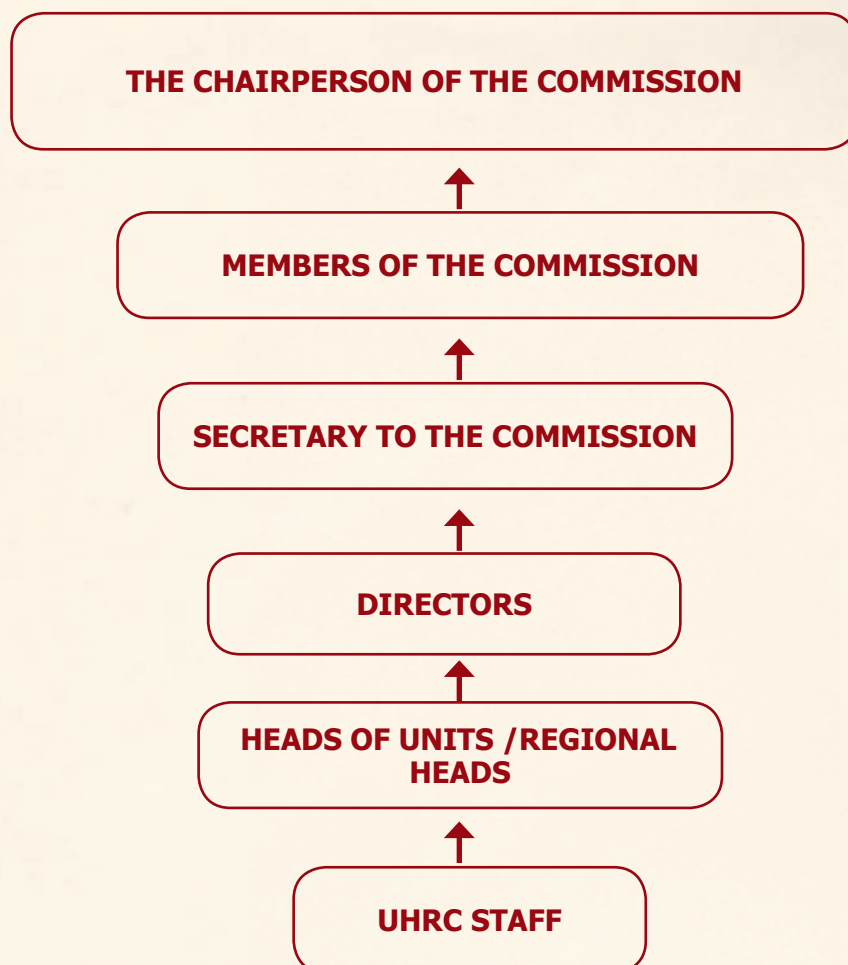
MoES	Ministry of Education and Sports
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoJCA	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government
MoU	Memorandum of Understanding
MRT	Moroto
MSF	Medecins Sans Frontieres
MSK	Masaka
MTI	Medical Terms International
NBS	National Broadcasting Services
NDP	National Development Plan
NEMA	National Environment Management Authority
NEMACY	Network for Empowerment of Marginalized Children & Youth
NFA	National Forest Authority
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NMR	Neonatal Mortality Rate
NMS	National Medical Stores
No	Number
NRM	National Resistance Movement
NTDs	Neglected Tropical Diseases
NTV	Nation Television
NUSAF	Northern Uganda Social Action Fund
NWSC	National Water and Sewerage Corporation
OC	Officer-in-charge
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
OPD	Out Patient Department
OPM	Office of the Prime Minister
ORS	Oral Rehydration Salts
PEPD	Petroleum Exploration and Production Department
PEPFAR	President's Emergency Plan For Aids Relief
PHC	Primary Health Care
PIVOC	Pre-Inspection Verification of Conformity
PLWHA	Person Living With HIV/AIDS
PNFP	Private Not For Profit
PS MEMD	Permanent Secretary Ministry of Energy & Mineral
PWDs	Persons with Disabilities
PTA	Parents Teachers Association

RAP	Resettlement Action Plan
RCC	Reynold Construction Company
RDC	Resident District Commissioner
RED	Research Education and Documentation
RSA	Resident State Attorney
SAGE	Social Assistance Grant for Empowerment
SEC	Section
SCOUL	Sugar Corporation of Uganda Limited
SFI	Strategic Friends International
SMMRP	Sustainable Management of Mineral Resources Project
SPCs	Special Police Constables
SRT	Soroti
SSS	Senior Secondary School
STDs	Sexually Transmitted Diseases
SWAP	Sector Wide Approach
TC	Trading Centre
TV	Television
UBC	Uganda Broadcasting Corporation
UBOS	Uganda Bureau of Statistics
UCC	Uganda Communication Commission
UCS	Uganda Computer Services
UDHR	Universal Declaration of Human Rights
UDPAS	Uganda Discharged Persons Association
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission
UJA	Uganda Journalists Association
UK	United Kingdom
ULRC	Uganda Law Reform Commission
UMA	Uganda Manufacturers' Association
UMC	Uganda Media Centre
UN CAT	United Nations Convention Against Torture
UN OHCHR	United Nations Office of the High Commission for Human Rights
UN	United Nations
UNAIDS	United Nations Programme on AIDS
UNATU	Uganda National Teachers Union
UNDP	United Nations Development Project
UNESCO	United Nations Education Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNHS	Uganda National Household Survey
UNICEF	United Nations Children Fund
UNRA	Uganda National Road Authority
UPAF	Uganda Prisons Aid Foundation

UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPR	Universal Periodic Review
UPS	Uganda Prisons Services
URA	Uganda Revenue Authority
URBRA	Uganda Retirement Benefit Regulatory Authority
URCS	Uganda Red Cross Society
USD	United State Dollar
USE	Universal Secondary Education
UWA	Uganda Wild Life Authority
UYONET	Uganda Youth Network
VDPA	Vienna Declaration and Programme of Action
VCT	Voluntary Counseling and Testing
WFP	World Food Programme
WHO	World Health Organization
WOII	Warrant Officer Two
WRS	Warehouse Receipt System
<a href="http://www.uhrc.ug">www.uhrc.ug</a> World Wide Web. Uganda Human Rights Commission.	



## UHRC ORGANOGRAM



# ABOUT UGANDA HUMAN RIGHTS COMMISSION

## Vision

*A society that respects human rights and fulfils civic obligations.*

## Mission Statement

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

## Corporate Values

1. Integrity, Transparency and Accountability
2. Fairness in the execution of functions and mandate
3. Dignity of the person is central
4. Independence, credibility and reliability as a National Human Rights Institution
5. Quality of Service delivery

## Mandate

The functions of the Commission as per Article 51 (1) are listed as follows: -

- a) *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;*
- b) *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;*
- c) *To establish a continuing programme of research, education and information to enhance respect of human rights;*
- d) *To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;*
- e) *To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;*
- f) *To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;*
- g) *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;*
- h) *To monitor the Government's compliance with international treaty and convention obligations on human rights; and*
- i) *To perform such other functions as may be provided by law.*

Article 52(2) also requires the Commission to publish periodical 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 UHRC an intervention role in situations where a State of Emergency has been declared, as stated herewith;

*"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) of the Constitution, the UHRC has the following powers:

- a) *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;*
- b) *To question any person in respect of any subject matter under investigation before the Commission;*
- c) *To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and*
- d) *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:

- (a) The release of a detained or restricted person;*
- (b) Payment of compensation; or*
- (c) Any other legal remedy or redress*

### **Independence of the Commission**

Under Article 54 of the Constitution, 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 Commission**

Under Article 55 of the Constitution, the UHRC shall be self-accounting and all the administrative expenses of the commission, 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 Commissioners**

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 UHRC**

The appointment of the officers and other employees of the Commission is made by the UHRC in consultation with the Public Service Commission.

### **Laws governing the functions of the UHRC**

The laws that regulate and facilitate the performance of the functions of the Uganda Human Rights Commission are the UHRC Act and UHRC rule of procedures.



## ACKNOWLEDGEMENTS

The Uganda Human Rights Commission (UHRC) acknowledges the support of the government of Uganda and civil society in the performance of its functions. The UHRC appreciates financial support from the Government of Uganda, the Democratic Governance Facility (DGF) and to all those who extended their financial/ physical support to ensure the successful production of this report. These include; UN Office of the High Commission for Human Rights, UN Office of the High Commission for Refugees, United Nations Development Programme, Justice Law and Order Sector (JLOS), Governments of United Kingdom, Netherlands, Denmark, Ireland, Norway, Sweden, Austria, Germany (GIZ). We also appreciate the support of the Association for the Prevention of Torture (APT), Network for National Human Rights Institutions (NANHRI), Article Five Initiative (A5I) and Omega Foundation.

The UHRC acknowledges its Directorate of Monitoring and Inspections in particular the Acting Director, Ms. Nduru Patricia and her team: Ms. Priscilla Nyarugoye, Ms. Paula Biraaro, Ms. Hope Bagota, Ms. Diana Rutabingwa, Ms. Akampereza Diana, Ms. Birungi Sarah and Ms. Felistas Atim-Odyek for compiling the report.

Special gratitude to the members of the editorial board, in particular the Chairperson Mr. Med S.K. Kaggwa, Commissioner Agaba Maguru, Secretary Mr. G.T. Mwesigye and members: Ms. Patricia Nduru, Ms. Dorah B. Kabuye, Ms. Ruth N. Ssekindi, Ms. Margaret Lucy Ejang, Ms. Rose Atim, Ms. Twembi Theopista, Mr. Willy Agirembabazi, Mr. Wilfred Asiimwe Muganga, Ms. Rose Mary Kemigisha, Ms. Florence Munyirwa, Ms. Priscilla Nyarugoye, Mr. Charles Mukasa, Ms. Melody Ngwatu Ginamia, Mr. Kamadi Byonabye, Ms. Ida Nakiganda, Ms. Paula Biraaro, Mr. Farouk Nyende, Ms. Esther Apolat, Ms. Nassuna Rizzan, Ms. Hope Bagota and Ms. Diana Rutabingwa for improving the report for publication.

The UHRC further acknowledges the contributions made by individuals and organizations during the consultative process. We thank the following people: Ms. Birgit Gerstenberg, (OHCHR), Hon. Safia Nalule Jjuko (Parliament), Mr. Patrick Tumwine (HURINET-U), Lt. Col. Charles Wacha (UPDF), Commissioner Kururagiyire Wyclife (Uganda Prisons Service), Mr. Kitamirike Emmanuel (Uganda Youth Network), Mr. Sempala Robert (Human Rights Network of Journalist- Uganda), Ms. Komuhangi Catherine (Foundation for Human Rights Initiative), Deputy IGP Martin O. Ochola, SSP Dinah Kyasiimire (Uganda Police Force), Ms. Savia Mugwanya and Ms. Eva Lubowa (Ministry of Public Service), Mr. Patrick Okello and Commissioner Mondo Kyateeka (Ministry of Gender Labour and Social Development), Mr. R. Nsamba-Lyazi (Ministry of Education and Sports), Mr. Stephen Turyahikayo (Earth Beat Foundation), Mr. Odwe Dennis (AGHA), Ms. Pamela Komujuni (Office of the Prime Minister), Mr. Walimbwa Aliyi (Ministry of Health), Ms. Lamunu P. Ouma (International Alert), Mr. Michael Omara and Mr. Ochom Jonathan (Uganda Land Alliance), Eng. Joseph Okedi (Ministry of Energy and Mineral Development), Mr. Bafirawala Elisha (Ministry of Justice), Mr. John Orach (National Network for Older Persons in Uganda), Ms. Jeroline Akubu (Uganda Law Reform Commission), Mr. Wamai David (Ministry of Finance, Planning & Economic Development), Ambassador Arthur Kafeero, Mr. Justinian Kateera (Ministry of Foreign Affairs), Ms. Sarah Mitanda (Ministry of Justice & Constitutional Affairs) and lastly Mr. Ken Kiggundu (Uganda Red Cross Society). The information provided during the consultation meeting helped in enriching the draft annual report.

## EXECUTIVE SUMMARY

This is the sixteenth annual report of the UHRC on the situation of human rights to Parliament. The report consists of thirteen chapters subdivided into two sections. Section 1 covers the activities undertaken by the UHRC while Section 2 makes an assessment of the human rights situation in 2013.

The report is primarily based on information from: complaints received; investigations conducted including systemic investigations; human rights education and outreach activities; inspection of places of detention; monitoring health facilities, refugee centres, disasters, oil and gas exploration in the Albertine Region, working conditions of artisanal miners and factory workers; information provided during interviews and the UHRC Consultative Meeting. The report makes reference to secondary information where relevant.

### SECTION 1

#### CHAPTER 1: COMPLAINTS MANAGEMENT IN 2013

The chapter assesses the trend of human rights complaints received, disaggregated into those mediated or referred, and those investigated and resolved through the UHRC Tribunal. In 2013, the UHRC received a total of 4,753 complaints and registered 720 new complaints on human rights violations, making a 73.76% increase from the 2725 complaints received in 2012.

Complaints on violation of the right to personal liberty /detention beyond 48 hours topped the list at 33.83% of the total number of complaints registered, followed by the violation of freedom from torture and cruel, inhuman or degrading treatment or punishment which constituted 31.31%, and the violation of the right to child maintenance at 15.71%. The UHRC noted a 22.54% increase in the complaints lodged against the Uganda Police Force (UPF) from 346 in 2012 to 424 in 2013, making it the respondent with the highest number of complaints lodged. The UPF was followed by the private individuals at 163, Uganda Peoples' Defence Forces (UPDF) at 55, Uganda Prisons Services (UPS) at 36, Local Governments at 28, and others.

As was the case in 2012, male complainants lodged more complaints at 513, which constituted 70.3% of the total number of complainants, while the female constituted 28.57 of the total complainants. On the whole, complaints reported by the male complainants reduced by 16% from 611 in 2012 to 513 in 2013, while complaints reported by the females increased by 3% from 203 in 2012 to 209 in 2013. Majority of the complaints (96.7%) were reported by adults, while only 3.3% were lodged by minors or persons below 18 years of age. As was the case in 2012, most of the complaints lodged by minors in 2013 were with regard to the right to education, maintenance and neglect by parents or guardians.

In addition to the above, the UHRC offered advice and/or referred 2,159 complaints in 2013, making a 6.88% increase in the advice and referrals made from 2020 in 2012. In the same year, the UHRC investigated 2,068 complaints in 2013, of which 1,041 complaints were fully investigated while 1,027 complaints were partially investigated. Resolution of complaints was mainly through mediation and by tribunal hearings. The UHRC mediated 143 complaints, many of which related to child maintenance. Other cases mediated related to the rights to education, remuneration, and property, among others.

In 2013, the UHRC Tribunal heard and concluded 150 complaints of which 77 were decided in favour of the complainants, 14 were settled amicably by the Tribunal while 58 matters were dismissed for want of prosecution. Out of the matters decided in the favour of the complainants and those amicable settled, the Tribunal awarded a sum of UGX. 1,376,830,500/- (Uganda Shillings one billion, three hundred seventy six million, eight hundred thirty thousand, five hundred) to the victims.

Some of the challenges faced by the Commission in the tribunal process in 2013 included: having one member Ms. Mariam Fauzat Wangadya leaving the UHRC service to take on a new appointment with the Inspectorate of Government as the Deputy Inspector General of Government and lack of adequate co-operation from complainants, witnesses and respondents leading to frequent tribunal adjournments.

## Recommendations

### 1. As recommended in previous Annual Reports:

- The Uganda Police Force should adhere to the law and should be equipped with the necessary facilities to enable them fulfil the constitutional obligation to bring suspects to court within 48 hours and to efficiently perform their duties;
- The Directorate of Public Prosecutions should be adequately facilitated and staffed to enable it expeditiously handle criminal cases in a timely manner, to ensure that suspects are produced before courts within the acceptable lawful timelines;
- Government should strengthen the institutions dealing with child-related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court and the Local Council courts. This would help in addressing cases of maintenance and other related rights of children right from the village level;
- Government should ensure that the Uganda Human Rights Commission is adequately facilitated to effectively carry out its mandate;
- State agencies and institutions particularly those that are respondents in the complaints before the Uganda Human Rights Commission should cooperate with the Uganda Human Rights Commission to enable it effectively implement its mandate and fight impunity in the country;
- Government should expedite the process of passing a Legal Aid Policy to ensure access to justice for all;
- Government should invest in training and re-training of law enforcement agents to equip them with modern investigation skills; in particular, the Uganda Police Force should acquire modern investigation techniques and equipment to avoid use of torture in obtaining information; and
- The Government should, ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional mechanisms for the prevention of torture and ill treatment.

### 2. The Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlement in a timely manner and should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the Uganda Human Rights Commission.

## CHAPTER 2: CONDITIONS IN PLACES OF DETENTION

This chapter analyses of the UHRC findings on the human rights situation of detainees and staff working in the police, prisons, remand homes and military detention facilities across Uganda in 2013. The UHRC inspected 6 remand homes, 20 military detention facilities, 142 prisons, 225 police stations and 667 police posts totaling up to 1,060 places of detention. The chapter makes further analysis of the status of transformation of prisons into correctional facilities.

The UHRC noted some positive developments in 2013 such as: the construction and renovation of selected prisons, police stations, juvenile centres; deployment of regional human rights officers within the police force; maintenance of updated registers, continued establishment of human rights committees in prisons, improvement in sanitation, hygiene and welfare of children incarcerated with their mothers and the commencement of the drafting of the correctional policy. However, the UHRC noted with concern some recurring challenges and these included: cases



of prolonged and arbitrary detention, inadequate provision of food, clothing and beddings, torture of inmates and suspects, detention of juveniles with adult offenders; overcrowding; continued use of bucket system and poor welfare of prison and police staff. The UHRC further noted with concern challenges affecting the reintegration and rehabilitation of inmates including stigmatization of ex-inmates which partly accounts for recidivism; rejection in the communities and the punitive attitude of communities which seek to punish offenders even when they have finished serving their terms.

## Recommendations

### 1. As recommended in the previous Annual Reports:

- The Uganda Police Force and the Uganda Prisons Service should continue to construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects and improve the living conditions of detainees and staff;
  - The Justice Law and Order Sector should strengthen the District Coordinating Committees to fast track cases of prolonged detention;
  - The Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prisons Service should ensure that children in conflict with the law are separated from adults in all places of detention;
  - The Justice Law and Order Sector should strengthen mechanisms for diversion of children away from the criminal justice system using alternative dispute resolution mechanisms such as mediation and arbitration; and
  - Ministry of Internal Affairs should ensure that the Uganda Police Force and the Uganda Prisons Service are allocated adequate resources to enable them perform their functions and to improve on their working conditions and welfare;
2. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the International Covenant on Civil and Political Rights;
  3. The Uganda Police Force, Uganda Prisons Service and the Uganda Peoples' Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and are provided with basic beddings, improved sanitation and ensure detainees living with HIV/AIDS access ARVs;
  4. Judicial Service Commission should recruit more judicial officers to reduce case backlog and prolonged detention of suspects and remandees;
  5. The Ministry of Internal Affairs, Uganda Prisons Service, Uganda Police Force and the Directorate of Public Prosecutions must urgently address the issue of suspects who are being detained without files. If there are no files or charges against them, they should be released;
  6. Ministry of Finance, the Justice, Law and Order Sector and Uganda Prisons Service should allocate funds for the transformation of the current prison system into a correctional system focusing on the rehabilitation and reintegration of inmates;
  7. Uganda Prisons Service should construct perimeter walls around all the prisons in Uganda as a security measure within and outside the prisons and to provide an avenue for inmates to undertake recreation activities;
  8. Uganda Registration Services Bureau should increase its efforts in ensuring the countrywide registration of all births in Uganda to address the issue of age determination of children in conflict with the law;
  9. The Ministry of Internal Affairs should ensure that the Uganda Prisons Service, Uganda Police Force get adequate resources to enable them perform their functions effectively and improve their working conditions and welfare.

10. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the International Convention on Civil and Political Rights; and

## CHAPTER 3: HUMAN RIGHTS EDUCATION AND OUTREACH

This chapter analyses the human rights education (HRE) and outreach activities conducted by the UHRC in 2013. The activities included sensitising 41,530 law enforcement agencies, district officials, community meetings, schools and grass root communities. The UHRC continued to facilitate the consultative process of developing a draft National Civic Education Policy which is intended to among others coordinate civic education delivery in the country, set minimum standards and ensure quality control. The other outreach activities included: 182 radio talk shows which was a 58% increase from 115 in 2012; 1,867 radio spot messages; 6 television talk shows; 5 television commercials, newspaper supplements and media briefings; the development of 39,200 Information Education and Communication materials on selected human rights themes; distribution of 3000 law books to the UPF; and commemoration of human rights days. The UHRC faced recurrent challenges in carrying out HRE which included lack of a coordination mechanism for civic education, inadequate funding and non-functional human rights committee due to lack of logistical and financial support from the Ministry of Local Government.

As recommended in the previous Annual Reports:

1. Government should adequately fund Uganda Human Rights Commission's civic education mandate as well as support efforts to streamline civic education delivery in Uganda;
2. The Ministry of Local Government and the Local Government Finance Commission should adopt and implement the draft guidelines on the functionality and operationalisation of District Human Rights Desks in order to ensure enhanced promotion and protection of human rights by the local governments; and
3. The Ministry of Internal Affairs and the Uganda Police Force should enhance human rights training programmes for the police force in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as a state obligations;

## CHAPTER 4: FINANCE AND ADMINISTRATION

The chapter highlights the support and administration services rendered in the financial year (FY) 2012/13 and international and regional engagements. This chapter makes an assessment of funding from both the Government of Uganda (GoU) and Development Partners.

In an effort to take human rights services nearer to the people, the UHRC established Hoima Regional Office which was created out of Fort Portal Regional Office. The UHRC continued to implement activities for its capacity development such as the oversight role by internal audit; inspections and technical backstopping to regional offices; and training and mentoring staff on performance agreements in order to carry out its mandate.

In FY 2012/13 UHRC received funding of UGX 11.90 billion of which UGX 8.32 billion was contributed by GoU and UGX 3.38 billion by development partners. In FY 2012/13 the total funding gap resulting from the budget submission of UHRC compared to the amounts appropriated was UGX 15.2 billion. In FY 2013/14, UHRC received UGX 9.78 billion from GoU leaving a total funding gap of UGX 1.52 billion. In addition, UHRC received UGX 2.5 billion from its development partners representing a decline of 16.5%. Due to the inadequate funding the UHRC was not able to fund the expanded structure and open additional offices.

## Recommendations

1. As recommended in the previous Annual Reports:
  - The Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission to avoid the challenges associated with dependency on external financial support that has often proved unreliable;
  - The Ministry of Finance, Planning and Economic Development should increase funding for the Uganda Human Rights Commission wage bill to adequately cater for the approved structure and non-wage to pay non-wage staff related costs that are contractual in nature to avoid any possible future litigation; and
  - Ministry of Finance, Planning and Economic Development should progressively provide funds to Uganda Human Rights Commission to acquire office accommodation for regional offices so that the recurrent expenditure on rent may be channelled to other critical areas of operations;
2. The Ministry of Finance, Planning and Economic Development should provide additional resources to enable the Uganda Human Rights Commission establish more regional offices as well as procure additional vehicles since most of the activities involve fieldwork.

## SECTION 2

### CHAPTER 5: EMERGING HUMAN RIGHTS CONCERNS

The UHRC continued to take note of significant emerging human rights concerns due to their implications on human rights in 2013. Some of the human right concerns were recurrent while others emerged in 2013. The emerging human rights concerns highlighted in the chapter are: the increasing incidents of murder; the increasing students' strikes in schools; the challenge of human trafficking; the state of media freedom; and freedom of assembly and demonstration. Other emerging issues are the delays in salaries of public servants; youth unemployment and underemployment as well as the plight of older persons.

The UHRC noted positive developments including: government programs such as the Youth Livelihood Programme and Youth Venture Capital fund to address unemployment and the Social Protection Program which provides social assistance to vulnerable persons in 14 districts. In addition, the UHRC noted the development of the Human Rights Checklist of Parliament which is to ensure compliance with human rights standards; the establishment of a Parliamentary Forum on media to defend and promote media freedoms.

In spite of these positive developments the UHRC noted the following concerns including; increased incidences of murder and child sacrifice that violated the right to life; increased incidences of student strikes that violated the right to peaceful assembly and education, incidences of human trafficking that violated freedom from slavery and servitude, the right to security of the person and the right to marry.

In addition, the UHRC noted the closure of media houses, incidents of intimidation of journalists, mysterious deaths of journalists, blocking and interception of assemblies, re-emergence of unidentified militia 'Kiboko Squad' and the growing culture of intolerance and violence by some members of the public hindered the enjoyment of freedom of speech and expression and freedom of assembly and demonstration.

The UHRC also noted that low salaries and delayed payment of civil servants salaries violated the right to just and favourable conditions of work while challenges in accessing pension, inadequate allowances under the Social Assistance Grant for Empowerment, violation of the right to health and housing of older persons negatively affected the enjoyment of rights of older persons.



The UHRC noted that challenges such as lack of a comprehensive youth policy, undertaking of courses that are not related to the job market, limited job opportunities, poor management of youth interventions hindered youth employment.

In addition, the UHRC noted the hindrance to trade and disruption of economic activities, ethnic tensions at Refugee Centres and unemployment were some of the human rights concerns arising of the South Sudan conflict

### **5.1 Recommendations to address increased incidences of murder**

The UHRC recognises efforts by all responsible agencies and particularly UPF in trying to resolve murders in the Uganda. The efforts were in training of staff in crime prevention and handling; apprehending suspected murderers and investigating murder cases; deploying expert detectives in homicide from headquarters to remotely located crime scenes; intensifying community policing initiatives; prosecuting and disciplining security officials involved in murderous acts. Nevertheless much more needs to be done. In this regard, the UHRC makes the following recommendations:

#### **Uganda Police Force and other Security Agencies should:**

1. Conduct thorough and expeditious investigations into the murders to apprehend and prosecute the culprits as well as manage the fear and anxiety among communities and the country at large;
2. Spearhead the development of a special prevention and response mechanism to prevent the re-occurrence of such murders, including intensification of community policing programmes and rationalised deployment of police officers especially in the affected areas;
3. Scale up its capacity in numbers and professional capacity of its detectives to be more effective in detecting and preventing crime. The detectives should be continuously empowered with specialised skills to investigate complicated crimes;
4. Set up counselling units for their officers to address the psychosocial trauma associated with their work;
5. Conduct mass community sensitisation on the importance of residents refraining from tampering with scenes of crime to enable the investigators to get reliable findings, particularly in murder cases;
6. Keep members of the public updated on the progress on the murder cases so as to reassure them about the security situation in their communities as well as rebuild public confidence and trust in Police; and
7. All security agencies should strengthen the control of armouries, use and movement of arms.

#### **Government ministries**

1. The Ministry of Gender, Labour and Social Development should ensure that survivors or witnesses of these murders are afforded psychosocial counselling to address the effects of trauma with particular attention to children;
2. The Ministry of Local Government should expedite the process of reviving the Local Council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security;
3. The Ministry of Internal Affairs should expedite the National Identity Card project in order to facilitate the development of a databank with bio-data of all people living in Uganda to help in police investigations; and
4. The Ministry of Internal Affairs should strengthen security at Uganda's border points in order to stop illegal immigrants who may include criminals.

#### **The general public**

1. Neighbourhood watch initiatives should be encouraged among communities to enhance their vigilance in identifying and reporting suspicious persons in their midst to the authorities to allow for timely interventions;
2. Members of the communities should cooperate with the investigating teams by willingly providing them with information in their possession that is related to murder cases;
3. All persons should respect other persons' rights, including the right to life; and
4. Members of the public should respect the rule of law and desist from taking the law in their hands.

## **5.2 Recommendations to address school strikes**

### **School Administrators**

1. Head teachers need to manage conflicts in their schools using strategies that yield functional synergies among teachers and students;
2. School administrators should open channels of communication with students as well as treat them as stakeholders in school administration;
3. Administrators should regularly meet with students' bodies so as to solve students' grievances in a timely and effective manner;
4. Punishments given to students should be fair and proportionate to the offence committed;
5. School administrators should comply with the policy and law that banned and prohibited corporal punishment in all schools and colleges in Uganda;
6. School administrators should help academically challenged students to improve instead of dismissing them;
7. There is need to sensitise students about human rights and their corresponding duties and responsibilities;
8. Schools should desist from commercialising education whereby they are quick to admit students with the sole interest of making money without taking note of their track record of discipline; and
9. The students who influence others to strike should be identified and expeditiously dealt with in accordance with school rules and regulations.

### **Students**

1. Students should desist from using violent means of solving grievances; and
2. In exercising their freedom of assembly and demonstration students should respect other people's rights.

### **Government ministries**

1. The Ministry of Finance, Planning and Economic Development should increase UHRC funding to establish and train School Human Rights Clubs which can inculcate a culture of human rights respect among students and appreciation of duties and responsibilities that come with them;
2. The Desk that was established by the Ministry of Education and Sports to handle students' grievances should be strengthened to provide an effective redress mechanism for students' grievances;
3. Appointed head teachers should undergo management training to prepare them for the managerial roles. In addition, refresher courses should be organised for serving head teachers to equip them with human rights knowledge, conflict management skills so as to enable them avert violent student's strikes; and

4. The schools inspectorate department of Ministry of Education and Sports should be strengthened and adequately facilitated to carry out regular inspections of schools for quality assurance in education institutions.

#### **Uganda Police Force**

1. In quelling students' strikes, police should desist from using excessive force.

#### **Parents**

1. Parents Teachers' Association should revive their role in disciplining students and inculcating in them the culture of respect for elders as well as structures.

### **5.3 Recommendations on human trafficking**

1. The Ministry of foreign Affairs should ratify the 1993 Hague Convention on Protection of children and cooperation in respect of inter-country Adoption;
2. The Ministry of Finance, Planning and Economic Development should allocate sufficient funds to the Coordination Office to Counter Trafficking in the Ministry of Internal Affairs to support counter trafficking activities;
3. The Coordination Office to Counter Trafficking and Uganda Police Force should apply the Human Rights Based Approach in counter-trafficking;
4. Law enforcement officers should be effectively trained to implement the Prevention of Trafficking in Persons Act, 2009;
5. The Ministry of Justice and Constitutional Affairs should develop a witness protection law to assist victims of human trafficking;
6. The Uganda Law Reform Commission should expedite the process of amending the Children's Act CAP 59 to include strong provisions related to inter-country adoption and guardianship; and
7. The Coordination Office to Counter Trafficking should implement strategies for prevention of trafficking in persons by intensifying an anti-trafficking public awareness campaign.

### **5.4 Recommendations on media freedoms**

1. As recommended in the previous Annual Report:
  - Media managers and journalists should adhere to the set professional code of ethics and practices;
  - Security personnel that violate rights of journalists should be brought to book and the actions taken made public;
  - All public bodies should endeavour to make accessible public information in their possession. They should take steps to ensure timely, effective and practical access of the media by the public to such information; and
  - Government should increase funding for UHRC to train and sensitise media proprietors, managers and practitioners on their role in the protection and promotion human rights as well as their duties and responsibilities that come with the right to information and media freedom.

#### **Uganda Police Force**

1. The Uganda Police Force should undertake prompt, effective and impartial investigation into all cases of attacks, threats and intimidation of media practitioners and bring the culprits to book;
2. The Uganda Police Force should expedite the investigations into the killing of the two journalists so that justice can prevail and fears can be allayed if the deaths were not connected to their duties as journalists;



3. The Uganda Police Force should carry out legitimate arrests and investigate expeditiously in cases of suspected breach of media law with due consideration not to jeopardise the enjoyment of media freedoms; and
4. The Uganda Police Force should institute mechanisms to fight against impunity when violation of media freedom and the rights of media practitioners have occurred.

#### **Parliament**

1. Parliament should ensure the effective application of the human rights checklist in order to enact human rights compliant media laws;
2. Parliament should ensure that the Parliamentary Forum on Media has the resources, and good will to operate effectively so as to amplify the voices that are currently advocating for improved respect of media freedoms; and
3. Parliament and the Ministry of Information and National Guidance should strengthen Uganda Broadcasting Corporation and enhance its capacity to play its public service role effectively in order to enhance the people's right to information.

#### **Public**

1. The public should be sensitised to appreciate that media freedoms are key to individuals' freedom of speech and expression and should therefore be protected as a right for all people not just the media fraternity.

#### **Uganda Communications Commission**

1. The Uganda Communications Commission should ensure continued increase in accessibility, affordability and penetration of the internet since it enhances the work of journalists; and
2. The Uganda Communications Commission should reign in media proprietors who abuse their positions to interfere in the enjoyment of media freedoms. Uganda Communications Commission should set parameters for safeguarding information as a public good not as a business commodity that should be left to the market forces.

#### **Media proprietors and Practitioners**

1. Media proprietors should improve the working conditions of media practitioners. Parliament should set a minimum wage in order to curb the rampant exploitation of media practitioners; and
2. The media fraternity should put their house in order by getting organised into credible professional associations that enhance unity, solidarity and professionalism among the professionals.

#### **Stakeholders**

1. All stakeholders including government should support and strengthen the existing self-regulation mechanism of the media to enhance compliance with professional ethics among the media practitioners.

#### **5.5 Recommendations on freedom of assembly and demonstration**

1. As previously recommended in the previous Annual Reports:
  - The Uganda Police Force should exercise its discretionary powers judiciously by respecting Article 221 of the 1995 Constitution, which makes it a duty of all law enforcement agencies to observe and respect human rights and freedoms in the performance of their functions;

- The Uganda Police Force should desist from the use of excessive force and ensure punishment of errant security officers;
  - The public should understand that the freedom to assemble and demonstrate is not an absolute right and should be exercised with due regard to the rights and freedoms of others. Members of the public should fulfil their constitutional duties to obey lawful orders, desist from violent behaviour during demonstrations and in the event that anyone feels aggrieved should seek redress through lawful avenues; and
  - The Uganda Police Force should arrest and prosecute the stick-wielding men who masquerade as law enforcers during public demonstrations and usurp the mandate of the police.
2. The Uganda Police Force, Uganda Human Rights Commission and other human rights defenders should urgently carry out country-wide sensitisation of citizens on the contents of the new Public Order Management Act, 2013 for every stakeholder to understand their role in peaceful demonstrations;
  3. The Uganda Law Reform Commission and Parliament should review other laws that have an impact on the Public Order Management Act, 2013 such as the Police Act Cap 303 and Penal Code Act Cap 120 that provide for unlawful assemblies and dispersal of crowds so that they are brought in line with the Constitution and international and regional human rights instruments;
  4. The Uganda Police Force should respect and implement court decisions in order to ensure promotion of the rule of law and avoid impunity in the country; and
  5. The institutions of justice especially the Uganda Police Force, Director of Public Prosecution and the Judiciary should implement the Prevention and Prohibition of Torture Act, 2012 to bring to book perpetrators of torture.

#### **5.6 Recommendations on delay in payment and increment of salaries of civil servants**

1. The Ministry of Finance, Planning and Economic Development and Ministry of Public Service should expeditiously conduct and conclude the verification of the payroll to ensure that public servants erroneously deleted from the pay roll are reinstated and ghost workers are deleted;
2. The Ministry of Finance, Planning and Economic Development should increase operational funding for the Ministry of Public Service to be able to undertake comprehensive and regular preparatory training for all payroll managers as required in a bid to ensure that they can confidently use the Integrated Personnel and Payroll system;
3. The Ministry of Public Service should expedite the process of operationalising a help desk; and
4. The Ministry of Public Service should adhere to the requirement and their own commitment to pay public servants by the 28<sup>th</sup> day of every month.

#### **5.7 Recommendations on youth unemployment and underemployment**

##### **The Ministry of Gender Labour and Social Development**

1. The ministry should develop comprehensive youth policies through a rights based approach to guarantee youth participation at all levels in the determination, formulation, planning and implementation of programmes targeting them;
2. The ministry should implement affirmative action for youth-owned enterprises by setting a mandatory percentage of allocation of business from government institutions to youth-owned enterprises and granting newly established youth enterprises tax holidays;
3. The ministry in conjunction with other key stakeholders should establish decentralised youth training centres on entrepreneurship and business skills to ensure access for all youth especially vulnerable ones like Persons With Disabilities;

4. The ministry should establish technical training institutions based at regional level to train youth in courses that guarantee self-employment as opposed to being job-seekers;
5. The ministry should set a minimum wage and better work incentives to encourage the youth to acquire the necessary skills to attain jobs and stay on;
6. The ministry in conjunction with the Local Governments should ensure District Labour Officers are recruited in all districts and adequately facilitated so that they can monitor, inspect and report on labor issues; and
7. The ministry in collaboration with the Ministry of Agriculture, Animal and Fisheries Industry and the Ministry of Works and Transport should develop a comprehensive youth policy to encourage youth to get employment in labour-intensive sectors like agriculture and roads infrastructure where demand for labour is guaranteed.

### **The Ministry of Education and Sports**

1. The ministry should review the school curriculum to ensure that the youth who complete their education are in a position to create employment opportunities for themselves; and
2. The ministry should enforce a requirement for mandatory career guidance in educational institutions to enable students obtain the necessary guidance in the application for courses that are relevant to the job market.

### **The Government**

1. The government should prioritise youth involvement in commercial agriculture and specially target youth-owned agricultural projects for support.

### **Parents and guardians**

1. Parents should pay more attention to and fulfil their role in nurturing and shaping their children to be law-abiding and responsible citizens, including instilling in them values of discipline and hard work.

## **5.8 Recommendations on the plight of older persons**

1. The Ministry of Gender, Labour and Social Development should establish a National Council for Older Persons, which will act as a body at a national level through which the needs, problems, concerns, potentials and abilities of older persons can be communicated to Government and its agencies for action;
2. The Ministry of Gender, Labour and Social Development should roll out the Senior Citizens Grant to older persons in all districts of Uganda;
3. The Ministry of Foreign Affairs should sign and ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa once it comes into force;
4. The Ministry of Education and Sports should incorporate Social Gerontology and Geriatrics in the training curriculum up to the national level for Social and Health workers respectively;
5. The UN should adopt a UN convention to protect and promote the rights of older persons;
6. Families and communities in Uganda should embrace their obligation to protect vulnerable persons and nurture a cultural of taking care of older persons; and
7. Ministry of Finance Planning and Economic Development should ensure that the Retirement Benefits Sector Liberalization Bill 2011 complies with human rights standards.



## 5.9 Recommendations on the human rights concerns arising out of the South Sudan Conflict

1. Ministry of Internal Affairs should provide adequate security personnel and equipment to ensure the proper supervision and monitoring of the Uganda–South Sudan border posts and to prevent smuggling of small arms by refugees in Uganda;
2. Ministry of Trade, Investment and Cooperatives should dialogue with and provide support to Ugandan businesses and traders that were based in South Sudan to make use of alternative markets in the East African region to generate income; and
3. Office of the Prime Minister and other humanitarian stakeholders should ensure that the rights of refugees are protected by separating warring ethnic groups in separate refugee settlements in order to prevent inter ethnic conflicts.

## CHAPTER 6: RECURRENT HUMAN RIGHTS CONCERNS ARISING OUT OF FLOODS, LANDSLIDES, PROLONGED DRY SPELLS AND ROAD TRAFFIC ACCIDENTS

This chapter makes an analysis of the human rights concerns arising out of floods, landslides, prolonged dry spells and road accidents in 2013. The UHRC noted positive developments including: a more coordinated approach by Office of the Prime Minister and other stake holders in emergency response in the provision of food and non-food items; the active role taken by the UPF and UPDF in rescuing of flood victims; putting in place preventive measures by the UPF to reduce road accidents. However, the UHRC noted that disaster mitigation still remained a challenge with inadequate measures taken to: promote awareness of flood prone areas; address protection and restoration of flood prone areas; resettlement of persons in landslide slide prone areas; and address pre-license and on-spot inspections and careless driving.

### Recommendations

1. As recommended concerning natural disasters in the previous Annual Reports:
  - Government should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1) of the 1995 Constitution of Uganda;
  - The Office of the Prime Minister and the Ministry of Local Government should strengthen coordination of disaster preparedness and management institutions at the national and Local Governments levels respectively by ensuring that they have sufficient human, logistical and financial resources for effective response and management;
  - Interventions by Government and other stakeholders in disaster preparedness and management should apply the Human Rights Based Approach which emphasises the principle of non-discrimination with special attention to vulnerable groups such as women, children, Persons with Disabilities and the elderly and
  - The Office of the Prime Minister should strengthen interventions such as resettlement of survivors in landslide prone areas in order to achieve durable solutions.
2. The Ministry of Water and Environment should develop and implement a flood management strategy for all districts prone to floods with focus on de-silting of rivers;
3. The Office of the Prime Minister should specifically address effects of climate change on the communities within the Cattle Corridor and conduct further consultations to address issues of cultural identity and heritage;
4. The Office of the Prime Minister should establish a separate budget for disaster preparedness and management; and

5. Communities that have been relocated from disaster prone areas should refrain from returning to these areas.

### **Recommendations on Road Traffic Accidents**

1. As recommended in the previous Annual Report:
  - The Uganda Police Force and the Uganda Licensing Board should strengthen the implementation of the Traffic and Road Safety Act. Cap 361. Specifically in regard to Sections 59(a) and (i) of the Act which provides for testing drivers/instructors and regulating driving schools. In addition, Section 103 and 106 on inspection of all vehicles should be enforced;
  - The National Road Safety Council should be adequately facilitated to undertake preventive measures including road safety campaigns; and
  - The Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct them to remove black spots, seal pot holes, place traffic signs and lighting in order to ensure safety of all road users.
2. The Uganda Police Force should diligently perform their duties in line with the Traffic and Road Safety Act Cap 361.

## **CHAPTER 7: THE RIGHT TO AN EFFECTIVE REMEDY: A PRECONDITION WITHIN THE JUSTICE SYSTEM**

This chapter analyses the right to an effective remedy based on the criteria of accessibility, vulnerability, appropriateness of the remedy, effectiveness of the justice system and enforceability of remedies. This is against the background that the biggest number of court cases handled by the Attorney General's Chambers are cases instituted by private individuals or companies against the Government, with cases instituted by the private sector constituting 98% of all civil suits against Government.

The UHRC noted positive developments including the opening and staffing of 9 new Grade One magistrates' courts; construction of 5 mini-JLOS Stations; opening of 10 regional offices by the UHRC; appointment of 11 Grade One Magistrates, 17 Judges and 11 Justices of Appeal; the emphasis by JLOS on making JLOS service points more accessible for PWDs, the elderly and other vulnerable groups. In spite of the developments, the UHRC noted challenges including: limited access to public facilities; complicated procedures that deny for the illiterate and poor from accessing justice; insufficient funds to pay judgment debtors; lack of a national legal Aid Policy to address to address provision of legal aid which limits access to justice for the indigent; and the huge backlog in courts and tribunals which affects the timeframe within which lawsuits are heard and concluded

### **Recommendations**

1. As recommended in the previous Annual Reports:
  - Ministry of Justice and Constitutional Affairs and Ministry of Finance, Planning and Economic Development should establish a Victims Compensation Fund so as to enable timely compensation of victims of human rights violations;
  - Ministry of Finance, Planning and Economic Development should sufficiently fund and adequately facilitate institutions such as Ministry of Justice and Constitutional Affairs, Uganda Police Force and Uganda Human Rights Commission among others whose mandate is within the administration of justice with the necessary tools to enable them effectively execute their mandates;
2. Institutional liability should be promoted through the decentralisation of compensation payment to individual ministries, departments and agencies as a mechanism of deterring negligence and non-compliance with human rights standards. These payments would be paid to the victim compensation fund through which victims of human rights violations would be paid;

3. Ministry of Justice and Constitutional Affairs should request for appropriation of funds from Ministry of Finance, Planning and Economic Development for a one off clearance of the current outstanding Uganda Human Rights Commission Tribunal awards;
4. Justice, Law and Order Sector needs to develop a strategy of addressing physical access for vulnerable persons such as Persons With Disabilities in already existing Justice, Law and Order Sector structures that are inaccessible;
5. The Judicial Service Commission should intensify the dissemination of the Prevention and Prohibition of Torture Act 2012 and the Justice, Law and Order Sector institutions including Uganda Prisons Services, Uganda Police Force, Uganda Law Society, Ministry of Internal Affairs, Judiciary and the Law Reform Commission responsible should ensure its effective implementation so as to reduce the State's liability for acts of torture;
6. The Judiciary should strengthen the inspection function in the judiciary so as to ensure that performance of judicial officers is enhanced;
7. The Judiciary is urged to implement the Penal Code Amendment Act Cap 2007 that provides for payment by the offender of compensation to victims of sexual and gender based violence; and
8. Justice, Law and Order Sector should develop indicators for access to justice for vulnerable persons, Persons with Disabilities in particular, against which all Justice, Law and Order Sector institutions should report.

## CHAPTER 8: HUMAN RIGHTS SITUATION IN SELECTED REFUGEE CENTRES

The chapter evaluates the human rights situation of refugees in Bubukwanga Transit Site, Midia Transit Site, Nyakabande Transit Site and Kyangwali Refugee Settlement. The UHRC noted positive developments including: the registration of refugees using the Biometric System; the provision of land and security to refugees, infrastructural development and improved emergency response. In spite of these developments the UHRC noted challenges including: unaccompanied children and older persons; security threats; inadequate provision of health and education services; and inadequate provision of water and sanitation facilities.

### Recommendations

1. The Office of the Prime Minister and all stakeholders should apply the human rights based approach to refugee humanitarian assistance and ensure that the rights of refugees are promoted and protected;
2. The Ministry of Health and the Ministry of Education and Sports should construct more health centres and schools respectively in refugee settlements to cater for the overwhelming numbers of refugees;
3. Refugees are required to respect the laws and regulations of Uganda; they should know that rights go hand in hand with responsibilities. Therefore they should avoid any form of illegal actions such as deforestation; and
4. In times of emergencies, the Office of the Prime Minister should construct shelters for unaccompanied children and undertake family tracing expeditiously.

## CHAPTER 9: HUMAN RIGHTS IMPLICATIONS OF OIL AND GAS EXPLORATION ACTIVITIES IN THE ALBERTINE REGION

The chapter traces the discovery of oil in Uganda generally and also highlights the implications of the oil and gas exploration activities in the Albertine Graben in particular. This followed a petition by residents of Buseruka Sub County in Hoima Districts over allegations of human rights violations pertaining to the proposed Oil refinery in their parish. In response to this petition and based on its mandate, the UHRC monitored the human rights situation in the oil exploration areas in selected districts of Hoima, Buliisa, Nebbi, Nwoya and Amuru in August 2013.



The chapter highlights of the findings in the report: *'Oil in Uganda: Emerging human rights concerns - Special focus on selected districts in the Albertine Graben'*. These include: divergent public perception of the benefits of the oil industry; lack of awareness of the process and procedure for valuation of compensation; challenges in providing prompt and adequate compensation; challenges in waste management; increased influx of outsiders and cases of land grabbing; allegations of sexual harassment and abuse of girls; increased vulnerability of women after compensation; and inadequate capacity of most of the district officials in oil management issues, information and technical knowhow.

## Recommendations

In view of the aforementioned, the following recommendations are made to improve the observance of human rights in the implementation of the oil industry activities. The recommendations are addressed to specific centres for quick and unequivocal action as indicated below:

### The Ministry of Energy and Mineral Development

1. The ministry should without any delay enhance information flow and awareness about oil activities to communities and Ugandans at large in order to address the many challenges and concerns that were raised due to lack of or inadequate information. The Ministry should ensure that it effectively implements its Communication Strategy;
2. The ministry should expedite payment of compensation to all project affected persons so that it is not devalued by delays and also to calm down the anxiety of the affected people;
3. The ministry and its contracted service provider, Strategic Friends International, should in the compensation and resettlement of the residents of Kabaale, embrace the human rights-based approach in dealing with the affected communities;
4. The ministry should organise regular forums for Government, CSOs, oil companies and other stakeholders to come together to discuss their differences, map out strategies of addressing mutual suspicion and engendering cordial working relationships amongst all parties in the oil sector;
5. The ministry should urgently establish Liaison Desks in the Albertine Graben to enhance access to information as well as quick responses to concerns on a case by case basis;
6. The ministry should establish clear complaints resolution mechanisms within the oil exploration areas and sensitise the communities to utilise them;
7. The ministry should sensitise the community members on the dangers of xenophobia; particularly labelling people 'foreigners' based on lack of information and with a motive of denying them equal access to the opportunities in the oil sector;
8. Subject to the delicate balance between the requirements of the decentralisation policy and the constitutional provision of oil as a national resource, the ministry should delegate or share some of its roles with district local governments to enhance effectiveness since the local governments are on the ground and close to the communities. A memorandum of understanding between the ministry and all District Local Governments in the Albertine Graben would go a long way in streamlining the relationship;
9. The ministry should empower the district officials (both politicians and technical staff) with adequate knowledge on the oil industry in order for them to be able to effectively monitor how the sector is affecting the people; respond to their issues resulting from the oil industry and also empower them with information. In addition, the ministry should strengthen, empower and facilitate already existing structures like the Task Force on Oil in Buliisa district; and

10. The ministry in partnership with human rights organisations should undertake capacity building for oil companies in the human rights based approach so that they mainstream it in their exploration and production processes as well as activities.

#### **The Ministry Gender, Labour and Social Development**

1. The ministry should expeditiously investigate allegations of sexual harassment among the workers in the oil camps; the alleged discrimination between local and expatriate workers; and any other related labour issues so that the rights of workers are safeguarded;
2. The ministry should enhance programmes to empower people with financial literacy to prepare them to properly manage their compensation money as well as increased income expected from oil activities; and
3. The ministry should specifically address the issue of exploitation of workers by Chinese National Offshore Oil Company Chinese employees on the basis of language. The ministry should ensure that Chinese employers do not employ Ugandans on unfair and unfavourable terms due to language barrier just because they do not understand the Chinese language.

#### **The Ministry of Lands, Housing and Urban Development**

1. The Ministry of Lands, Housing and Urban Development should expeditiously issue the special plan for developing the Albertine region in order to manage the prevailing uncertainty, speculation and misinformation among the people.

#### **National Environmental Management Agency**

1. National Environmental Management Agency should take the lead in conducting the Environmental Impact Assessment (EIAs) and not leave them to the oil companies. The EIA reports should be shared with the general public;
2. National Environmental Management Agency should expedite the process of amendment of the NEMA Act to take care of the emerging environmental concerns within the oil sector; and
3. National Environmental Management Agency should take the responsibility of identifying where toxic substances should be dumped instead of leaving it for oil companies and the individuals who own land in the respective places.

#### **Uganda Investment Authority**

1. Uganda Investment Authority should incorporate a human rights based approach and human rights mitigation guidelines in its investment code and policies.

#### **The Oil Companies**

1. The oil companies should put in place a well developed human rights policy and effectively implement it during all phases of oil exploration and production to guide on how to deal with the emerging human rights issues;
2. The oil companies should conduct human rights impact assessments prior to commencement of activities; and
3. Corporate social responsibility should be demand driven. Oil companies should consult the people in order to come up with responsive programmes.

#### **Civil society organisations**

1. Civil society organisations should endeavour to always act professionally and be accountable; they should always strive to advance the interests of the people.

## CHAPTER 10: ASSESSMENT OF ACCESS TO ESSENTIAL HEALTH GOODS AND SERVICES

The right to the highest attainable standard of physical and mental health is a fundamental right of every human being and this entails access to a range of essential health goods and services necessary for delivery of quality health care. In line with its constitutional mandate to promote and protect human rights in Uganda, the UHRC inspected 374 health facilities consisting of 112 Health Centre IIs, 188 Health Centre IIIs, 54 Health Centre IVs and 20 Hospitals in 2013 to assess the conditions of Government and Private health facilities and access to essential health goods and services. This assessment was based on the findings made by the UHRC during its inspections of selected health facilities, review of health sector reports and the relevant legal framework.

The UHRC noted positive developments made towards the realization of this right such as the recruitment of health workers; infrastructural developments, improvement in access to essential medicines and supplies by Ugandans including vulnerable groups, among others. In spite of these developments the UHRC noted challenges faced in the access to essential goods and services by Ugandans which included: inadequate access to essential utilities; inadequate budget allocation; shortages in blood supply; and drug stock outs.

### Recommendations

- I. As recommended in the previous Annual Reports:
  - The Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the health sector in line with the 15% target in the Abuja Declaration in order to improve on access to essential health goods and services; and
  - The Ministry of Public Service, Ministry of Health and Ministry of Local Government should recruit and fill in the existing vacancies in health facilities as per the demands of the human resource staffing norms.
2. The Ministry of Finance, Planning and Economic Development should allocate more funding to the District Primary Health Care Non Wage budget to address the challenge of inadequate essential utilities such as water and electricity in health facilities;
3. The Ministry of Health and the National Medical Stores should supply the adequate number of essential medicines, supplies and equipment to all health facilities on time;
4. The Ministry of Health and National Medical Stores should train health workers on the procedures of proper requisition of essential drugs and supplies to avoid instances of over prescriptions and drug shortages;
5. The Ministry of Public Service and the Ministry of Health should revise and improve the salary scale and structure for health professionals as a mechanism to attract and retain health professionals; and
6. The Ministry of Health should prioritise Hepatitis B and E virus control as a development programme and allocate it adequate funding.

## CHAPTER 11: ASSESSMENT OF WORKING CONDITIONS OF ARTISANAL MINERS AND FACTORY WORKERS

This chapter makes an assessment of the working conditions of artisanal miners in Moroto District and of factory workers in Lira, Mbale, Tororo, Jinja, Buikwe, Bugiri, Iganga, Masindi, Kabarole, Kasese, Bushenyi, Mbarara, Kampala, Masaka, Gulu. The chapter highlights the characteristics of artisanal mining and the resultant human right concerns and highlights the findings of the systemic investigations report: *Workers' Rights: A Perspective on the enjoyment of rights of factory workers in Uganda, a Uganda Human Rights Commission Systemic Investigations Report 2011*.



During the preliminary monitoring of artisanal mining in Moroto District, the UHRC noted challenges including: occupational safety risks; use of child labour; health risks; and negative impact on human and animal health. With regard to the findings of the systemic investigations the UHRC noted positive aspects including the enjoyment of freedom of association by some factory workers, compensation for injuries and protection from discrimination on grounds of sex. However, the UHRC noted challenges such as: inadequate knowledge of the importance of trade unions; poor enforcement of occupational health standards; lack of awareness about employment laws and rights; lack of logistical support for labour officers; lack of written contracts; for casual labourers; unfavourable working conditions of casual workers; and lack of operationalisation the industrial court.

1. As recommended in the previous Annual Reports:

- The Ministry of Gender, Labour and Social Development should re-centralise district labour offices as most district local governments tend not to have sufficient funding for them to operate;
  - The Ministry of Finance, Planning and Economic Development should provide funding to strengthen and provide adequate resources for the labour function in Ministry of Gender, Labour and Social Development. This would help improve facilitation of district labour officers to provide continuous monitoring and inspection of conditions of workers;
  - The Ministry of Gender, Labour and Social Development should strengthen the Industrial Court and the Medical Arbitration Board to handle labour disputes and workers' compensation respectively; and
  - The Ministry of Gender, Labour and Social Development should recruit more labour officers so that all the 112 districts of Uganda can each have a District Labour Officer to handle labour-related issues
2. The Ministry of Finance, Planning and Economic Development should allocate funding to the Ministry of Gender, Labour and Social Development to conduct training and awareness creation for artisanal and small scale miners, factory workers and employees on labour laws, rights and occupational health and safety standards;
  3. The Ministry of Finance, Planning and Economic Development should provide funding to strengthen and provide adequate resources for the Department of Geological Survey and Mines in the Ministry of Energy and Mineral Development. This would help improve facilitation of the Department of Geological Survey and Mines to provide continuous monitoring, and to regularise and improve the artisanal and small scale miners sector;
  4. The Ministry of Energy and Mineral Development should take measures to advance and formalise artisanal and small scale mining in Uganda. This can be done through training and awareness campaigns for artisanal miners on geology, mining and mineral processing; relevant mining legislation; environmental management; business development skills and the provision of long-term extension services;
  5. The Ministry of Energy and Mineral Development should also take measures to review licensing and legal mining processes and procedures that are complex and bureaucratic;
  6. The Ministry of Gender, Labour and Social Development and the National Organisations for Trade Unions in Uganda should promote the unionisation of labour in order for artisanal and small scale miners and factory workers to realise the freedom of association and to strengthen collectively bargaining for the workers in their respective occupations; and
  7. Government should set a minimum wage for workers in accordance with the type of work done and level of qualifications of the worker. This will help curb the exploitation, oppression and underpayment of workers. Determination of minimum wage should also take into consideration the inflation and cost of living.

## CHAPTER 12: THE UGANDA HUMAN RIGHTS COMMISSION'S POSITION ON SELECTED BILLS

In line with its mandate to monitor government's compliance with international treaty and convention obligations on human rights, the UHRC reviewed the Anti Pornography Bill 2011 and The Narcotic and Psychotropic Substances (Control) Bill 2007. The UHRC noted that though the Bills generally sought to domesticate international conventions that the government had ratified and introduce oversight mechanisms there were still several human rights concerns noted. The human rights concerns noted in the Anti Pornography Bill included the interpretation of pornography and setting up of oversight bodies with similar functions as those already established while the human rights concerns noted in The Narcotic and Psychotropic Substances (Control) Bill included issues: of vulnerability of users; access to health facilities and services; inadequate protection of children in conflict with the law and due process guarantees.

### Recommendations

1. Since there laws already in place that can be strengthened to address the same concerns on pornography there is no need to put in place a separate law on pornography. The Penal Code Act Cap 120 should be reviewed in order to address the concerns noted and other relevant acts such as the Press and Journalist Statute Cap 105 and the Uganda Communications Act, 2013 should be strengthened; and
2. The Narcotic and Psychotropic Substances (Control) Bill should be reviewed to address the human rights concerns including health, due process guarantees, rights of vulnerable persons and inadequate protection of children in conflict with the law.

## CHAPTER 13: GOVERNMENT COMPLIANCE WITH THE UHRC RECOMMENDATIONS

The UHRC has over the years made recommendations to Government and various Stakeholders on how human rights can be promoted and protected in the country. The UHRC does this in line with its mandate to monitor Government's compliance with international treaty and convention obligations on human rights. In light of this, the UHRC followed up on progress made by government and various stake holders in the implementation of the recommendations made by the commission in the 15<sup>th</sup> Annual report and previous reports.

In 2013, 62.5% of the recommendations were fully or partially complied with compared to the 2012 81.8% that was reported in 2012. The UHRC commends the Government and various stakeholders for complying with its recommendations and continues to appeal to Government to comply with all the other recommendations.

### Recommendation

1. The Uganda Human Rights Commission urges Government and the various stakeholders to make the effort to comply with all the recommendations made by the commission in its present and past reports in order to protect and promote human rights in the country.



## CHAPTER 1

### COMPLAINTS MANAGEMENT IN 2013

#### 1 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 for the release of a detained or restricted person; payment of compensation; and any other legal remedy or redress. In fulfilment of the above mandate, the UHRC continued to receive complaints on human rights violations, conduct investigations and mediations, give advice, make referrals and hear/decide complaints through the Human Rights Tribunal. This chapter provides an analysis of the complaints received, investigated, mediated and resolved by the UHRC in 2013.

#### 1.1 PROCESS OF RECEIVING COMPLAINTS

##### 1.1.1 Who may lodge a complaint?

Any person claiming a violation of a fundamental right may bring a complaint before the UHRC for redress.<sup>1</sup> Complainants may include victims of human rights violations, relatives, friends, legal representatives, organisations, institutions, concerned parties or anyone authorised by the victim. Persons lodging complaints before the UHRC may complain on their own behalf and on behalf of others whose rights may have been violated. In addition, the UHRC may also open complaints on its own initiative where a violation is identified.

##### 1.1.2 Mode of receiving complaints

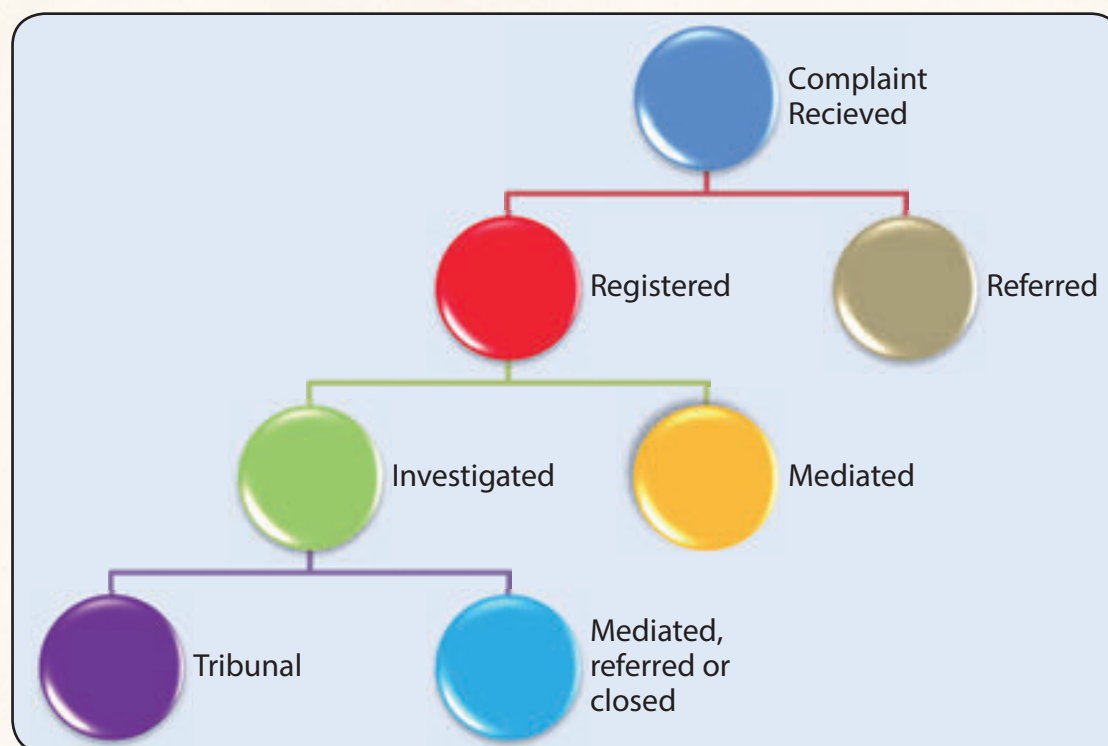
Complaints may be received by the UHRC when lodged in person (complainant walks into any of the UHRC offices to tell their stories), by letter, email, fax or phone call, through toll-free lines at Central and Gulu regional offices, through mobile complaints handling, community barazas or where referrals are made to the Commission. No fees are charged for lodging a complaint since all UHRC services are free of charge.

The UHRC attends to all people who contact the institution for its intervention into their matters. The practice at UHRC is never to turn away any person without listening to him or her. As such, where a complainant lodges a complaint which the UHRC cannot handle, the person is either given advice on how to go about the matter or may be referred to another appropriate institution which can handle the particular complaint. In fulfilment of its mandate to protect and promote human rights, the UHRC also works closely with various national institutions and Civil Society Organisations (CSOs) where it refers matters that do not fall within its mandate or matters that these bodies are best placed to appropriately handle.

<sup>1</sup> Article 50(1) of the 1995 Constitution.



**Figure 1.1: Various Stages of the Complaints Handling Process**



Source: UHRC

### 1.1.3 Mobile Complaints Handling

In an effort to take services closer to the people, the UHRC uses a mobile complaints handling mechanism where its staff move from district to district or village to village, sensitising communities on their rights and thereafter registering complaints on human rights violations that may be raised. The mobile complaints mechanism has been effective in creating awareness about the UHRC and targeting rural communities who are sometimes intimidated by the court system. Some people are not keen on travelling long distances to urban centres or to the UHRC offices to lodge their complaints due to financial constraints. Through the mobile complaints handling mechanism, the UHRC is able to reach more people in a short time and with limited resources.

## 1.2 COMPLAINTS RECEIVED AND REGISTERED IN 2013

In 2013, the UHRC received a total number of 4753 complaints marking a 73.76% increase from the 2725 received in 2012.<sup>2</sup> Out of the total number of complaints received, 720 were registered as complaints raising alleged human rights violations. The increase in the number of complaints received is attributed to the establishment of the Hoima Regional Office, the mobile complaints handling system<sup>3</sup>, the continued creation of public awareness and the peculiar incidents in Kampala resulting from the dispute over the Kampala mayoral office. It should also be noted that the UHRC on its own initiative registered and investigated five complaints, which are part of the 720 registered in 2013. These complaints were taken on following newspaper reports, inspections by the UHRC, anonymous phone calls and information from partners, among other tips.

<sup>2</sup> The complaints received represent all matters reported to the UHRC whether admissible or not.

<sup>3</sup> The UHRC staff move from district to district or village to village, sensitising people on their rights and thereafter registering complaints on human rights violations.

Table 1.1 shows the number of complaints received<sup>4</sup> in 2013, while Table 1.2 shows the number of complaints registered<sup>5</sup> from the various regional offices of the UHRC in 2013.

**Table 1.1: Number of complaints received by the UHRC Regional Offices in 2013**

Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	TOTAL
674	1303	324	239	114	403	363	812	105	416	<b>4,753</b>

Source: UHRC

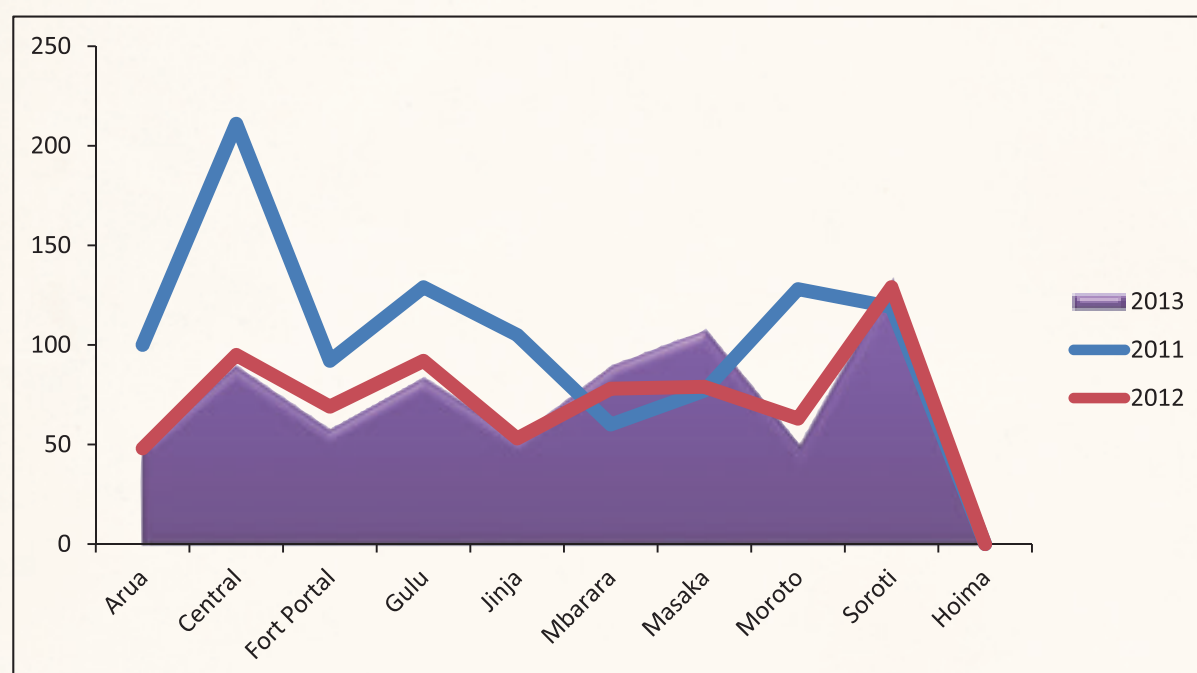
**Table 1.2: Number of complaints registered by the UHRC Regional Offices in 2013**

Arua	Central	Fort portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	TOTAL
50	90	58	84	02	54	108	90	50	134	<b>720</b>

Source: UHRC

As indicated in Table 1.2 above, Soroti Regional Office registered the highest number of complaints in 2013 totalling 134 (19%). This was followed by the Masaka Regional Office with 108 (15%), Mbarara Regional Office with 90 (12.5%), Central Regional Office with 90 (12.5%) and Gulu Regional Office with 84 (11.66%). Fort Portal Regional Office registered 58 (8.05%), Jinja Regional Office 54 (7.5%), Moroto Regional Office 50 (6.94%), Arua Regional Office 50 (6.94%) and Hoima Regional Office 2 (0.27%).

**Figure 1.2: Complaints registered per regional office in 2011, 2012 and 2013**



Source: UHRC

Despite the general increase in the number of complaints registered in most regional offices, a notable increase was recorded by Masaka Regional Office from 79 in 2012 to 108 in 2013. This was attributed to the mobile complaints handling mechanism and community sensitisation activities conducted during the year, which enhanced awareness of people of their rights.

<sup>4</sup> As above.

<sup>5</sup> Complaints registered are those that meet the admissibility criteria of human rights violations handled by the UHRC.

Mbarara Regional Office also registered an increase in the complaints from 78 in 2012 to 90 in 2013, while Soroti Regional Office had 134 complaints in 2013 up from 129 in 2012. This was attributed to the receipt of complaints during the monitoring visits in places of detention. Other than Soroti, Jinja, Arua, Masaka and Mbarara regional offices, the others had a reduction in the number of complaints registered.

The Central Regional Office had a reduction in complaints registered from 95 in 2012 to 90 in 2013, while in Fort Portal they reduced from 69 in 2012 to 58 in 2013. Gulu registered a decrease from 69 in 2012 to 58 in 2013, while Moroto Regional Office registered a decrease in complaints from 63 in 2012 to 50 in 2013. Hoima Regional office was opened in October 2013 and received 114 complaints, 2 of which were registered.

### 1.3 NATURE OF ALLEGED HUMAN RIGHTS VIOLATIONS REGISTERED IN 2013

In 2013, deprivation of personal liberty through detention beyond 48 hours was registered as the highest alleged violation, marking a 26.6% increase from 233 in 2012 to 295 in 2013. There was however a 10.99% reduction in the number of complaints registered in respect of the violation of the freedom from torture and ill-treatment<sup>6</sup> from 303 in 2012 to 273 in 2013. The reduction in complaints related to torture and ill-treatment was attributed to UHRC's continued sensitisation programmes for security organs during the year; increased police responsibility and the enactment of the Prevention and Prohibition of Torture Act 2012. The 273 complaints on torture and ill-treatment were followed by those concerning the rights of children to maintenance at 137 complaints.

Table 1.3 shows the nature of complaints registered at the UHRC's regional offices in 2013. It should be noted that the totals in Table 1.2 above vary from those in Table 1.3 because a single complaint registered may contain two or more alleged human rights violations.

**Table 1.3: Violations registered at UHRC Regional Offices in 2013**

	<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>Total</b>	<b>%</b>
1	Detention beyond 48 hours	05	32	16	48	01	12	24	44	13	100	<b>295</b>	33.83
2	Torture, cruel, inhuman or degrading treatment or punishment	14	38	24	53	02	21	26	39	25	31	<b>273</b>	31.31
3	Denial of child maintenance	19	13	23	01	-	07	42	10	12	10	<b>137</b>	15.71
4	Deprivation of property	09	08	02	09	-	08	08	16	02	01	<b>63</b>	7.22
5	Deprivation of life	01	05	04	04	-	01	03	02	04	-	<b>24</b>	2.75
6	Denial of remuneration and pension	-	05	-	-	-	07	10	01	-	-	<b>23</b>	2.64
7	Violation of the right to a fair and speedy trial	04	02	-	-	-	04	-	-	02	05	<b>17</b>	1.95
8	Denial of basic education	04	-	01	-	-	-	01	03	01	04	<b>14</b>	1.61
9	Unlawful arrest or detention	-	-	02	-	-	01	01	-	-	-	<b>04</b>	0.46
10	Denial of access to a prisoner	-	-	-	-	-	-	04	-	-	-	<b>04</b>	0.46
11	Unlawful termination from work	-	01	-	-	-	-	03	-	-	-	<b>04</b>	0.46
12	Detention of children with adults	-	-	-	-	-	-	03	-	-	-	<b>03</b>	0.34
13	Violation of right to health	-	01	-	-	-	-	01	01	-	-	<b>03</b>	0.34

6 Torture and ill-treatment in this context means the freedom from torture, cruel, inhuman or degrading treatment or punishment.



	<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>Total</b>	<b>%</b>
14	Security of person	-	02	-	-	-	-	-	-	-	-	<b>02</b>	0.23
15	Denial of clean and healthy environment	-	-	-	-	-	-	01	01	-	-	<b>02</b>	0.23
16	Discrimination on grounds of sex, religion, HIV/AIDS, disability	-	01	-	-	-	-	01	-	-	-	<b>02</b>	0.23
17	Violation of right to privacy of person, home, property and correspondence	-	01	-	-	-	-	-	-	-	-	<b>01</b>	0.11
18	Denial of access to food	-	-	-	-	-	-	-	01	-	-	<b>01</b>	0.11
	<b>Total</b>	<b>58</b>	<b>109</b>	<b>72</b>	<b>114</b>	<b>03</b>	<b>57</b>	<b>131</b>	<b>118</b>	<b>59</b>	<b>152</b>	<b>872</b>	<b>100</b>

Source: UHRC

**Table 1.4 Cases initiated by UHRC**

<b>SN</b>	<b>FILE NO.</b>	<b>PARTIES</b>	<b>VIOLATION</b>
1	FPT/49/2013	UHRC –and- Kasunganyanja Police Post	Right to life and freedom from torture and ill-treatment
2	FPT/50/2013	UHRC –and- Kasese Police Station &UPDF	Right to life
3	GLU/28/2013	UHRC –and- Ireda Police Post	Freedom from torture and ill-treatment
4	GLU/29/2013	UHRC–and- Akalo Police Post	Freedom from torture and ill-treatment
5	GLU/31/2013	UHRC –and- Adakober Police Post	Freedom from torture and ill-treatment

Source: UHRC

### 1.3.1 Analysis of the nature of Complaints Registered in 2013

As indicated above, the highest number of complaints registered in 2013 was on allegations of detention beyond 48 hours, which constituted 33.83% of the total number registered. Most of the complaints registered on the alleged violation of the right to personal liberty and detention beyond 48 hours were against the Uganda Police Force (UPF). A total of 265 cases were registered against UPF. The UHRC noted that most detention beyond 48 hours occurred due to Police's failure to release suspects on police bond either intentionally, or for fear that the suspects could pose a significant risk of harm to the community, might offend again, or fail to appear before the court if not kept in custody. In addition, the UHRC noted that the continued detention of suspects beyond 48 hours was partly attributed to the internal challenges faced by the UPF such as limited facilitation to transport suspects to court, lack of modern investigation tools and techniques, and insufficient human, technical and logistical resources.

The UHRC is therefore concerned that the continued detention of suspects in police custody beyond the lawful time often creates congestion in some cells and creates a challenge with regard to suspects accessing food and water as well as hygiene and sanitation. The UHRC also noted that some civilian suspects (mainly suspects of treason and terrorism) were arrested and detained in Uganda People's Defence Forces (UPDF) facilities such as the Chieftaincy of Military Intelligence (CMI) and the Joint Anti-terrorism Taskforce (JATT), which are not gazetted detention facilities for civilians.

As already stated, complaints on the violation of the freedom from torture and ill- treatment reduced by 10.99% in 2013. Despite this reduction, the UHRC noted that the alleged violation mostly occurred during pre-trial detention,

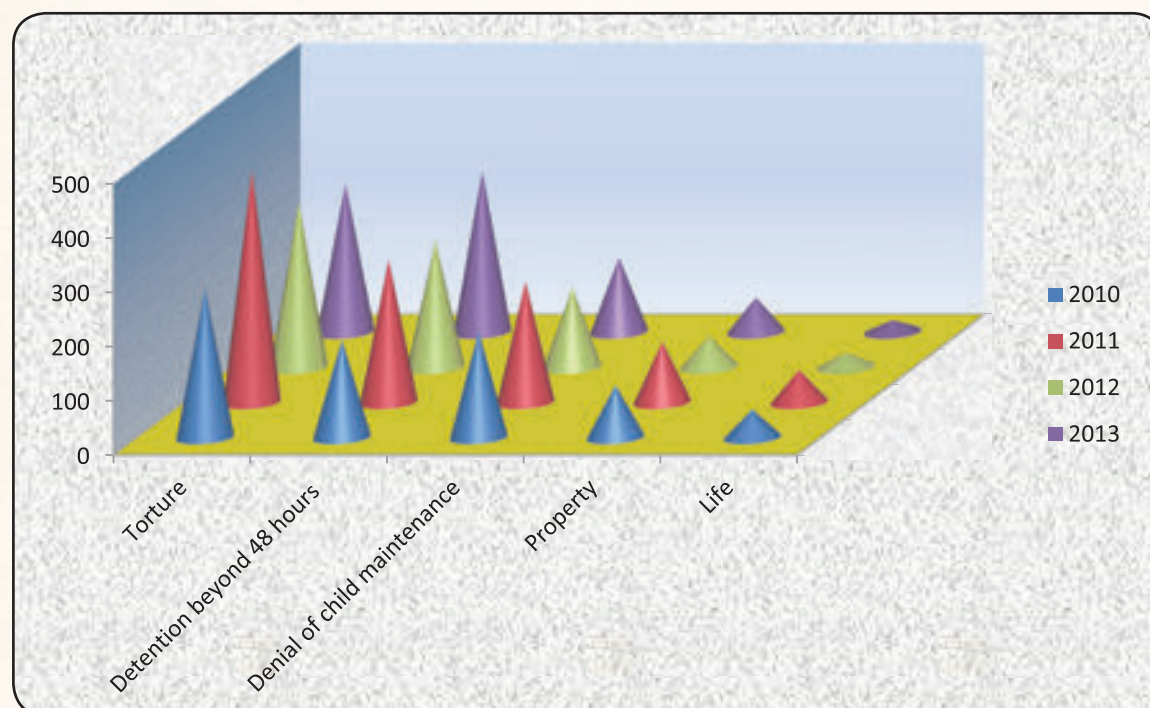
interrogation and arrest of suspected offenders. It was also noted that the alleged torture was mostly committed by state agents with the UPF topping the list with 188 complaints. The UPDF had 36 complaints of alleged torture against them; UPS had 26, Local Government had 13, individuals had 13 and Government Ministries, Departments and Agencies had 2 complaints. These alleged violations were contrary to Article 24 of the Constitution of the Republic of Uganda which stipulates that, 'No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment' and Article 3(1) of The Prohibition and Prevention of Torture Act, 2012.

As indicated in Table 1.3 above, complaints on the denial of child maintenance ranked third among the top violations constituting 15.71% of the total number of complaints registered. The UHRC noted with concern that some parents had abandoned their duty to provide child care and child support for their children in contravention of Section 5 of the Children Act Cap 59. In most of the complaints lodged, parents especially fathers had refused or failed to provide school fees for their children's education or financial support for their children's social welfare such as medical treatment, food, shelter, clothing and others. Most of the complaints were lodged by single mothers, divorced or separated women and children from broken homes. It is however important to note that complaints related to the denial of child maintenance also reduced by 6.8% from 147 in 2012 to 137 in 2013.

The UHRC also noted a considerable 26.6% increase in complaints on deprivation of the right to personal liberty from 233 in 2012 to 295 in 2013, as well as complaints on deprivation of the right to property which increased from 57 in 2012 to 63 in 2013. Complaints on the right to a fair and speedy trial also increased by 54.54% from 11 in 2012 to 17 in 2013, while allegations on the denial of remuneration increased by 187.5% from 8 in 2012 to 23 in 2013.

In addition to the reduction in the complaints on torture and ill-treatment, those related to the denial of child maintenance also reduced by 6.8% from 147 in 2012 to 137 in 2013, while complaints against the deprivation of the right to life reduced by 11% from 27 in 2012 to 24 in 2013. There was also a notable 39% decrease in complaints on the denial of basic education from 23 in 2012 to 14 in 2013.

**Figure 1.3: Comparison of the top five alleged violations in 2010, 2011, 2012 and 2013**



Source: UHRC

**Table 1.5: Trends of the top seven complaints registered since 2007 to 2013**

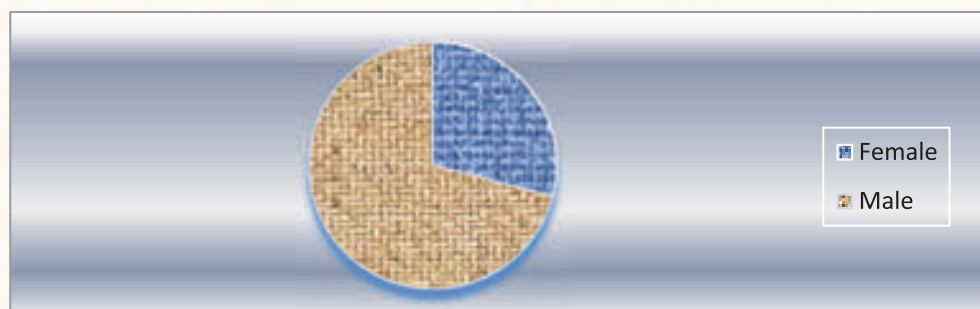
Violation	2007		2008		2009		2010		2011		2012		2013	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Torture and ill-treatment	254	23.7	314	29.6	314	31.0	276	28.3	428	34.77	303	35.31	273	31.31
Denial of child maintenance	256	23.8	234	22.1	173	17.1	197	20.2	224	18.20	147	17.13	137	15.71
Deprivation of Personal liberty/ Detention beyond 48 hours	147	13.7	178	16.8	196	19.4	181	18.6	264	21.45	233	27.16	295	33.83
Deprivation of Property	160	14.9	102	9.0	105	10.4	97	10.0	112	9.10	57	6.64	63	7.22
Deprivation of Life	28	2.6	63	5.9	28	2.8	52	5.3	60	4.87	27	3.15	24	2.75
Violation of right to fair and speedy trial	51	4.7	35	3.3	26	2.6	29	3.0	11	0.89	11	1.28	16	1.95
Denial of right to education	74	6.9	50	4.7	49	4.7	28	3.0	15	1.22	23	2.68	14	1.61

Source: UHRC

### 1.3.2 Complaints by gender registered in 2013

In 2013, the UHRC received 728 complainants, whose complaints were registered as raising matters of human rights violations.<sup>7</sup> This marked a 15.5% reduction compared to the previous year when 841 complainants had their complaints registered. As was the case in 2012, the male complainants continued to lodge more complaints by 70.3%, compared to the females. On the whole, complaints reported by males reduced by 16% from 611 in 2012 to 513 in 2013, and those reported by females reduced by 3% from 203 in 2012 to 209 in 2013. Majority of the complaints reported were by adults at 96.7%, while only 3.3% were lodged by minors or persons below 18 years of age. As was the case in 2012, most of the complaints lodged by minors in 2013 were with regard to neglect by parents or guardians, the right to education and maintenance.

**Figure 1.4: Gender of complainants as registered in 2013**



Source: UHRC

<sup>7</sup> The number of complainants is higher than the complaints registered, because, one complaint may be lodged by numerous victims of the violation.



**Table 1.6: Categorisation and nature of complainants registered in 2013**

Region	Total no. of complainants	Male	Female	Institution/organisation	No. of adults	No. of minors
Arua	50	25	23	02	48	-
Central	90	65	24	01	89	-
Fort Portal	58	28	28	02	53	03
Gulu	85	71	11	03	75	07
Hoima	02	01	01	-	02	-
Jinja	61	49	12	-	60	01
Masaka	108	57	51	-	107	01
Mbarara	90	74	16	-	90	-
Moroto	50	36	14	-	50	-
Soroti	134	106	28	-	130	04
<b>TOTAL</b>	<b>728</b>	<b>512</b>	<b>208</b>	<b>08</b>	<b>704</b>	<b>16</b>

Source: UHRC

### 1.3.3. Respondents in human rights complaints registered in 2013

Most of the complaints registered in 2013 were against the UPF with a total of 424 complaints. The UPF was followed by private individuals with a total of 163 complaints out of which 137 concerned the denial of child maintenance. The complaints registered against the UPDF were 55 with allegations of torture and other cruel, inhuman or degrading treatment or punishment being the highest. The Uganda Prisons Service (UPS) had 36 complaints against them while those against Local Government were 28 complaints.

Complaints against private companies were 20, while those against Government ministries and departments were 9. The Internal Security Organisation (ISO) on the other hand registered a reduction in complaints against it from 7 in 2012 to 4 in 2013; while complaints against statutory bodies constituted 0.92% of the total number of respondents. Two complaints were lodged against Kampala Capital City Authority (KCCA), 2 against National Forestry Authority (NFA), 1 complaint lodged against Uganda Wild Life Authority (UWA), 1 complaint against National Environment Management Authority (NEMA) and 1 against UMEME.

Table 1.7 shows the categorisation of respondents per regional office, while Tables 1.8 to 1.17 illustrate the alleged violations against specific respondents. On the other hand, Figure 1.5 below shows a comparison of the top five respondents in 2010, 2011, 2012 and 2013.

**Table 1.7: Categorisation of Respondents by Regional Office**

RESPONDENT	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Uganda Police Force	13	52	24	73	2	26	36	64	13	121	424
Individuals	23	13	24	1	-	9	58	11	12	12	163
Uganda Peoples' Defence Forces	3	13	5	6	-	1	3	2	20	2	55
Uganda Prisons Service	2	6	2	6	-	3	6	6	3	2	36
Local Government	5	-	1	3	-	8	4	5	1	1	28
Private companies	-	-	2	-	-	8	4	4	2	-	20

RESPONDENT	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Government ministries, departments and agencies	4	-	-	2	-	-	1	2	-		9
Education institutions		-	1	-	-	-	6	-	-	-	7
Statutory bodies (NFA, KCCA, UMEME, UWA, NEMA)	-	3	1	1	-	-	-	1	-	1	7
Internal Security Organisation	-	-	2	1	-	-	-	-	-	1	4
Private security companies	-	1	-	-	-		3		-	-	4
Health institutions (Hospitals)	-	-	-	-	-	-	2	-	-	-	2
<b>Total</b>	<b>50</b>	<b>88</b>	<b>62</b>	<b>93</b>	<b>2</b>	<b>55</b>	<b>123</b>	<b>95</b>	<b>51</b>	<b>140</b>	<b>759</b>

Source: UHRC

**Table 1.8: Alleged violations against the Uganda Police Force**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Detention beyond 48 hours	3	22	12	45	1	11	23	40	8	100	265
Torture and ill-treatment	10	23	16	39	1	16	16	27	5	35	188
Deprivation of property	3	3	1	7	-	-	3	16	-	-	33
Deprivation of life	-	3	2	4	-	1	1	-	1	-	12
Delayed investigations and violation of right to a fair and speedy trial	-	-	-	-	1	3	-	-	1	-	5
Denial of fair and speedy hearing	-	1	-	-	-	-	-	-	-	3	4
Unlawful arrest/illegal detention	-	-	-	2	-	1	1	-	-	-	4
Violation of right to health	-	-	-	-	1	-	-	1	-	-	2
Security of the person	-	2	-	-	-	-	-	-	-		2
Discrimination	-	1	-	-	-	-	-	-	-	-	1
Denial of privacy	-	1	-	-	-	-	-	-	-	-	1
Deprivation of remuneration	-	-	-	-	-	-	01	-	-	-	1
<b>Total</b>	<b>16</b>	<b>56</b>	<b>31</b>	<b>97</b>	<b>4</b>	<b>32</b>	<b>45</b>	<b>84</b>	<b>15</b>	<b>138</b>	<b>518</b>

Source: UHRC

**Table 1.9: Alleged violations against the Uganda People's Defence Forces**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture and ill-treatment	2	5	3	5	-	-	3	1	16	01	36
Detention beyond 48 hours	1	7	2	2	-	1	2	-	5	1	21
Deprivation of property	-	3	1	1	-	-	-	-	1	-	6
Deprivation of life	-	1	-	-	-	-	-	1	2	-	4
Denial of remuneration	-	3	-	-	-	-	-	-	-	-	3
Unlawful arrest/illegal detention	-	-	1	1	-	-	-	-	-	-	2
Nonpayment of pension	-	2	-	-	-	-	-	-	-	-	2
Denial of early retirement	-	1	-	-	-	-	-		-	-	1
<b>Total</b>	<b>3</b>	<b>22</b>	<b>7</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>24</b>	<b>2</b>	<b>75</b>

Source: UHRC

**Table 1.10: Alleged violations against the Uganda Prisons Service**

<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>TOTAL</b>
Torture and ill-treatment	1	4	1	6	-	1	5	4	3	1	26
Deprivation of property	-	1	-	-	-	1	3	-	-	-	5
Deprivation of life	1	-	1	-	-	-	1	-	-	1	4
Unlawful arrest/illegal detention	-	-	-	1	-	-	1	-	-	-	2
Detention beyond 48 hours	-	-	-	-	-	-	-	1	-	-	1
Denial of right to health	-	-	-	-	-	01	-	-	-	-	1
<b>Total</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>10</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>39</b>

Source: UHRC

**Table 1.11: Alleged violations against individuals**

<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>TOTAL</b>
Torture and ill-treatment	-	-	-	-	-	2	3	8	-	-	13
Detention beyond 48 hours	-	-	-	-	-	-	-	1	-	-	1
Denial of child maintenance	19	12	14	1	-	7	42	7	11	10	123
Denial of right to education	4	-	-	-	-	-	1	2	1	1	9
Denial of remuneration	-	-	-	-	-	-	2	-	-	-	2
Deprivation of property	-	-	-	-	-	-	-	1	-	2	3
<b>Total</b>	<b>23</b>	<b>12</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>48</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>151</b>

Source: UHRC

**Table 1.12: Alleged violations against Local Government**

<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>TOTAL</b>
Deprivation of property	4	-	-	-	-	7	-	1	1	1	14
Torture and ill-treatment	-	-	1	2	-	1	1	3	-	-	8
Deprivation of right to work	-	-	-	-	-	-	2	-	-	-	2
Denial of remuneration	-	-	-	-	-	-	1	1	-	-	2
Detention beyond 48 hours	1	-	-	-	-	-	-	-	-	-	1
Violation of right to health	-	-	-	-	-	-	-	1	-	-	1
Discrimination	-	-	-	-	-	-	1	-	-	-	1
<b>Total</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>29</b>

Source: UHRC

**Table 1.13: Alleged violations against Government Ministries, Departments and Agencies**

<b>Alleged violation</b>	<b>ARU</b>	<b>CTR</b>	<b>FPT</b>	<b>GLU</b>	<b>HMA</b>	<b>JJA</b>	<b>MSK</b>	<b>MBR</b>	<b>MRT</b>	<b>SRT</b>	<b>TOTAL</b>
Torture and ill-treatment	-	-	-	1	-	-	-	1	-	-	2
Deprivation of right to property	1	1	-	1	-	-	1	1	-	-	5
<b>Total</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>7</b>

Source: UHRC



**Table 1.14: Alleged violations against education institutions**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Denial of remuneration	-	-		-	-	-	4	-	-	-	4
Denial of right to education	-	-	1	-	-	-	1	-	-	-	2
Deprivation of right to property	-	-		-	-	-	1	-	-	-	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>

Source: UHRC

**Table 1.15: Alleged violations against statutory bodies (KCCA, NFA, UWA, UMEME)**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture and ill-treatment	-	1	1	1	-	-	-	1	-	1	5
Violation of right to health	-	1	-	-	-	-	-	-	-	-	1
Denial of right to property	-	1		-	-	-	1	-	-	-	2
<b>TOTAL</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>8</b>

Source: UHRC

**Table 1.16: Alleged violations against Internal Security Organisation**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture and ill-treatment	-	-	1	1	-	-	-	-	-	1	3
Violation of right to life	-		1	-	-	-	-	-	-	-	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>

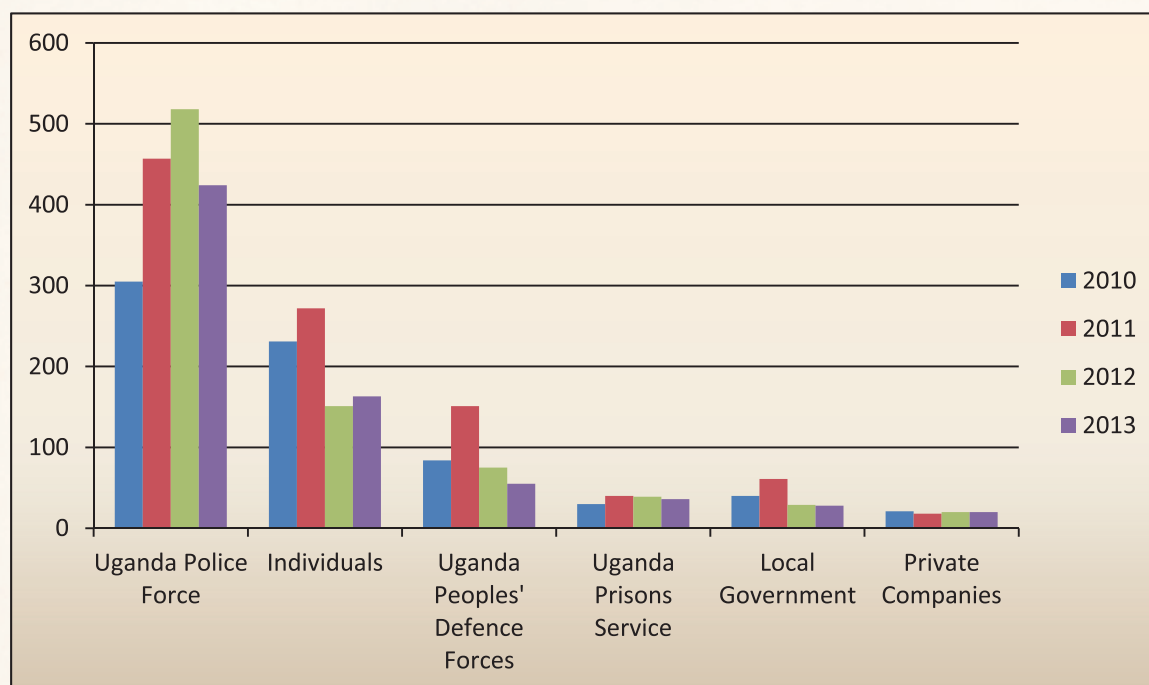
Source: UHRC

**Table 1.17: Alleged violations against health institutions**

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture and ill-treatment	-	0	-		-	-	1	-	-	-	1
Violation of right to life	-	-	-	-	-	-	1	-	-	-	1
Discrimination	-	-	-	-	-	-	1	-	-	-	1
Denial of Health	-	-	-	-	-	-	1	-	-	-	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

Source: UHRC

**Figure 1.5: Comparison of the top five respondents in 2010, 2011, 2012 and 2013**



Source: UHRC

## 1.4 INVESTIGATIONS

In fulfilment of its constitutional mandate to investigate violations of human rights, the UHRC investigated 2,068 complaints on human rights violations. Out of these, 1,041 complaints were investigated to completion, while 1,027 were partially investigated. For matters where investigations were concluded, some were forwarded to the UHRC Tribunal for hearing, some were referred to other institutions for appropriate handling, while others were closed for various reasons including lack of merit, insufficient evidence to sustain the allegations, false allegations and lack of jurisdiction.

**Table 1.18: Complaints investigated per regional office**

Regional Office	Backlog (2012 backwards)		Fresh complaints received in 2013		TOTAL
	Fully investigated	Partially invested	Fully investigated	Partially investigated	
Arua	22	00	43	29	94
Central	269	125	13	77	484
Fort Portal	46	38	27	31	142
Hoima	00	00	00	02	02
Gulu	70	41	21	62	194
Jinja	98	34	25	29	186
Masaka	25	04	64	44	137
Mbarara	40	113	04	86	243
Moroto	74	102	04	33	213
Soroti	166	85	30	92	373
<b>Total</b>	<b>810</b>	<b>542</b>	<b>231</b>	<b>485</b>	<b>2,068</b>

Source: UHRC

## 1.5 ADVICE OFFERED AND/OR REFERRALS TO OTHER INSTITUTIONS

The UHRC offered advice and / or referred 2,159 complaints in 2013, making a 6.88% increase in the advice from 2,020 in 2012. In 2013, the UHRC referred 2,159 complaints with criminal matters topping the list at 444 complaints, followed by complaints on land disputes at 368 and complaints on family disputes at 188. The UHRC noted a 150.68% increase in the referred complaints on the denial of remuneration and non-payment of pension which increased from 73 in 2012 to 183 in 2013. The referral system enables the UHRC to avoid duplicity of functions and curb forum-shopping where some complainants lodge the same complaint in different institutions. Through referrals, the UHRC is able to focus on matters it can effectively handle. Table 1.19 below shows a breakdown of complaints in which complainants were advised and/or referred to other institutions.

**Table 1.19: Complaints advised and/or referred to other institutions in 2013**

Nature of Complaint	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Criminal matters	-	20	65	31	14	57	42	176	07	32	444
Land and all matters relating to land	01	13	55	27	27	28	24	134	-	59	368
Family disputes	-	07	07	07	01	25	06	124	03	08	188
Denial of remuneration and pension	02	13	31	21	08	34	17	30	07	20	183
Access to child and denial of maintenance	-	10	13	17	-	-	-	32	-	38	110
Property disputes	10	15	28	07	01	-	03	23	-	09	96
Succession disputes	-	-	-	-	11	17	14	36	-	-	78
Contractual matters	-	02	13	11	05	-	06	29	03	02	71
Civil matters(malicious prosecution, appeals, delayed disposal of suit, forceful eviction, compensation, injunction, defamation)	-	-	-	01	02	42	11	09	-	01	66
Labour issues	01	07	11	-	02	-	08	34	-	-	63
Child neglect & child custody	02	05	17	03	04	-	02	12	01	08	54
Denial of fair and speedy hearing	04	02	-	03	01	-	-	03	-	21	34
Personal liberty	06	-	03	03	01	-	01	18	01	-	33
Denial of access to justice	-	-	10	01	-	-	17	01	-	02	31
Denial of education	01	02	03	01	-	-	03	07	01	11	29
Accident	-	06	09	05	-	-	02	02	01	-	25
Torts	-	03	02	02	02	-	02	03	-	04	18
Unlawful prosecution	-	01	02	-	07	-	02	04	-	01	17
Corruption and abuse of office	-	01	03	01	-	01	07	02	-	-	15
Assault	04	-	-	02	01	-	-	07	-	-	14
Missing court file	-	-	02	-	02	06	-	-	-	03	13
Dissatisfied with court / RSA decisions and rulings	-	-	04	01	01	-	-	01	03	-	10
Loans / denial of savings	-	-	07	-	-	-	-	-	-	-	07
Child abuse	-	-	-	03	-	-	-	01	-	02	06
Child abduction	02	-	-	-	-	-	-	-	-	-	02
Arson	01	-	-	-	-	-	-	01	-	02	04
Missing persons	01	-	04	-	-	-	01	01	-	01	08
Denial of fair administrative procedure	01	04	-	-	-	-	-	-	-	01	06
Denial of medical services	-	-	-	-	-	-	01	02	01	03	07



Traffic offence	-	-	-	-	-	-	03	01	-	-	04
Denial of information	-	01	-	-	-	-	-	03	-	-	04
Religion	-	01	-	-	-	-	-	-	-	-	01
Security	-	05	-	-	-	-	-	-	-	-	05
Remand without being taken to court.	-	02	-	-	-	-	-	-	-	-	02
Witch craft / banishment	-	-	03	-	-	-	02	01	-	-	06
Environmental issues	-	-	01	-	-	-	01	01	-	-	03
Acid attack	-	-	-	-	-	-	01	-	-	-	01
Misconduct	-	-	-	01	-	-	-	-	-	-	01
Emergency food supply	-	-	-	-	-	-	01	-	-	-	01
Implementation of court order	-	-	-	-	-	-	01	-	-	-	01
Discrimination	-	01	-	-	-	-	-	-	-	-	01
Prolonged remand	-	01	-	-	-	-	-	-	-	-	01
Permanent residency	01	-	-	-	-	-	-	-	-	-	01
Amnesty	01	-	-	-	-	-	-	-	-	-	01
Denial of retirement	-	-	-	-	-	-	-	01	-	-	01
Other general inquiries	-	-	10	-	07	27	-	23	05	53	125
<b>Total</b>	<b>38</b>	<b>122</b>	<b>303</b>	<b>148</b>	<b>97</b>	<b>237</b>	<b>178</b>	<b>722</b>	<b>33</b>	<b>281</b>	<b>2,159</b>

Source: UHRC

## 1.6 RESOLUTION OF COMPLAINTS

### 1.6.1 Mediation

The UHRC uses the alternative dispute resolution (ADR) approach, specifically mediation and conciliation, to resolve some of the complaints registered. ADR is often a preferred option in dispute resolution because parties are in position to find their own practical solutions to the dispute without being coerced. The process is also preferred because it is informal, cheaper, faster, non-adversarial, neutral with no decision making power, creates win-win solutions and allows long conflicting parties to hear each other out.

In 2013, the UHRC mediated 143 complaints, most of which involved family disputes, the denial of child maintenance, denial of basic education as well as the denial of terminal benefits and remuneration. As is often the practice, the UHRC's mediating officers provided the parties with information about human rights and the necessary legal provisions relevant to their disputes during the mediations. This was done to ensure that parties were fully informed and aware of the legal implications related to their matters. The outcomes achieved from the mediations included: forgiveness, reconciliation, offering of financial assistance, increased communication between the parties, resolved misconceptions and misunderstandings, apologies, provision of accommodation and occasionally financial reimbursement.

In all matters mediated, the parties signed memoranda of understanding with details on how they agreed to resolve their disputes. The numbers and types of complaints mediated in 2013 are illustrated in tables 1.20 and 1.21, as well as Figure 1.6 below.

**Table 1.20: Complaints resolved through mediation in 2013**

Regional Office	ARU	CTRL	FPT	GLU	HMA	JJA	MBR	MRT	MSK	SRT	TOTAL
<b>Complaints mediated</b>	25	13	10	13	-	9	6	11	49	7	<b>143</b>

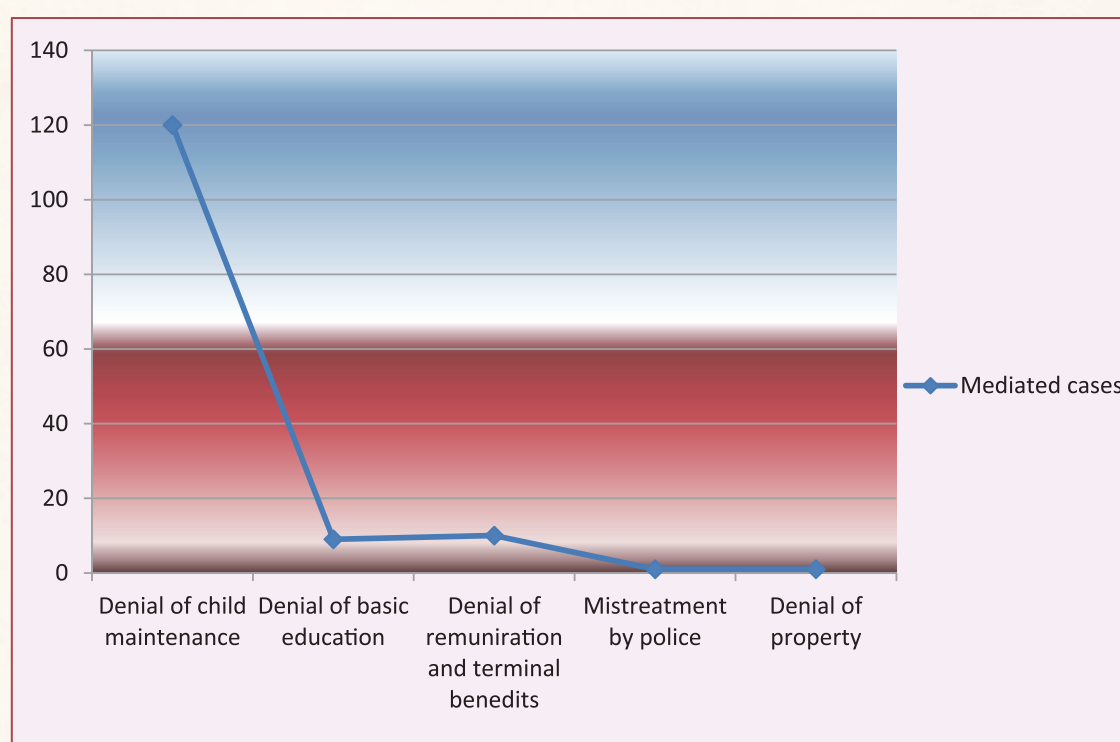
Source: UHRC

**Table 1.21: Nature of complaints mediated in 2013**

Nature of complaints	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Denial of child maintenance	20	13	10	10	-	03	43	06	10	05	<b>120</b>
Denial of basic education	5	-	-	03	-	-	01	-	01	01	<b>09</b>
Denial of terminal benefits and remuneration	-	-	-	-	-	05	05	-	-	-	<b>10</b>
Mistreatment by police	-	-	-	-	-	01	-	-	-	-	<b>01</b>
Denial of property	-	-	-	-	-	-	-	-	-	01	<b>01</b>

Source: UHRC

**Figure 1.6: Complaints mediated in 2013**



Source: UHRC

### 1.6.2 Resolution of complaints through the Tribunal process

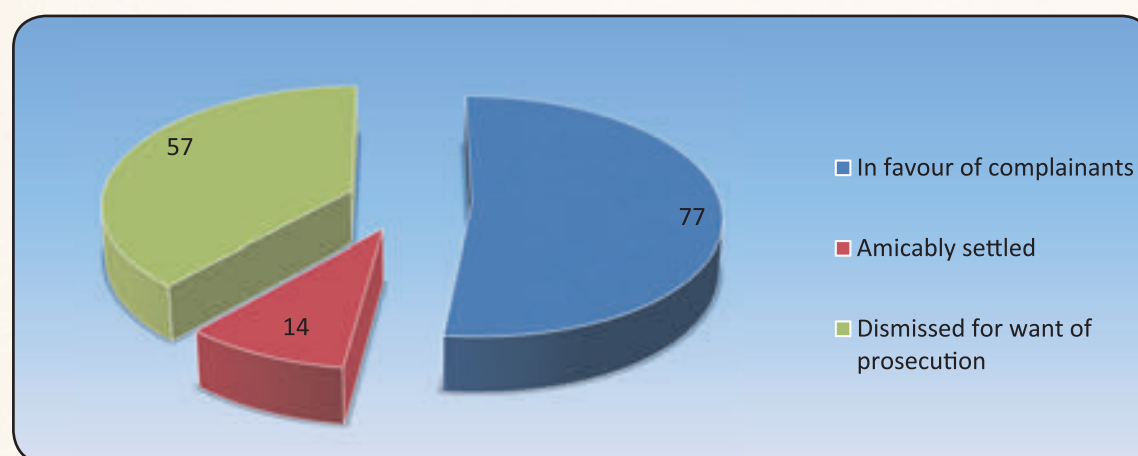
In 2013 the UHRC Tribunal registered a 56.25% increase in the number of matters disposed of from 96 in 2012 to 150 in 2013. During year, the Tribunal heard and concluded 150 complaints of which 77 were decided in favour of the complainants, 14 settled amicably, 1 matter had the respondent cautioned, and 58 dismissed for want of prosecution. Table 1.22 below shows the number of complaints decided in each regional office while Figure 1.7 shows number of complaints concluded through the tribunal process.

**Table 1.22: Complaints disposed of by the Tribunal in each Regional Office**

REGIONAL OFFICE	COMPLAINTS AWARDED	COMPLAINTS AMICABLY SETTLED	COMPLAINTS DISMISSED	OTHER REMEDY	TOTAL
Arua	6	1	3	-	10
Central	11	1	8	-	20
Fort Portal	24	-	6	-	30
Gulu	6	2	9	-	17
Jinja	3	-	10	-	13
Masaka	3	2	2	-	7
Mbarara	18	4	9	1	32
Moroto	-	3	-	-	3
Soroti	06	1	11	-	18
Hoima	-	-	-	-	-
<b>TOTAL</b>	<b>77</b>	<b>14</b>	<b>58</b>	<b>01</b>	<b>150</b>

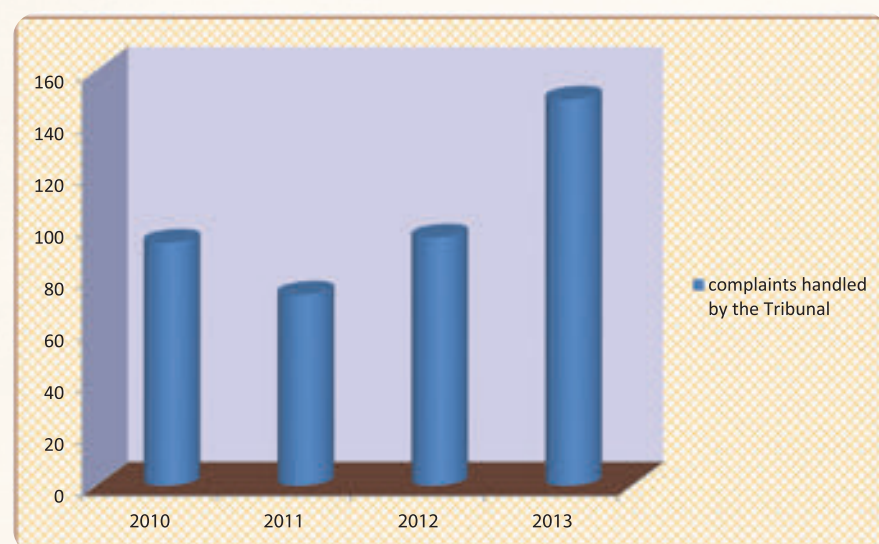
Source: UHRC

**Figure 1.7: Complaints resolved through the tribunal process**



Source: UHRC

**Figure 1.8: Complaints concluded through Tribunal process from 2010, 2011, 2012 and 2013**



Source: UHRC



**Table 1.23 Nature of decided complaints before the Tribunal in 2013<sup>8</sup>**

NATURE	ARU	CTR	FPT	HMA	GLU	JJA	MSK	MBR	MRT	SRT	TOTAL
Torture	5	9	21	-	11	7	3	16	-	12	84
Liberty	3	1	6	-	6	5	1	6	-	9	37
Life	3	1	7	-	4	3	1	2	-	2	23
Work	-	-	-	-	-	-	1	-	-	-	1
Property	-	-	4	-	1	2	-	-	-	1	8
Discrimination	-	-	-	-	-	-	1	-	-	-	1
Health	1	-	-	-	-	-	-	-	-	-	1
<b>Total</b>	<b>12</b>	<b>11</b>	<b>38</b>	<b>0</b>	<b>22</b>	<b>17</b>	<b>7</b>	<b>24</b>	<b>0</b>	<b>24</b>	<b>155</b>

Source: UHRC

### 1.6.3 Respondents at the Tribunal

As was the situation in 2012, the Attorney General represented 79.42% of all respondents in the complaints disposed of at the Tribunal level. This is because the Attorney General is vicariously liable for violations perpetrated by public officials and other state agents acting in official capacity. The other respondents included private individuals at 5.71%, Local Government at 9.71% and private institutions at 4.57%.

**Table 1.24: Categories of respondents in matters disposed of at the Tribunal in 2013**

Respondents	Number of complaints	Percentage
Government departments and agencies represented by the Attorney General	139	79.42%
Private institutions and companies	09	4.57%
Local Government	17	9.71%
Private individuals	10	5.71%
<b>Total</b>	<b>175</b>	<b>100</b>

Source: UHRC

### 1.6.4 Tribunal Awards

In 2013, the total amount of compensation awarded to victims of human rights violations was UGX 1,376,830,500/- (One billion, three hundred seventy six million, eight hundred thirty thousand, five hundred shillings), of which UGX1,245,435,500/- was awarded to victims by the Tribunal, while UGX131,395,000/- was the total amount settled between parties through amicable settlements. In addition, the UHRC Tribunal ordered two respondents to pay monthly fees of 70,000/- each to the victims/complainants in maintenance cases. The UHRC registered a considerable 317% increase in the amount of awards made to victims, from UGX 329,880,000/- in 2012 to UGX 1,376,830,500/- in 2013. The awards made by the Tribunal were mostly for violations of the right to freedom from torture and cruel, inhuman or degrading treatment or punishment and the right to personal liberty. Table 1.25 below shows the complaints in which victims were awarded compensation by the Tribunal in 2013, while Table 1.26 shows the complaints amicably settled by the Tribunal in 2013. Table 1.27 shows the complaints dismissed by the Tribunal in the same year, while Table 1.28 shows the status of complaint files currently before the Tribunal.<sup>9</sup>

<sup>8</sup> The numbers of the violations are more than the number of complaints decided or disposed of because a single case may have more than one violation.

<sup>9</sup> Information on the payment of awards is found in the chapter on Government's compliance with UHRC recommendations.

**Table 1.25 Tribunal Awards**

SN	File number	Parties	Violation	Amount awarded
<b>ARUA REGIONAL OFFICE</b>				
1	ARU/04/2008	Saidi Abubakar -and-Attorney General	Torture	UGX 10,000,000
2	ARU/03/2008	WO II Ayile Rajab -and-Attorney General	Torture & Liberty	UGX 6,500,000
3	ARU/02/2008	Ogama Y. Johnson -and-Attorney General	Health	UGX 3,000,000
4	ARU/18/2008	Komakech Albert et'al -and-Attorney General	Life	UGX 20,000,000
5	ARU/22/2008	Onzima Billy -and-Attorney General	Torture	UGX 3,000,000
6	ARU/10/2008	Omach Marcelino -and-Attorney General	Life	UGX20,000,000
	<b>Subtotal</b>			<b>UGX 62,500,000</b>
<b>CENTRAL REGIONAL OFFICE</b>				
7	UHRC/162/2002	MuwanguziNyenje -and-Attorney General	Liberty	UGX 2,000,000
8	UHRC/241/2004	Mutale Moses -and-O/C Information Room	Torture	UGX 5,000,000
9	UHRC/295/2004	Kasasa Patrick -and- Old Kampala Police	Torture	UGX 10,000,000
10	UHRC/211/2006	David Bachwa -and- Attorney General	Torture	UGX 10,000,000
11	UHRC/60/2004	Sam Kanyike -and- Nakaseke Police	Life	UGX 16,000,000
12	UHRC/452/2004	Robert Ssekajugo -and- Makindye Sub County	Torture	UGX 2,000,000
13	UHRC/16/2005	Said Lubowa -and- Attorney General	Torture	UGX 7,000,000
14	UHRC/295/2001	Mudhasi Margaret et'al -and-Attorney General	Torture	UGX 32,000,000
15	UHRC/136/2005	Kalema Pastore -and- Attorney General	Torture	UGX 15,000,000
16	UHRC/588/2002	Matovu Kabuye -and-Attorney General	Torture	UGX18,000,000
17	UHRC/247/2005	Emmanuel Katemba -and-Attorney General et'al	Torture	UGX 10,000,000
	<b>Subtotal</b>			<b>UGX127,000,000</b>
<b>FORT PORTAL REGIONAL OFFICE</b>				
18	FPT/03/2006	Rwamwenge James -and- Attorney General	Torture, property	UGX 19, 500, 000
19	FPT/52/2007	Turyagyenda Keezi -and- Attorney General	Torture, Property	UGX 4, 700, 000
20	FPT/52/2004	Sunday Stephen -and- Attorney General	Torture	UGX 15, 000, 000
21	FPT/62/2006	Kadoma Micheal -and- Attorney General	Liberty, Torture, Property	UGX 10, 700, 000
22	FPT/29/2006	Kasande Beatrice -and- Attorney General	Life	UGX 30, 000, 000
23	FPT/16/2007	Bahemuka Haziya -and- Attorney General	Life	UGX 30, 000, 000
24	FPT/88/2007	Masereka Isaiah -and- Attorney General	Life	UGX 30, 000, 000
25	FPT/12/2005	Yahaya Balinda -and- Attorney General	Torture	UGX 2, 000, 000
26	FPT/60/2007	Matsiko Augustine -and- Attorney General	Torture	UGX 2, 000, 000
27	FPT/49/2007	Sibasima Charles -and- Attorney General	Torture	UGX 2,000,000
28	FPT/58/2005	Nsungwa Beatrice -and- Attorney General	Life	UGX 25,000,000
29	FPT/06/2007	Mbusa Ezekiel -and-Attorney General	Torture, Liberty	UGX 4,000, 000
30	FPT/13/2009	Kakye Geoffrey -and- Attorney General	Liberty	UGX 50,000
31	MBA/75/2005	Daudi Katembezi -and-Attorney General	Torture, Property, Liberty	UGX 19,000, 000
32	FPT/33/2008	Babwetera Moses -and- Attorney General	Torture	UGX 15,000,000
33	FPT/43/2007	Mugenyi Boniface et'al-and-Attorney General	Torture	UGX 18,000, 000
34	FPT/100/2010	Rwasande Sebastian -and- Kibaale District Local Government	Liberty,Torture	UGX 3,600,000
35	FPT/01/2010	Namara Marcellinus -and- Attorney General	Torture	UGX 4,600, 000

36	FPT/05/2010	Kambayaya Aloysius -and- Attorney General	Life	UGX 26,000,000
37	FPT/06/2007	Kambale Mohammed et'al -and- Attorney General	Torture, Liberty	UGX 53,680, 000
38	FPT/58/2008	Kandole Rashid – and – Attorney General	Life	UGX 25,000,000
39	FPT/50/2008	Opio Pamena -and- Attorney General	Torture	UGX 4,000, 000
40	FPT/01/2008	Matia Mulumba-and- Attorney General	Torture	UGX 16,000,000
41	FPT/63/2007	Bitunguramye Nestoriet'al -and-Attorney General	Life	UGX 75,000,000
	<b>Subtotal</b>			<b>UGX 434,830,000</b>
<b>GULU REGIONAL OFFICE</b>				
42	GLU/03/2005	Ojok Alex -and-Attorney General	Torture, Liberty	UGX 30,690,000
43	GLU/14/2004	Olal Bosco-and-Attorney General	Liberty	UGX 7,000,000
44	GLU/162/2004	Opira Nicksonet'al-and-Attorney General	Liberty, Torture,	UGX 28,000,000
45	GLU/59/2005	Odwar Anthony-and-Attorney General	Torture,	UGX 22,000,000
46	GLU/57/2004	Etoko Patrick et'al-and-Attorney General	Life, Torture,	UGX 53,000,000
47	GLU/78/2005	Atim Grace-and-Attorney General	Life	UGX 25,000,000
	<b>Subtotal</b>			<b>UGX165,690,000</b>
<b>JINJA REGIONAL OFFICE</b>				
48	JJA/38/2003	Okolong Dawson (George Opuwa) –and- Attorney General	Property	UGX26,800,000
49	JJA/75/2004	Irene Namwase&Abasi Mayengo–and- Attorney General	Life	UGX 30, 000,000
50	JJA/40/2002	David Kisimizi–and-Attorney General	Life	UGX 14,000,000
	<b>Subtotal</b>			<b>UGX70,800,000</b>
<b>MASAKA REGIONAL OFFICE</b>				
51	MSK/19/2011	Ssebunya Emmanuel -and- Attorney General	Torture , Liberty	UGX 4, 000, 000
52	MSK/12/2011	Walusimbi Aloysious –and- Attorney General	Life	UGX 30, 000,000
53	MSK/42/2011	Luswata Joseph –and- Attorney General	Cruel andinhuman treatment	UGX 15, 788,000
	<b>Subtotal</b>			<b>UGX49,788,000</b>
<b>MBARARA REGIONAL OFFICE</b>				
54	MBR/135/2005	Katungye Julius et'al -and- Attorney General	Torture, Liberty	UGX 28,000,000
55	MBR/31/2009	Ayebazibwe Pidson -and- Attorney General	Torture, Liberty	UGX 2,000,000
56	MBR/90/2003	Mutabazi Abel-and-Attorney General	Torture	UGX 2,000,000
57	MBR/109/2004	Mbabazi George -and-Attorney General	Torture	UGX 8,000,000
58	MBR/28/2007	Ogaba Livingstone-and-Attorney General	Liberty	UGX 3,000,000
59	MBR/03/2007	Evanice Ganafa–and-Attorney General	Liberty	UGX 2,555,000
60	MBR/15/2008	Babyesiza Godfrey-and-Attorney General	Torture	UGX 16,500.000
61	MBR/79/2004	Biryomumani Evarist –and-Attorney General	Torture	UGX 4,000,000
62	MBR/242/2003	Tinkamanyire Luke-and-Attorney General & Kicheche Sub-county	Life	UGX 20,000,000
63	MBR/56/2006	Rwabona Milton-and-Attorney General	Torture	UGX 15,000,000
64	MBR/100/2005& MBR/86/2006	Habiyeremye John&Gumisiriza Christopher-and-Attorney General	Liberty, Torture	UGX 16,000,000
65	MBR/67/2006	Kirabo Jennifer Butera-and-Attorney General	Life	UGX 20,000,000
66	MBR/16/2005	Habasa Robert-and-Attorney General	Torture	UGX 5,000,000
67	MBR/57/2007	Tubebamwe Goodwill-and-Attorney General	Torture	UGX18,000,000
68	MBR/049/2009	Gumoshabe Justus -and- Attorney General	Torture	UGX 2,000,000



69	MBR/10/2006	Kato Deo -and-Attorney General	Torture	UGX 2,000,000
70	MBR/49/2004	1.Akatukiza Benjamin 2.Mweteise Solomon 3.KaganziRoseburn 4.Mutebi Boaz -and-Rugaaga Sub-county	Torture	UGX 4,800,000
71	MBR/026/2008	Barugahare Abdallah -and-Attorney General	Torture	UGX 1,500,000
	<b>Subtotal</b>			<b>UGX153,871,500</b>
<b>SOROTI REGIONAL OFFICE</b>				
72	SRT/382/2002	Okooma John Peter et'al - and- Attorney General	Torture	UGX 43,000,000
73	SRT/320/2003	Opure John Robert -and-Attorney General	Torture, Liberty	UGX 74,250,000
74	SRT/190/2006	Opio John Francis -and- Attorney General	Torture	UGX 2,000,000
75	SRT/12/2005	Emoto Samuel -and- Attorney General	Torture	UGX 3,000,000
76	SRT/211/2005	Mayusa Francis et'al -and- Attorney General	Life & Torture	UGX18,706,000
77	SRT/368/2003	ElaluMediSebi -and- Attorney General	Torture & Personal Liberty	UGX40,000,000
	<b>Subtotal</b>			<b>UGX 180,956,000</b>
	<b>Grand total</b>			<b>UGX1,245,435,500</b>

Source: UHRC

**Table 1.26: Complaints amicably settled by the Tribunal in 2013**

SN	FILE NO	PARTIES	VIOLATION	AMOUNT SETTLED
<b>CENTRAL REGIONAL OFFICE</b>				
1	UHRC/203/2006	Tuhirirwe Elias-and-Attorney General	Torture	UGX 8,000,000
<b>GULU REGIONAL OFFICE</b>				
2	GLU/115/2004	Opio John -and- Attorney General &Acaba Sub County	Right to property &personal Liberty	UGX 500,000
3	GLU/968/2000	Adoli Richard -and- Lira District Local Government Administration	Right to personal liberty	UGX 500,000
<b>MASAKA REGIONAL OFFICE</b>				
4	MSK/45/2011	Nakyanzi Rose -and- Board of Directors Lions Nursery School	Work	UGX3,500,000
<b>MBARARA REGIONAL OFFICE</b>				
5	MBR/96/2005	Mugume Godfrey -and- Mbarara District Local Government	Torture	UGX5,000,000
6	MBA/106/04	Pte. Magezi Abdul-and-Attorney General	Torture and Liberty	UGX15,895,000
7	MBR/057/2008	Sunday Aloysius-and-Attorney General	Liberty	UGX1,500,000
8	MBR/112/2006	Namara Saul-and- 1.UGAFODEMicrofinance Ltd & 2.NyabubareSubcounty	Torture and Liberty	UGX 3,000,000
<b>MOROTO REGIONAL OFFICE</b>				
9	MRT/18/2004	Lodero Sebastiano-and-Attorney General	Torture/life	UGX 20,000,000
10	MRT/42/2004	Lokwee Kodet& 15 others -and- Attorney General	Property	UGX 30,000,000
11	MRT/23/2007	Otyang Joyce-and- Sagal Stephen	Denial of child Maintenance	Respondent agreed to pay 70,000/- monthly.
<b>SOROTI REGIONAL OFFICE</b>				
12	SRT/221/2007	Kemboi Peter- and- Kapchorwa District Local Government	Adequate and Quality Health Care	UGX 40,000,000

ARUA REGIONAL OFFICE				
13	ARU/07/2009	Yikiru Angeliatha -and- Ajuma Martin Wani	Maintenance	UGX 70, 000 monthly
MASAKA REGIONAL OFFICE				
14	MSK/20/2011	Hamenyimana Everest-and- Attorney General	Torture	UGX 3, 500, 000
		<b>TOTAL<sup>10</sup></b>		<b>UGX.131,395,000</b>

Source: UHRC

**Table 1.27: Complaints dismissed by the Tribunal in 2013**

SN	Complaint Number	Parties	Tribunal Decisions
ARUA REGIONAL OFFICE			
1	ARU/18/2010	OworOdera Alfred -and- Attorney General	Dismissed for want of prosecution
2	GLU/66/2006	Oriema Joel -and- Attorney General	Dismissed for want of prosecution
3	ARU/17/2008	Okumu G. Mathias -and- Attorney General	Dismissed for want of prosecution
CENTRAL REGIONAL OFFICE			
4	UHRC/143/2009	Nakyagaba Catherine -and- MwanjeDeogratiuous	Dismissed for want of prosecution
5	UHRC/29/2008	Atuhereize Moses -and- Uganda Commodity Exchange	Dismissed for want of prosecution
6	UHRC/439/2003	Mbabazi Amina -and- Fred Mwebaze	Dismissed due to loss of interest
7	UHRC/466/2004	William Kawenyera -and- Mukono District Admn. Police	Dismissed for want of prosecution
8	UHRC/101/2004	Mayengo Nashir -and- CMI Et Al	Dismissed for want of prosecution
9	UHRC/125/2007	Musitwa Kabusu -and- Attorney General	Dismissed due to loss of interest
10	UHRC/223/2002	Mbabazi Markin & Akankwasa Christopher-and- Attorney General	Dismissed for want of prosecution
11	UHRC/258/2003	Sempira Jenipher-and-Attorney General	Dismissed for want of prosecution
12	UHRC/72/2007	Kasule Victo-and-Attorney General	Dismissed for want of prosecution
FORT PORTAL REGIONAL OFFICE			
13	FPT/16/2008	Mulisura Arajab -and-Attorney General	Dismissed for want of prosecution
14	FPT/102/2008	Tusabe Jimmy-and- Attorney General	Dismissed for want of prosecution
15	FPT/67/2005	Wamara George -and- Attorney General	Dismissed for want of prosecution
16	FPT/ 90/2006	Tibankundiye Edson-and-Attorney General	Dismissed for want of prosecution
17	FPT/61/2007	Muhindo Yoramu-and-Attorney General	Dismissed for want of prosecution
18	FPT/14/2008	Satade Henry-and-Attorney General	Dismissed for want of prosecution
GULU REGIONAL OFFICE			
19	GLU/101/2006	Otto Valentino-and-Attorney General	Dismissed for want of prosecution
20	GLU/76/2008	Milton Omara-and-Attorney General	Dismissed for want of prosecution
21	GLU/178/2003	Odong Micheal-and-Attorney General	Dismissed for want of prosecution
22	GLU/371/2007	Onying Joseph-and-Attorney General	Dismissed for want of prosecution

<sup>10</sup> Total awards excluding monthly payments

23	GLU/72/2006	Ogwang Vincent-and-Attorney General	Dismissed for want of prosecution
24	GLU/20/2005	Opio Alex-and-Attorney General	Dismissed for want of prosecution
25	GLU/109/2006	Okello Francis-and-Attorney General	Dismissed for want of prosecution
26	GLU/92/2006	Erica Lagen –and-Attorney General	Dismissed as the complaint was unfounded
27	GLU/91/2007	Okeny Peter –and-Attorney General	Dismissed for want of prosecution
<b>JINJA REGIONAL OFFICE</b>			
28	JJA/64/2003	MulongoWaiswa -and-Attorney General	The complainant was not allowed.
29	JJA/38/2006	Amuka Joseph -and-Attorney General	Dismissed for lack of cause of action.
30	JJA/127/2007	Nkoto Paul -and-Attorney General	Dismissed for lack of cause of action.
31	JJA/103/2004	Nabukenya Margaret -and-Attorney General	Dismissed for lack of cause of action.
32	JJA/22/2003	Emungaise Christopher -and-Attorney General	Dismissed for lack of cause of action.
33	JJA/21/2006	Onyango Lawrence -and-Attorney General	Dismissed for want of prosecution
34	JJA/35/10	Mwanabenelsma -and-Attorney General	Dismissed for want of prosecution
35	JJA/108/08	KisituBalikudembe -and-Attorney General	Dismissed for want of prosecution
36	JJA/82/04	AminsiMuwuma –and-Iganga District Local Administration	Dismissed for want of prosecution
37	JJA/42/09	Byansi Edward -and-Attorney General	Dismissed for lack of sufficient evidence
<b>MASAKA REGIONAL OFFICE</b>			
38	MSK/35/2011	Atuhe Dennis-and-Masaka Police Station	Dismissed for want of prosecution
39	MSK/06/2011	Mbombo Sam-and-Rakai Police Station	Complaint withdrawn
<b>MBARARA REGIONAL OFFICE</b>			
40	MBR/87/2007	Byomukama John Bosco-and-Attorney General	Dismissed for want of prosecution
41	MBR /018/2007	Mugisha Peter-and-Attorney General	Dismissed for want of prosecution
42.	MBA/49/2009	KasyaWahab –and- Attorney General	Dismissed for lack of jurisdiction
43.	MBA/19/2010	KihemboJoseline –and- Attorney General	Dismissed for want of prosecution
44.	MBR/23/2007	Tuheisomukama Rafael –and- Attorney General	Dismissed for want of prosecution
45.	MBR/11/2008	Mwesigye Alex –and- Attorney General	Dismissed for want of prosecution
46.	MBA/98/2005	Musinguzi Clement & Begumisa Nathan –and- Attorney General	Dismissed for want of prosecution
47.	MBA/18/2009	Muhwezi Herbert –and- Attorney General	Dismissed for want of prosecution
48.	MBR/7/2006	Steven Kwiringira –and- Kikagata Sub County	Dismissed for want of prosecution
<b>SOROTI REGIONAL OFFICE</b>			
49	SRT/06/2004	Obirai Andrew-and-Attorney General	Dismissed for want of prosecution
50	SRT/188/2004	ElungatJuma-and-Attorney General	Dismissed for want of prosecution
51	SRT/12/2005	Ecodu Julius et'al-and-Attorney General	Dismissed for want of prosecution
52	SRT/88/2006	Ewangu Tom-and- Attorney General	Dismissed for want of prosecution
53.	SRT/42/2007	Sokuton Moses-and- Attorney General	Dismissed for want of prosecution
54.	SRT/257/2007	Ochan John Robert –and- Attorney General	Dismissed for want of prosecution
55.	SRT/65/2008	David Musaizi-and- Attorney General	Dismissed for want of prosecution
56.	SRT/217/2007	Rajab Musaki & Cheptegei Moses-and-Attorney General	Dismissed for want of prosecution
57.	SRT/56/2009	Opolot John –and- Attorney General	Closed due to loss of interest
58.	SRT/111/2009	Oriokot Moses-and- Attorney General	Complaint dismissed for want of prosecution

Source: UHRC



**Table 1.28 Status of files before the Tribunal**

Stages of Complaint Files	TOTAL
Part heard	441
Pending hearing	108
Pending decision	71
Pending allocation	72
Pending amicable settlement	55
<b>Total</b>	<b>747</b>

Source: UHRC

As indicated in Table 1.28 above, there are still 747 matters pending before the UHRC Tribunal. The part-heard complaints are those where evidence is still being adduced by the respective parties, while those pending hearing are those that are yet to be heard for the first time. Files pending allocation are those yet to be allocated to a specific Commissioner, while those pending re-allocation are files previously allocated to a Commissioner, but due to a number of factors such as resignation or disqualification of a Member of the Commission, the matter is then re-allocated to another Commissioner.

### 1.7. CHALLENGES FACED BY THE UHRC IN THE COMPLAINTS HANDLING PROCESS

- The UHRC continues to receive complaints which were purely criminal or civil in nature or outside its mandate, which is partly attributed to the limited Legal Aid service providers and a big population unable to afford legal fees.
- The UHRC is concerned about the increasing and persistent cases of denial of child maintenance, labour matters and land disputes in Uganda, which have led to family disputes and increased criminal activity.<sup>11</sup>
- The UHRC continued to face a challenge of inadequate resources, both human and financial, to facilitate timely investigation and resolution of complaints.
- The reluctance of some complainants and respondent to appreciate ADR mechanisms and settle their matters amicably, often leads to the lengthy litigation process of having full-hearings.
- The UHRC continued to face the challenge of locating victims and witnesses due to lack of physical addresses, change of location without return addresses and use of different names. This made it difficult to physically trace complainants and their witnesses for purposes of conducting investigations and serving tribunal summons.
- The lack of co-operation from respondents continues to affect the timely resolution of complaints.
- Insufficient medical records to support complaints related to torture is still a challenge.

### 1.8 RECOMMENDATIONS

1. As recommended in previous Annual Reports:

- The Uganda Police Force should adhere to the law and should be equipped with the necessary facilities to enable them fulfil the constitutional obligation to bring suspects to court within 48 hours and to efficiently perform their duties;
- The Directorate of Public Prosecutions should be adequately facilitated and staffed to enable it expeditiously handle criminal cases in a timely manner, to ensure that suspects are produced before courts within the acceptable lawful timelines;

<sup>11</sup> An Industrial Court to handle labour matters had been constituted by the time of releasing this report.

- Government should strengthen the institutions dealing with child-related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court and the Local Council courts. This would help in addressing cases of maintenance and other related rights of children right from the village level;
  - Government should ensure that the Uganda Human Rights Commission is adequately facilitated to effectively carry out its mandate;
  - State agencies and institutions particularly those that are respondents in the complaints before the Uganda Human Rights Commission should cooperate with the Uganda Human Rights Commission to enable it effectively implement its mandate and fight impunity in the country;
  - Government should expedite the process of passing a Legal Aid Policy to ensure access to justice for all;
  - Government should invest in training and re-training of law enforcement agents to equip them with modern investigation skills; in particular, the Uganda Police Force should acquire modern investigation techniques and equipment to avoid use of torture in obtaining information; and
  - The Government should, ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional mechanisms for the prevention of torture and ill treatment.
2. The Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlement in a timely manner and should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the Uganda Human Rights Commission.

## 1.9 CONCLUSION

The complaints management process is an integral part of the UHRC's mandate and a crucial point of interface with the general public. While the UHRC has registered a number of achievements in handling complaints of human rights violations, there is still more to be done in ensuring timely and effective resolution of matters through investigations, mediations and the tribunal processes. It is therefore important that Government, CSOs, the media, academia, donors and other partners work in close collaborations with the UHRC to ensure the protection and promotion of human rights in the country.

## CHAPTER 2

# ASSESSMENT OF CONDITIONS IN PLACES OF DETENTION

### 2 INTRODUCTION

The UHRC as a National Human Rights Institution is mandated to among other functions visit jails, prisons and places of detention or related facilities with a view of assessing and inspecting conditions of inmates and make recommendations.<sup>12</sup> In 2013, the UHRC inspected 142 prisons, 225 police stations, 667 police posts, 6 remand homes and 20 military detention facilities.<sup>13</sup> There were improvements in the welfare and treatment of inmates and staff made by the Government and the respective institutions charged with management of the detention facilities. These included the construction and renovation of selected prisons, police stations, juvenile centres and staff accommodation; deployment of regional human rights officers within the police force; maintenance of updated registers; continued establishment of human rights committees in prisons; as well as improved sanitation, hygiene and welfare of children incarcerated with their mothers.

However, the UHRC also noted recurring challenges that had been highlighted in its previous annual reports, for instance prolonged and arbitrary detention, inadequate beddings, torture of inmates and suspects, and detention of juveniles with adult offenders. Other challenges were overcrowding and the continued use of the bucket system during the night in prisons. The UHRC also examined the prevailing human rights situation of police and prison staff working in detention facilities, the status of transformation of prisons into correctional facilities and the progress made on the rehabilitation and reintegration of inmates into their communities.

### 2.1 LEGAL FRAMEWORK

Deprivation of personal liberty entails the detention, imprisonment, institutionalisation or custody of a person in a public or private institution which that person is not permitted to leave at will.<sup>14</sup> The protection and promotion of the rights of persons deprived of their liberty has been provided for in international, regional and national human rights legal framework which Uganda as a state has ratified and domesticated. These are discussed below:

#### 2.1.1 International legal framework

Uganda is party to the International Covenant on Civil and Political Rights (ICCPR) which guarantees and provides for the humane, dignified and respectful treatment of detainees as human beings and their freedom from torture and cruel, inhuman or degrading treatment or punishment among other rights.<sup>15</sup> The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) prohibits the use of torture for the purpose of obtaining a confession or information from person suspected of committing an offence at the instigation or consent or acquiescence of a public official or person acting in official capacity.<sup>16</sup> The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides for the protection and humane treatment of women in detention.<sup>17</sup> Children in conflict with the law commonly referred to as 'juvenile offenders' are also accorded special protection measures during their interaction with the justice systems. These protection measures are enshrined in the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); UN Rules for the Protection of Juveniles Deprived of Liberty (JDL Rules) and the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Rules).

12 n 1 above, Article 51(1)(b).

13 UHRC inspected military detention facilities at quarter guard, brigade and battalion level.

14 Revised UN Standards on Rights of Prisoners, 6.

15 Articles 7, 9-11 of the 1966 International Covenant on Civil and Political Rights and reiterated in Articles 4, 10 & 13 of the 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

16 n 15 above, Article 1.

17 Other international instruments include the UN Standard Minimum Rules on Treatment of Prisoners, UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules).



## 2.1.2 Regional legal framework

At the regional level, Uganda is party to the African Charter on Human and Peoples' Rights (ACHPR), Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African Charter on the Rights and Welfare of the Child (ACRWC) among other key instruments. The Robben Island Guidelines provide for the prohibition and prevention of torture and its other forms in Africa of persons deprived of their personal liberty.

## 2.1.3 National legal framework

Article 23 of the 1995 Constitution of Uganda provides for the protection of persons deprived of their personal liberty and circumstances under which one's personal liberty may be suspended. A detained person is entitled to legal representation, access to medical treatment and next of kin among other rights. Other legislation that also guarantee the specific rights of detained persons and provide for the management, treatment and care of persons in detention include the Penal Code Act Cap 120; the Children Act Cap 59; the Uganda Peoples Defence Forces Act Cap 205; the Uganda Police Act Cap 303; the Uganda Prisons Act (2006), The Trial on Indictment Act Cap 23 and the Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013.

## 2.2 PLACES OF DETENTION INSPECTED BY THE UHRC IN 2013

In fulfilling its mandate, the UHRC inspected a total of 1060 places of detention in the country in 2013 which comprised of 142 prisons, 225 police stations, 667 police posts, 20 military detention facilities and 6 remand homes.<sup>18</sup> These were out of the total number of 236 prisons, 296 police stations, 1,882 police posts and 8 remand homes in Uganda.<sup>19</sup> Table 2.1 indicates the places of detention inspected by the UHRC disaggregated by region and type of facility.

**Table 2.1: Number of places of detention inspected by the UHRC in 2013**

Regional Office	Prisons	Police Stations	Police Posts	Military detention facilities	Remand homes	Total
Arua	9	18	71	2	1	101
Central	16	42	32	0	1	91
Fort Portal	17	27	71	0	1	116
Gulu	14	24	132	0	1	171
Hoima	0	0	7	0	0	7
Jinja	25	33	113	0	0	171
Masaka	35	28	50	0	0	113
Mbarara	9	18	104	0	1	132
Moroto	3	7	19	17	0	45
Soroti	14	28	68	1	1	112
<b>Total</b>	<b>142</b>	<b>225</b>	<b>667</b>	<b>20</b>	<b>6</b>	<b>1060</b>

The UHRC inspected 76% of all police stations; 75% of all remand homes and 60% of all prisons in Uganda as shown in Table 2.2 below.<sup>20</sup> The low percentage (35%) of police posts inspected in the country can be contextualised in the fact that they are very many and some police posts rarely detain suspects. However, what is important to note is that UHRC inspected places of detention countrywide in both rural and urban locations.

18 As of December 2013, there were 1,882 Police Posts, 296 Police Stations; 236 Prisons, 8 Remand Homes in Uganda.

19 Out of the 7 remand homes, only 5 were functional as at 31st December 2013.

20 The total number of military detention facilities had not been availed by the time of releasing the report.

**Table 2.2: Percentage coverage of the places of detention inspected by the UHRC in 2013**

Category of the detention facility	Total Number of detention facilities	Number inspected in 2013	Percentage covered in 2013
Prisons	236	142	60%
Police Stations	296	225	76%
Police posts	1882	667	35%
Remand Homes	8	6	75%

For the past three years, there has been a steady rise in the number of places of detention places inspected by the UHRC from 707 in 2010, to 900 in 2011, to 896 in 2012<sup>21</sup> and to 1,060 in 2013. This was attributed to the increased funding for inspections of places of detention and the establishment of Masaka and Hoima offices which increased the number of regional offices from 8 to 10 by 2013.

## 2.3 KEY FINDINGS IN PLACES OF DETENTION INSPECTED

The UHRC observed continuous improvements in the conditions of places of detention inspected in 2013 and commends the UPS, UPF, UPDF and the respective line ministries. However, there were also recurring challenges some of which have continuously been highlighted in previous annual reports. Both the positive developments and the challenges are expounded on below.

### 2.3.1 Positive developments

#### a) Construction and renovation of buildings

##### i) Uganda Prisons Service

The UPS undertook construction and renovation of some prison wards and staff houses in order to improve the living conditions and welfare of both inmates and staff. Out of the 142 prisons inspected 19 had new buildings in form of wards, staff quarters and office blocks while 8 underwent renovations. The UHRC observed new prisons wards at Paidha Government Prison in Nebbi district, Moroto Prison in Moroto District, Galiraya Prison in Kayunga District, Butuntumula Government Prison in Luwero District and Apac Prison in Apac district. By the end of 2013, construction of new wards was ongoing at Kakuuto and Kasaali prisons in Rakai District, Kijjumba Prison farm and Nyabirongo Prison farm in Kasese district.

It was reported that new prison wards were constructed in Bushenyi, Mbarara, Kiruhura, Ruimi, Gulu, Oyam, Pader and Lamwo districts.<sup>22</sup> Renovation works were ongoing for office blocks at Lwemiyaga in Sembabule District and Uganda Prison Magala in Mityana District while painting of office blocks had been done at Iganga Prison in Iganga District, Bigasa Prison in Bukomansimbi District, Namalu Prison farm in Nakapiripirit District and Bugiri Prison in Bugiri District.

Through personal initiatives, some officers in charge of prisons embarked on construction of new wards, staff houses and renovating old structures using funds locally generated through hiring out of prisoners' labour. The UHRC noted these efforts in Kyegegwa Prison in Kyegegwa District where the officer in charge constructed his own staff residence and Uganda Women's Prison Tororo, Tororo District where a kitchen was under construction. Perimeter walls were constructed as a measure to improve the prison security and to provide inmates with an opportunity for recreation, privacy, and sun bathing as they could now be let out of the wards. This also contributed to reduction in personal hours of prison warders and improved sanitation. This was observed at Kabonera Prison in Masaka District, Lwengo Prison in Lwengo District and at Muinaina Prison in Mubende District where a strong chain linked fence was constructed.

21 UHRC 2010, 2011 and 2012 Annual Reports to the Parliament of the Republic of Uganda.

22 Commissioner J. Kurugyire, Uganda Prisons Services 'An assessment of conditions in Prisons in 2013' presentation made at the 16th UHRC Annual Report Consultative meeting held on 13-16 January 2014 at Speke Resort Munyonyo.





New prison under construction through local initiatives at Kasaali Prison, Rakai district.

## ii) Uganda Police Force

The living conditions for suspects in police custody and staff of the UPF have been a persistent area of concern for the UHRC. In 2013, UHRC noted construction and renovation works done by UPF in 20 places. Construction works were undertaken at Okwang Police Post in Otuke District, Kuluba Police Post in Koboko District, Arua Police Station, Tororo Police Station, Otuke Police Station, Kiryandongo Central Police Station, Amuru Central Police Station, Elegu Police Station in Adjumani District, Kalegero Police Station in Lwengo District and Panyadoli Hills Police Station in Kiryandongo District among others.

The UHRC noted that new premises were constructed at Kibuku Central Police Station in Kibuku District through JLOS funding and new unipots were provided at Liyama Police Post in Budaka District. A new police barracks was also constructed at Busunju in Mityana District to accommodate police staff and their families that were relocated from Naguru Police barracks. During the year, renovation works were noted at Namalu Police Station in Nakapiripirit district.

In a bid to improve staff accommodation, the UPF reported to have undertaken construction of 7,000 units for police officers' accommodation under the Public Private Partnerships arrangement in Kampala Metropolitan region.<sup>23</sup> The UPF had also embarked on the use of Hydra foams to construct office accommodation and residential houses for police officers in the majority of districts in Northern Uganda and Karamoja where new police stations were constructed.

Police detention facilities were also improved through local initiatives such as in Rushere Police Station where the District Police Commander mobilised funds and constructed staff houses and police cells for male suspects. At the time of UHRC inspection visit they were being roofed. Kabalinga Police Post, Seeta Police Station, Bweyogerere Police Station and Kalegero Police Station were also constructed through community initiatives.<sup>24</sup>

23 Dinah Kyasiimire, Uganda Police Force, 'An analysis of conditions in police detention facilities' presentation at the 16 Annual Report Consultative meeting from 13-15 January 2014 at Speke Resort Munyonyo, Kampala.

24 Okwang Police Post, Otuke Police Station, Kiryandongo Central Police Station, Amuru Central Police Station, Elegu Police Station and Panyadoli Hills Police Station had construction works in 2013.



Kabarole Police Station with support from the Uganda Red Cross Society constructed a new Juvenile Centre and a self-contained cell for female inmates. At Bundibugyo Police Station, new office structures and self-contained cells were built for male and female suspects while Kalangala Police Station constructed a pit latrine through community initiatives.



*New office premises and staff quarters constructed for Amuru Police Station in Amuru District.*

### iii) Construction of cells and homes for Juveniles

In 2013, the UHRC noted the construction of cells for juveniles at Kabarole and Bundibugyo police stations. Juvenile reception centers were also constructed at Abim Police Station in Abim District, Amudat Police Station in Amudat District and Namalu in Nakapiripirit District by Save the Children in Uganda. In Arua Remand Home, two dormitories for juveniles, staff quarters and an office block were completed while the final phase of constructing a dining /kitchen begun in November 2013 and was due for completion in April 2014. Construction at Construction works for Kabale Remand home in Kabale Municipality, Kabale District commenced on the four acres of land in 2013 and is expected to be completed in mid - August 2014. The process of replacement of the asbestos roof with iron sheets at Fort Portal Remand Home also commenced in 2013.

### b) Functional Human Rights Committees

The UPS initiated the establishment of Human Rights Committees in prisons to monitor and report on human rights challenges experienced in prison units, including ensuring observance of human rights. The composition of the committees is drawn from both staff members and inmates. In some prisons, there were separate committees for staff and inmates. The Human Rights Committees have been instrumental in entrenching a culture of human rights among staff and inmates.

The committees usually prepare and submit monthly reports to the Officer-in-Charge who forwards them to the Prisons Headquarters.<sup>25</sup>

UHRC findings in 142 prisons inspected revealed that 94 had functional Human Rights Committees. These prisons include: Soroti Government Prison, Bukedea Government Prison, Amita Government Prison in Moroto District, Alero Prison in Nwoya Ditrect, Adjumani Government Prison, Arua Prison, Moyo Prison, Olia Prison, Koboko Prison and Lobule Prison. Others were: Moroto Government Prison, Masaka Prison, Mutukula Prison, Saaza Prison, Bubukwanga Prison, Namalu Prison, Moroto Prison, Masindi Male Prison, Mubuku Prison, Kyakasengura Prison, Kakumiro Prison, Hoima Prison, Butaleja Prison, Kigandalo prison, Tororo Prison, Masafu prison and Bugambe Prison among others. Examples of prisons found with only staff human rights Committees included Nyabirongo Prison, Isimba Prison, Masindi Female Prison, Maiha Prison, Kibaale Prison and Kyakasengura Prison.

<sup>25</sup> The reports usually contains the number and names of inmates who have been on remand over a long period of time, issues of corruption among inmates and prison staff, cases of torture and the general welfare of the inmates.

The UHRC noted that some prisons had not yet established Human Rights Committees for either staff or inmates despite clear guidelines from prisons authorities and were therefore missing out on the benefits of the committees. Examples of such prisons were Kibiito Prison, Lwabenge Prison, Bigasa Prison, Lwebitakuli Prison, Rwimi Prison in Kabarole District, Kamwenge Prison, Kicece Prison, Rusese Prison, Buliisa Prison, Kole Prison, Kaladima Prison, Buseruka Prison and Nyabirongo Prison.<sup>26</sup>

The UHRC noted that the all police posts and stations did not have Human Rights Committees but it was informed that UPF had disciplinary committees to address complaints.



The spokesperson of the Human Rights Committee presenting a brief of the human rights situation at Soroti Prison, Soroti District

#### **c) Deployment of Regional Human Rights Officers within the Uganda Police**

In 2013, the UPF through the Directorate of Human Rights and Legal Services established ten regional human rights offices that are specifically mandated to handle human rights issues raised about UPF and provide legal advisory services. Their duties include conducting regular human rights sensitisation activities targeting police officers in their respective regions; ensure that all human rights violations involving the UPF in their regions are investigated and concluded and liaising with the UHRC regional offices on specific human rights issues and activities.<sup>27</sup>

#### **d) Good records management practices**

Maintenance of updated registers is one way through which the detention facilities remain accountable while managing detainees. Proper records have to be kept at all times on the status of detainees to help explain any eventualities. In the absence of any documentation by the prison authorities, any claims by inmates, their relatives or investigators can be very difficult to explain.

A total of 593 places of detention inspected were found with updated registers. Like in the previous UHRC annual reports, the prisons continued to excel in the maintenance of updated registers in all the 142 prisons inspected in 2013. The registers contained the important details relating to particulars of inmates, staffing and the general information about the prison.<sup>28</sup> Proper record keeping in the prisons inspected enabled the UHRC to assess the human rights situation of the inmates and to conduct investigations on allegations of human rights violations such as deprivation of the right to liberty, life, right to freedom from torture, prolonged remands, illegal detentions and detention of juveniles with adult offenders.

<sup>26</sup> In Kole Prison and Kaladima Prison, the human rights committees were not operational because most of the members had been transferred.  
<sup>27</sup> n 23 above.

<sup>28</sup> The registers included the property register, death register, earning scheme register, admission register, prisoner treatment register, punishment book register, complaint register, discharge register, inspection book, visitors' book, among many other registers maintained by the prisoners.



The UPF endeavoured to maintain accurate records on the particulars of suspects in their custody amidst challenges. The UHRC observed that 451 police detention facilities had updated lock up registers that contained details of the reason for the suspect's detention, date of arrest, the officer handling the matter, the serial number, the case reference number and action taken on the file. The 20 military detention facilities and 6 remand homes inspected by the UHRC also had updated registers.

#### **e) Freedom of worship**

The UHRC noted that 140 out of 142 prisons inspected continued to respect prisoners' right to manifest religion or belief in worship in line with Article 18 of the ICCPR. The UHRC was informed by inmates and prison authorities that the right to freedom of worship was the most highly respected right. The inmates were allowed to pray on a regular basis and in most cases arrangements were made for external religious ministers to visit the inmates. The UHRC received reports from the officers-in-charge of the prisons that Christian leaders from the Catholic and Protestant faith visited the inmates to conduct prayers on Sundays while Muslim leaders were allowed in on Fridays.

At Mutukula Prison, Kiruhura Prison and Fort Portal Female Prison, special rooms were designated for the inmates to conduct their prayers. The prisons that did not have special rooms for prayers due to challenges of space usually held their prayers under trees. The inmates reported increased enjoyment of their right to freedom of worship in their respective religious denominations and were in some cases provided with religious books such as Bibles. The UHRC noted one incident when this freedom was restricted was reported in Bigasa Prison in Bukomansimbi District where inmates of the Islamic faith were not allowed by the prison authorities to say their morning prayers on grounds that they would compromise the security of the prison. Inmates at Olia Government Prison in Adjumani District were not able to exercise this freedom because the religious leaders found it difficult to access the prison located far outside town.



One of the inmates found reading a bible at Kakuuto Prison.

#### **f) Right to access information**

The UHRC observed that a total of 96 prisons out of 142 inspected provided for the right to access information through either provision of radio sets or allowing prisoners to own radio sets or access newspapers. This was noted in Arua Prison, Jinja Remand and Women Prisons, Luzira Prison and Masaka Prison. Inmates at Gulu Prison also had access to the prison library.<sup>29</sup> Prison authorities also allowed visitors to address inmates on various subjects from time to time. However, for security purposes letters to and from inmates were cleared first before they were received or dispatched. There were however some prisons that did not facilitate prisoners' access to information.<sup>30</sup>

29 At Kole prison, inmates are provided with newspapers, Gulu Government prison has a library where the inmates get all the information they need and Gulu Women's section had a television.

30 These include; Moroto Prison, Namalu Prison, Amita Prison, Lugore Prison, Otuke Prison, Kigumba Prison, Kiyandongo Prison, Alebtong Prison, Apac Prison, Kaladima Prison, Maruzi Prison and Arocha Prison.



## g) Appreciation of Human Rights

There was a general improvement in the appreciation of human rights in prisons. This was achieved through the respect of human rights by the warders and regular human rights awareness and sensitisation of the inmates and staff by authorities especially through the officers in charge. The decline in human rights violations reported in prison facilities can also partly be attributed to this positive development. In 2012, a total of 41 alleged violations were registered against the UPS and this reduced to 39 in 2013.<sup>31</sup> Table 2.3 illustrates the number of alleged violations registered against the UPS by the UHRC in the past two years.

**Table 2.3: Alleged violations registered against the Uganda Prisons Service in 2012 and 2013**

Nature of the alleged violation	2012	2013
Torture and cruel, inhuman or degrading treatment or punishment	26	26
Detention beyond 48 hours	7	01
Deprivation of the right to life	4	4
Denial of access to medical services	2	01
Detention of children with adults	1	
Unlawful detention/illegal detention	1	2
Deprivation of property	-	5
<b>Total</b>	<b>41</b>	<b>39</b>

As indicated in the table above, there was a decline in the number of alleged violations reported against the UPS from 41 in 2012 to 39 in 2013. There was a decline with respect to detention beyond 48 hours and denial of access to medical services while there was no change regarding allegations of torture and the deprivation of the right to life. During inspections, the UHRC noted a general improvement in the relations between the prison staff and the inmates who were being treated with respect and in a humane manner. However, just a few reports of mistreatment from some prisons were registered.

With regards to the UPF, in 2013, the UHRC registered a total of 518 alleged violations of human rights against the UPF. However, this was a notable increase from 447 alleged violations in 2012 as shown in Table 2.4 below.<sup>32</sup>

**Table 2.4: Alleged violations registered against the Uganda Police Force in 2012 and 2013**

Nature of Alleged Violation	2012	2013
Detention beyond 48 hours	209	265
Torture and ill-treatment	177	188
Deprivation of property	23	33
Deprivation of life	7	12
Delayed investigations and violation of right to a fair and speedy trial	19	5
Unlawful arrest/illegal detention	4	9
Denial of right to health	3	2
Detention in an ungazetted place	1	
Press freedom	1	
Forced labour	3	
Right to security		2
Right to non discrimination		1
Denial of right to privacy		1
Deprivation of remuneration		1
<b>Total</b>	<b>447</b>	<b>518</b>

Source: UHRC

31 The number of alleged violations can be higher than the number of complaints registered since one complaints can have more than one alleged violation.

32 As above.

## h) Improved access to health services

All the 142 prisons inspected provided for access to health services for both inmates and prison staff. The prisons were either located close to health centres or they had in-house health facilities. The prisons that did not have any in-house health facility had arrangements with other healthcare service providers such as Government health centres or private health facilities to provide services to sick prisoners. During the UHRC inspections, it was reported that 25 prisons including Kibiito and Fort Portal prisons, Moroto Government Prison, Gulu Main Prison, 407 Brigade Head Quarters Mourita in Moroto and Masaka Government Prison had in-house health facilities at the level of Health Centre IIs or Health Centre III which received drugs directly from the National Medical Stores. In case there was a medical condition of an inmate that could not be managed at a certain prison, he or she was referred to a more specialised health facility for appropriate management.

It was previously reported that the HIV prevalence rate in the Uganda Prisons is 11.2% which is above the national average of 7.3%.<sup>33</sup> To address this situation, specialised health services such as HIV/AIDS counselling and testing and provision of ARVs for inmates living with HIV/AIDS were provided in 33 prisons including Gulu Main Prison and Patiko Prison in Gulu District and Masaka Prison. In other prisons, medical workers usually visited prisons and took blood samples to be tested at district hospitals after which results were returned to the respective prisoners.

UHRC noted that the majority of police stations and posts were located within towns which were accessible to Government Health Centres where ill suspects received treatment. This was the case at Buhimba Police Post, Kabwoya Police Post and Karama Police Post in Hoima district where ill suspects were taken to Buhimba Health Centre and Kabwoya Health Centre respectively. All central police stations in the country are located in proximity to Government health centres. However, some of the Government Health Centres are far away from other police stations and posts and at times there were no means of transportation to take suspects to hospital.<sup>34</sup>

## i) Improvement in conditions of children incarcerated with mothers

Human rights standards require that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.<sup>35</sup> The best interest is for a child of tender age (below two years) not to be separated from their mothers because their survival is knotted with staying with their mothers. In this regard, the UHRC found 33 children, mostly aged between 1 day to 2 years, detained with their mothers in both prisons and police cells. The prison and police authorities explained that these children could not be taken from their mothers because they were very young and still breastfeeding. Table 2.5 shows examples of children incarcerated with their mothers in places of detention visited by the UHRC.

**Table 2.5: Examples of children incarcerated with mothers in detention facilities**

Name of the detention facility	Name of the children	Age of the child	Reason
Sembabule Prison	K.	7 months	Child could not be separated from the mother as she was breastfeeding
Rakai Police station	B.	One and a half years	Had no one to look after her outside prison
Jinja Women Prison	6 children detained with their mothers	Ranging from 8months to two years	Still breastfeeding
Mbale Female Prison	C. R.	1year	Still breastfeeding
Mbale Female Prison	A.S	7months	Still breastfeeding
Mbale Female Prison	L.R	1 and half year	Still breastfeeding

33 n 22 above.

34 For example, suspects detained at Munteme Police Post had to be taken to Kikuube Health Centre which was quite far.

35 This is provided for in Article 34 of the 1995 Constitution of the Republic of Uganda; Section 3 and the 1st Schedule to the Children's Act Cap 59, Article 3 (1) of the UN Convention on the Rights of the Child and Article 4 (1) of the African Charter on the Rights and Welfare of the Child.

Name of the detention facility	Name of the children	Age of the child	Reason
Mbale Female Prison	N.C	1 year	Still breastfeeding
Mbale Female Prison	C.C	1 year	Still breastfeeding
Apac Prison	A.R.	1 year	The mother was due to be released in February 2014 and as such the prison authorities chose to leave the child with her as she awaited her release.
Apac Prison	K	3 months	child still breastfeeding
Aduku Police Station	K M	1 year	No relative can be with the child since she is still breastfeeding
Aduku Police Station	A M	7 months	No relative can be with the child since she is still breastfeeding

Source: UHRC

According to the UPS, the total number of children incarcerated with their mothers in prisons was 188 as at 30<sup>th</sup> November 2013.<sup>36</sup> Due to the advocacy efforts by the UHRC and other relevant stakeholders on the plight of children incarcerated with their mothers in prisons, UGX 60,000,000 was allocated to UPS cater for the specific needs of these children. Day Care Centres were also set up in some women prisons such as Mbarara and Luzira to address the psychosocial needs of the children. In addition, the diet for such children in prisons was supplemented with milk from cows that had been provided to major women's prisons.



A female inmate breastfeeding her child at Sembabule Prison

#### j) Complete eradication of the bucket system during the day and night

The UHRC noted progressive steps towards the eradication of this inhuman practice within the prisons and police. In this regard, the UPS continued to register improvement with 43 prisons having completely eliminated the practice during the day and night. It was reported by the UPS that water-borne toilets were installed in 20 prison units in FY 2012/13.<sup>37</sup>

<sup>36</sup> n 33 above.  
<sup>37</sup> As above



This development helped to reduce the number of prisons with bucket system from 128 (55%) in 2012 to 108 (46%) in 2013. The UPS was targeting to eliminate the bucket system in 40 prisons in FY 2013/14. The 26 police posts and stations that UHRC inspected had eliminated the use of the bucket system. Below are examples of detention facilities visited by UHRC that have eradicated or were close to eliminating the use of bucket system.

### Examples of selected prisons and police stations that have eradicated the bucket system

#### Complete eradication of the bucket system during daytime and at night in 2013

Kole Prison , Bwera Prison , Nyabirongo Prison , Kaliro Prison, Bugiri Prison, Nyabuhikye Prison, Rukungiri Prison, Moyo Prison, Adjumani Prison, Mugoye Prison, Namalu Prison, Kasanda Prison, Kagadi Prison, Lugazi Prison, Kigumba Prison, Ntwetwe Prison, Kiboga Prison, Butaleja Prison, Kamuge Prison, Dokolo Prison, Katakwi Prison, Bukedea Prison, Amita Prison, Moroto Prison, Kibiito Prison, Bundibugyo Prison, Iganga Prison, Jinja women Prison, Jinja remand, Tororo Women Prison, Tororo Prison, Ikulwe Prison, Amolator Prison, Soroti Prison, Mbale Prison, Masaka Prison and Kumi Government Prisons. Construction of waterborne toilets was done at Bugiri Prison, Bugiri District, Sembabule Prison and Lwengo Prison.

Police stations in northern Uganda that eradicated the bucket system included Amuru Police Station and Elegu Police Station which have put in place flush toilet facilities in the cells.

#### Eradication of bucket system in 2013/2014<sup>38</sup>

These included Kamwenge Prison, Kiburara Prison, Kanungu Prison, Ntungamo Prison, Kisoro Prison, Ntenjeru Prison Kangulumira Prison, Buikwe Prison, Nyenga Prison, Kaiti Prison Busesa Prison, Namutumba Prison, Bugembe Prison, Koboko Prison , Paidha Prison, Olia Prison, Serere Prison, Kaberamaido Prison and Ngora Prison.

### 2.3.2. Human rights concerns in places of detention

#### a) Inadequate budgetary allocation

The budgetary allocation to the UPS revealed minimal increases in funds over the last three years despite the surge in the number of inmates. Whereas the number of inmates increased from 32,307 as at 31<sup>st</sup> December 2011 to 39,394 as at 31<sup>st</sup> December 2013, the development budget had only increased from UGX 10,187,000,000 in FY 2011/12 to UGX 10,502,000,000 in the FY 2013/14. This implies that no adequate infrastructural development initiatives could be undertaken by the UPS to accommodate the ever increasing number of inmates. Furthermore, the wage allocation was still minimal for the prison staff despite the increase in the number of inmates leading to heavy staff workload and reduced staff morale.<sup>39</sup> Table 2.6 shows the budgetary allocation to the Uganda Prisons Services from FY 2010/11 to 2013/14.

**Table 2.6: Budgetary allocation to Uganda Prisons Service from FY 2010/2011 to 2013/2014**

Budget allocation (UGX '000)						Total no. of inmates
Financial Year	Wage	Non wage -recurrent	Development	JLOS	Total	
2010/2011	20,538,000	29,686,000	10,790,000	2,100,000	<b>63,114,000</b>	
2011/2012	25,676,000	29,116,000	10,502,000	4,736,000	<b>70,030,000</b>	32,307
2012/2013	29,992,000	34,116,000	10,187,000	5,328,000	<b>79,623,000</b>	34,940
2013/2014	31,084,598	44,116,000	10,187,000	5,714,000	<b>91,101,464</b>	39,394

Source: Uganda Prisons Service

38 n 33 above.

39 As of January 2014, there are 6837 staff of Uganda Prisons Services

The budgetary allocation for the police reflects similar trends with minimal increases from UGX 231,975,000,000 in FY 2010/11 to UGX 231,695,853,000 in FY 2011/12 to UGX 261,239,035,000 in FY 2012/13 despite the increasing need infrastructural and staff welfare improvements.

#### b) Prison Population

According to UPS, the total prison population stood at 39,394 inmates as at 31st December 2013, with 1,695 (4.3%) female inmates and 37,699 male inmates. Of the total prison population, 17,415 (44.2%) were convicts, 21,771 (55.5%) were remandees, 229 inmates were on death row, 35 inmates were pending ministerial orders and 208 (0.5%) inmates were debtors.<sup>40</sup> Overall, the prison population has been exerting a lot of pressure on the existing infrastructure and worsening the congestion problem. The prison population rose from 32,307 in 2011 to 39,394 in 2013, a percentage increase of 18%, that has not been adequately reflected in the resource allocation to UPS. Table 2.7 shows the prison population as at 31<sup>st</sup> December 2011, 2012 and 2013.

**Table 2.7: Prison population as at 31<sup>st</sup> December 2011, 2012 and 2013**

Category of Inmates	2011	2012	2013
Convicts	15,162	15,960	17,415
Remandees	17,026	18,808	21,771
Debtors	119	172	208
<b>Total</b>	<b>32,307</b>	<b>34,940</b>	<b>39,394</b>

Source: Uganda Prisons Service

Despite efforts aimed at improving access to justice, the number of prisoners on remand has remained on a steady increase. Since 2011, remandees remained the highest category of inmates in the UPS followed by convicts and debtors. The population of prisoners on remand rose from 9.4 % in 2012 to 13.6% in 2013. Much as the number of convicts increased from 5% in 2012 to 8.4% in 2013, it did not match the percentage increase of prisoners on remand. The increasing number of civil debtors in prisons by 17% in 2013 was another area of concern.

#### c) Continued use of the bucket system

265 places of detention inspected by the UHRC continued to use the bucket system during the day and night time in 2013. The UHRC recognises the challenges involved in eradication of the bucket system. There was no running water and toilet sanitary supplies are inadequate. In addition there are limited funds for installation, repair and maintenance of waterborne toilets within detention facilities. Since only 107 prisons have flush toilets, the use the bucket system persisted in 128 prisons in Uganda mainly for disposing of human waste mostly during the night because of security concerns in some prisons.<sup>41</sup> Such prisons included Kamwenge Prison, Kicece Prison, Kalangala Prison, Rucece Prison, Nyabirongo Prison, Mwera Government Prison, Uganda Government Prison Buikwe, Mubuku Women Prison and Kabasanda Prison.

Progress in eradicating the bucket system at police stations and posts was much slower compared to the prisons. With the exception of police stations located at district headquarters and municipalities, the majority of the police detention facilities used the bucket system to dispose of human waste. This had health implications on the life of the inmates and suspects and it affected the sanitation in police stations and posts. Below are examples of police detention facilities inspected by the UHRC that were found using the bucket system in 2013.

<sup>40</sup> n22 above.

<sup>41</sup> Information provided by Mr. V. Aioka Assistant Commissioner Uganda Prisons Services, 10th February 2014.

### **Selected police stations and posts that were found still using the bucket system**

Kamwenge Police Station, Nkoma, Bigodi, Buhanda, Ntara, Kicece and Kicwamba police posts in Kamwenge District; Kihungya Police Post and Buliisa Police Station in Buliisa District; Kaswa Police Post, Buheesi Police Post, Rwimi Police Station in Kabarole District; Ndugutu Police Post in Bundibugyo District; Koro Police Post, Gulu CPS, Kole Police Station, Ayara Police Post, Olilim Police Post, Adwari Police Post, Alito Police Post, Kitgum Matidi Police Post, Kwera Sub county Police Post, Ibuje Police Post, Police Post, Amuru Police Post and Alero Police Post.

Kermode Police post and Nona Central Police Station did not have pit latrines and the suspects were found using a neighbour's pit latrine.



*Urine in bottles in a cell at Ntusi Police Post in Sembabule District*



*A bucket of urine at Gulu Central Police Station in Gulu District*

#### **d) Lack of beddings and uniforms for inmates**

UHRC observed during inspections 60 prisons without adequate beddings and uniforms for inmates. At Sembabule Prison in Sembabule District, 104 inmates were found sharing 20 blankets. The UHRC also found some juveniles and inmates without uniforms or in torn ones in some remand homes such as Naguru and Mbale remand homes and prisons including Kabula Prison in Lyantonde District, Otuke Prison in Otuke District, Gulu Prison, Kaladima Prison in Amuru District. The UPS confirmed that 80% of prisoners had no appropriate beddings and that in some prisons prisoners had no beddings and were sleeping on the bare floor.<sup>42</sup> The problem of insufficient beddings and uniforms was attributed to inadequate financial resources. The UPS reported that for a daily average of 38,684 prisoners, UGX 3.510 billion is required for adequate provision of clothing and beddings yet only UGX 820 million was provided in FY 2013/14 for this purpose, hence a shortfall of UGX 2.690 billion.

The poor beddings and lack of uniforms also compromised the sanitation and hygiene of most prisons given the reports of infestation of lice and bed bugs. The problem was more pronounced at police stations and posts where UHRC found 369 of them with no beddings yet some suspects were detained there for long periods. In Kampala Metropolitan for example, Kiwatule Police Station, Kiira Police Station, Najera Police Post, Lubowa Police Station, Kisubi Police Station, Old Kampala Police Station, Katwe Police Station, Ggaba Police Station and Kyengera Police Station (only in cells for male suspects) did not provide beddings.

<sup>42</sup> n 38 above.





Inmates in torn uniforms at Kabula prison in Lyantonde District.

**e) Long Working hours**

Although there was a reduction in the working hours, which was standardized to 6 hours per day, there were reports of prisoners working more than the stated time. Such prisons included Magala Prison, Mwera Prison, Mutukula Prison Farm District, Kiseeka Prison and Butenga Prison. At Kiruhura Government Prison, the prisoners complained of working from 8:00am until 6:00 pm. There were also reports of ill prisoners being forced to work and getting beaten by 'katikiros' (inmates' prefects) at Kiseeka Prison in Lwengo District while working on private farms as they could not keep up the pace with the rest of the inmates.<sup>43</sup>

**f) Inadequate access to food**

The UHRC noted that there was a general challenge in feeding of inmates at prison facilities due to lack of consistent and adequate supply of food from the prison headquarters to the regional stores. The prison authorities attributed the challenge of feeding inmates to inadequate resources allocated and the cost of transportation of food from the regional stores. Food was released in small quantities, requiring the prison authorities to transport food to their stations on a monthly basis. Whereas prisoners on prison farms reported to be receiving three meals a day which included breakfast, lunch and supper, their counterparts in other prisons reported to be getting two meals a day comprising of porridge at breakfast and posho and beans at supper, popularly known as 'double ratio'. On a positive note, with the current level of investment by UPS in prison farms, it was expected that the farms would yield food worth UGX 7.5 billion which would cover part of the shortfall, leaving an overall shortfall of UGX 11.5 billion.<sup>44</sup>

The challenge of food shortage was worse in police detention facilities where 343 police stations and posts inspected did not provide food to suspects. It was reported that ordinarily, the imprest provided for feeding suspects was UGX 750 per plate yet the cost of living was high and the number of suspects kept increasing. It was reported that some police detention facilities were not provided imprest to provide for food for suspects. This meant that the burden of feeding suspects automatically shifted either to the police officers, complainants or suspects' relatives.

Some of the police facilities that were struggling with this challenge are Alito Police Post, Ayara Police Post and Kole Police Post in Kole District; Okwang Police Post and Adwari Police Post in Otuke District; Olilim Police Post in Katakwi District; Teilwa Police Post, Inomo Police Post, Ibuje Police Post, Atar Police Post and OlelPek Police Post in Apac District; Lwemiyaga Police Station, Kalegero Police Station, Kinoni Police Station, Matete Police Station Kyotera Police Station, Nyendo Police Station, Mutukula Police Station and Kasesero Police Station.

<sup>43</sup> This complaint was also raised at Olia Government Prison, Moroto District.

<sup>44</sup> To feed a daily average of 38,684 prisoners (as projected for FY 2013/14) three meals a day at a rate of UGX 2,300 requires a total budget of UGX 42.3 billion against a budget provision of UGX 23.3 billion in the Financial Year 2013/14.

Nonetheless, some police stations such as Kole Police Station, Gulu Police Station, Nwoya Police Station, Masaka Police Station, Apac Police Station and Otuke Police Station provided suspects with at least one meal a day.

**g) Poor hygiene and sanitation**

Although general improvement was noted in hygiene and sanitation especially within 111 prisons, the UHRC still found some cases to the contrary.<sup>45</sup> These were attributed to continued use of bucket system, irregular and inadequate supply of soap, disinfectants, beddings and uniforms from the prison headquarters and in some cases water shortages. There were reports of lice and bedbugs at Kabula Prison, Sembabule Prison, Bigasa Prison and Kiseeka Prison. Though prisons like Gulu Government Prison, Lugore Prison, Kole Prison, Alebtong Prison, Otuke Prison and Apac Prison had adequate sanitary towels for female inmates, it was a big challenge for many others with wards for females.

The UHRC noted that the poor hygiene and sanitation situation was worse in 122 police detention facilities. A lapse in cleanliness due to water shortages and the continued use of the bucket system had created a stench in and around some of the facilities. There were cases of water shortages; for instance at Karuma Aid Police Post and Atiak Police Station, where water was purchased at a cost of between UGX 200-500 per jerry can and this affected the suspects' access to water.

**h) Detention of juveniles with adult offenders**

In 2013, the UHRC noted the recurring challenge of lack of juvenile cells within police detention facilities. This was compounded further by the inadequate number of remand homes totalling to 6 for the 112 districts in the country.<sup>46</sup> During its inspections, the UHRC found 26 juveniles detained with adult offenders which not only exposed them to hard core criminals but also increased the likelihood of human rights violations. Refer to Annex A on selected detention places where juveniles were found detained with adults. As a measure to reduce this practice, some juveniles that were detained at police receptions and cells were subsequently released.

**i) Old, dilapidated buildings and makeshift structures**

The UHRC observed that 150 police detention facilities, 41 prisons, 1 military detach and 1 remand home had old or dilapidated buildings or makeshift structures not fit for human habitation. These dilapidated structures were used as wards, offices and staff houses. They were found at Kole Prison, Masindi Remand Home, Kole Police Station, Kigumba Police Station, Panyadoli Police Post, Masindi Port Police Post, Inomo Police Post, Ibuje Police Post, Maruzi Prison, Arocha Prison, Nwoya Central Police Station, Bibia Police Post, Pabbo Police Post and Kaladima Prison Farm. The UPS reported that a total of 5,000 out of 6,860 staff lacked proper housing in 2013. To address the current housing challenge for prisons staff would require UGX 40 billion at a cost of UGX 80 million per house for 5,000 staff houses.<sup>47</sup>

Some of the detention facilities such as Mityana Police Station and Barracks, Kalungu Police Station and Barracks and Masaka Police barracks still had asbestos roofs which are a health hazard. Some houses had gaping roofs which posed a challenge every time it rained. In other places, the congestion was such a challenge that there was hardly enough space for the number of officers allocated to a room. Some police cells at Adjumani Police Station, Kyegegwa Police Station in Bundibugyo District, Kyenjojo Police Station, Matete Police Station in Sembabule District and Mutukula Police Station lacked ventilation which affected aeration and light in the cells.

<sup>45</sup> Examples of such prisons include Mityana Prison, Luzira Prison, Mwera Prison, Magala Prison, Masaka Prison, Gulu Main Prison, Apac Prison, Arocha Prison, Maruzi Prison, Kaladima Prison and Lugore Prison among others

<sup>46</sup> There are 5 operational Remand Homes (Naguru, Mbale, Masindi, Gulu and Fort Portal) in Uganda, two other remand homes (Arua and Kabale) are under construction and one rehabilitation centre (Kampiringisa).

<sup>47</sup> n 42 above.





Staff houses at Kinyamaseke Police Post, Kasese District



A dilapidated cell for females at Kamdini Police Station Oyam District

### j) Prolonged and arbitrary detention

Prolonged and arbitrary detentions continued to occur in Uganda's detention facilities infringing on the rights of suspects and remandees. In the 139 detention facilities inspected suspects were found charged with obsolete criminal offences such as being idle and disorderly. Annex B shows some cases of long or arbitrary detention in selected detention facilities.

The number of remandees increased in prisons from 18,808 in 2012 to 21,711 in 2013 due to a number of factors including, lack of transport and absenteeism of judicial officers particularly for High Court sessions on capital offences and magistrates in lower courts. The delay of resident state attorneys to peruse and sanction files; the failure of complainants to avail witnesses to the police; the lack of substantial sureties for suspects detained beyond 48 hours and the inability of the police force to carry out timely investigations also contributed to the prolonged detention of suspects. Prisoners still overstayed on remand despite the progressive reduction in the remand period. Capital offences in 2013 remained at 11.4 months just like they were in 2012 and 15.1 months in 2011. For petty offences it was reduced to 2.4 months in 2013 from 3 months in 2012 and 4.4 months in 2011. It was reported that in February 2013, prisoners in Lira Central Prison rioted over the prolonged detentions on remand, overcrowding in the prison and the delays in the court process.<sup>48</sup> Reports from UPS revealed that the average monthly prisoner population growth rate during the year was 1.2% with the remand population growth rate at 1.8% and convict population growth rate at 0.3%.<sup>49</sup>

### k) Torture

Although cases on torture had significantly reduced, there were still some complaints about it by inmates in 10 prisons inspected by the UHRC. At Kyanamukaka Prison inmates complained of severe beatings especially by *katikiros*, police officers or prison warders. A case in point was Sebulime Godfrey who was allegedly beaten by a '*katikiro*' in the presence of Afande Muzeyi Robert who had a total of 11 complaints against him. At Mutukula Prison, inmates complained of torture by Afande Omacha. Some inmates were seen with fresh torture marks. At Kalisizo Police Station, a one Vincent Sseruwu charged with theft of a motorcycle Ref SD14/26/5/13 complained of being beaten by an officer at the station in relation to the offence. Torture marks were seen on his lower limbs although he could not identify the officer by name or rank. At Lugore prison, a case of torture was reported to the UHRC inspection team. Table 2.8 below shows cases of torture and its other forms documented by the UHRC during inspections in 2013.

48 Hudson Apunyo, 'Gunfire rocks as prisoners protest' available at :[www.monotor.co.ug](http://www.monotor.co.ug) last accessed on 15 February 2013  
49 n 47 above.



**Table 2.8: Cases of torture and its other forms documented during inspections by UHRC**

Name of the detention facility	Name of the inmate allegedly tortured	Crime suspected to have committed	Action taken if any by the authorities
Lyantonde Police Station	Okitere Charles	Idle and Disorderly	Tortured by fellow inmates because he had just been admitted the previous night. Released at the intervention of the Commission
Matete Police Station	Mulindwa, Kaggwa Yiga and Mulindwa Fahad	Idle and disorderly	Some inmates were denied food allegedly for 5 days, looked weak. Inmates got cooked food from Sembabule Police Station which is located about 20 km away and by the time of the visit food had not been supplied for 2 weeks. Released at the intervention of the Commission
Kiseeka Prison	Kabanda Brian	Theft	Was allegedly beaten with 18 strokes by Afande Musoke
Mbale Government Prison	Omase Tom	Murder	The inmate was tortured from Morukatipe Prison in Tororo. The Prison officers implicated in the torture case were suspended

### **I) Conditions in Remand homes**

According to the Children Act, Cap 59 children who are found in conflict with the law are supposed to be detained separately from adults in remand homes.<sup>50</sup> There are few remand homes in Uganda and this at times leads to illegal detention of juvenile offenders at police stations and prisons together with adults.<sup>51</sup> The UHRC inspected Naguru, Mbale, Arua, Gulu, Fort Portal, and Masindi remand homes in 2013.

In the Fort Portal and Masindi remand homes, UHRC found self-contained clean dormitories; sufficient beddings, blanket, mosquito net and mattress for each juvenile. The juveniles were provided with three meals a day with porridge. Sick juveniles with minor illnesses were taken to health centres and those with serious cases were taken to referral hospitals.<sup>52</sup> Arua Remand Home had new premises and new beddings for 30 juveniles. Gulu and Masindi remand homes did not receive direct funding from the Ministry of Gender, Labour and Social Development (MoGLSD) as their structures were not yet approved by the Ministry of Public Service (MoPS). They however received grants for food and fuel from the (MoGLSD).

The remand homes faced similar challenges like those in other detention places save for Arua Remand Home which was new. They struggled with inadequate financial and human resources<sup>53</sup> (social and probation workers), inadequate staff training and accommodation. Both Naguru and Mbale remand homes were congested with inadequate beds and beddings especially for boys and had juveniles on prolonged remand.

Naguru, Mbale and Masindi remand homes neither had adequate transport nor timely facilitation for fuel which made it difficult to take children to hospital and court.

Some of the remand homes were old and dilapidated like Masindi Remand home which was in a very poor state as no renovations had taken place since 1962. The remand home seemed deserted with no fencing and children loitered around. While Fort Portal Remand Home was in good shape, its dining hall was roofed with asbestos sheets which are a health hazard. Most of the buildings at Fort Portal Remand Home were old and in need of renovation.

There were complaints in Mbale Remand Home and Kampiringisa Rehabilitation Centre of inadequate supply of food for juveniles. At Naguru Remand Home, juveniles complained of not being provided lunch when they attended their scheduled court hearings and at times they returned after supper had already been served in the remand home.

<sup>50</sup> Section 89(8) of the Children Act.

<sup>51</sup> The remand homes currently operational in the country include; Arua Remand Home in West Nile, Fort Portal Remand Home in Western Uganda, Kabale Remand Home in South Western Uganda, Mbale Remand home in Eastern Uganda, Gulu and Masindi Remand Homes in Northern Uganda and Naguru Remand Home located in Kampala.

<sup>52</sup> Medical expenses were paid for by the Justice, Law and Order Sector.

<sup>53</sup> At Naguru Remand Home, it was reported that due to limited staff or staff absenteeism the children were at times locked up all day in their rooms especially during weekends.

The rounding up of street children by KCCA also exacerbated overcrowding and resource constraints in Kampiringisa Rehabilitation Centre and Naguru Remand Home.<sup>54</sup> Rehabilitation of juveniles is lacking or inconsistent due to inadequate facilitation, resources and infrastructure.

#### **m) Conditions in military detention centres**

The UHRC inspected 20 military detention facilities at brigade and battalion level and found them to be clean; had updated lock up registers; and had medicines and personnel to help both staff and suspects in case of illness.<sup>55</sup> The Court Martial sessions for the trial of detainees were more regular in 2013 and reported cases of torture of suspects significantly dropped.<sup>56</sup> Annex C shows list of military detention facilities inspected by the UHRC.

The human rights concerns that were noted were overcrowding and congestion in some military detention facilities like at Bugema and Bombo Military Barracks. The congestion in the cells at Bombo Military Barracks resulted from the long period that the Division Court Martial spent without convening which led to prolonged detention and case backlog.<sup>57</sup> At the time of inspection, some suspects were found in illegal detention in Arua Military Barracks 409 Brigade although this was attributed to long distances and delays in investigations. Although, the cases on torture of suspects reduced in 2013, the UHRC noted that civilian suspects complained of being beaten by UPDF suspects while in detention at 407 brigade headquarters Mourita Moroto District.

There were no functional human rights committees in the military facilities inspected by the UHRC. In some detention facilities, there were no beddings and the suspects at times used cow hides as sleeping mats.<sup>58</sup> There was no access to TVs, radios or newspapers. The UHRC received reports that there was no food for suspects especially at post and detach levels.

#### **2.3.3 Prisons and Police Staff Welfare**

Article 7 of the CESC provides for the right to just and favourable conditions of work which includes the right to fair wages; equal remuneration for the equal work done; non discrimination and safe and healthy working conditions. In 2013, the UHRC also focused on the human rights concerns arising from the working and living conditions of the prisons and police staff manning detention facilities. Staff accommodation was still a challenge in 634 detention facilities with either the housing facilities being inadequate, old, dilapidated or non-existent.



Dilapidated staff house at Nwoya Police Post in Nwoya District



One of Housing units for the Police at Alero Police post in Nwoya District

54 Mondo Kyateeka, Ministry of Gender, Labour and Social Development 'Achievements and Challenges in Managing Remand Homes and Ensuring Justice for Juveniles in 2013' presentation made at the UHRC Annual Report Consultative Meeting 13-15 January 2013 Speke Resort Munyonyo

55 The UPDF has documented records of all inmates on ARVs and they are treated as confidential. Appendix D shows a list of detainees who accessed ARVs at selected prison and military detention facilities.

56 Refer to Chapter 1 on Complaints Management by the UHRC.

57 Col. Charles Wacha Angulo; 'Conditions of Detainees and Staff in Places of Detention' presentation made at the 16th UHRC Annual Report Consultative meeting 13-16 January 2014 Speke Resort Munyonyo

58 407 Brigade Headquarter, Mourita and Lolachat 33 Battalion Headquarters



The UHRC noted the insufficient budgetary allocation given to the Prisons and Police for infrastructure development in 2013, which would have contributed to improvement in staff and office accommodation. The UPS reported that a total of 5,000 out of 6,860 staff lacked proper housing in 2013. To address the current housing challenge for prisons staff would require UGX 40 billion at a cost of UGX 80 million per house for 5,000 staff houses.<sup>59</sup> The prisons and police staff were also paid inadequate salaries compared to the rising cost of living. Inadequate staffing in prisons was a challenge with the staff population of 6,387 barely coping with the increasing prison population of 39,394. The inmate to staff ratio was at 6:1.

Generally, the facilitation of police officers to do their work remained a challenge with staff grappling with inadequate funds, transport, stationery and associated items. At 441 police stations and posts inspected by the UHRC, officers complained of stationery shortages. Consequently, the registers found at some of the police posts were procured by the officers in charge using their own resources. The inadequate supply of stationery from the police headquarters made it difficult for police detention facilities to maintain proper records. Majority of the police stations that UHRC inspected lacked file folders and were just improvising using exercise books as case files. In addition, the complainants were asked to photocopy police forms such as Police Form 3, in case they wanted to be issued with one.

On the issue of inadequate staff transport, it was observed that even where vehicles, motorcycles and bicycles existed there were hardly any monthly allocations for fuel, maintenance and repairs. The officers in charge of various stations and posts said that complainants provided fuel for the motorcycles to enable police carry out arrests and take suspects to court. Inadequate office accommodation in some police stations led to lack of storage space for exhibits.



Exhibits kept in the backyard at Soroti Police Station, Soroti District

## 2.4 STATUS OF TRANSFORMING PRISONS INTO CORRECTIONAL INSTITUTIONS

The current prison system, processes and procedures were not designed for correction but for punishment of offenders. This has resulted into an increase in reported cases of former inmates reoffending once they are released back into the society. This has led to calls for review of the current prison system. To address this issue, the UPS in 2013 held consultative meetings on the drafting of a correctional policy and these were still ongoing by the end of the year.<sup>60</sup>

### i) Rehabilitation and reintegration of inmates

Under the UN Standard Minimum rules for Treatment of Inmates, it is the right of inmates to resettle back into their communities upon completion of their sentences. For the reintegration of inmates into society, it should begin at the correctional facilities.

59 n 49 as above.  
60 As above.



Former inmates face many human rights related challenges including<sup>61</sup>:

- The punitive attitude of the communities which seek to permanently punish offenders even when they have served their terms;
- Stigmatisation of ex-inmates which makes living in the communities difficult for some inmates. This stigmatisation partly accounts for recidivism.
- Some inmates trying to resettle have been utterly rejected in the communities. This happened more so in cases where the inmates' committed heinous crimes like murder, defilement, robbery.
- Loss of property while in prison which renders discharged inmates destitute. This economic disenfranchisement violates the right of inmates to own property and live a normal life.
- Denial of job opportunities on account of the criminal record which only increases the likelihood of recidivism.

In the 142 prisons visited, 41 prisons provided rehabilitation programmes for inmates in the form of enabling them to acquire new skills, for instance through vocational training<sup>62</sup> formal education, functional adult literacy and facilitation of spiritual and moral rehabilitation.<sup>63</sup> The Fort Portal Male Prison had the necessary equipment for teaching inmates carpentry while at the Fort Portal Female Prison they had handcraft and basic educational activities. At Luzira Prison, inmates acquired specialised skills in carpentry and other trades while others acquired knowledge through formal education. Inmates involved in money generating activities were able to send back their earnings to support their families.

UPS reported that 235 prisons have programmes or activities for the rehabilitation of inmates. To address the issue of reintegration and settlement of inmates in their communities, the UPS partnered with NGOs like Uganda Discharged Persons Association (UDPAS), Uganda Prisoners' Aid Foundation (UPAF) and Mission After Custody (MAC) among others to provide inmates with rehabilitation services. Such services include counselling before discharge; training materials for vocational training; trade testing of inmates; promotion and maintenance of family ties; carrying out mediation and reconciliation between inmates and members of the community; provision of top-up transport for inmates who come from far; provision of start-up capital resettlement packages to discharged inmates; and pre-release visits to communities to pave way for the eventual resettlement of inmates.

## 2.5 CHALLENGES

Below are highlights of challenges that were encountered in places of detention inspected by the UHRC:

- a) There was inadequate budget allocation to prisons and police detention facilities for infrastructure development initiatives to accommodate the ever increasing number of inmates and suspects and to construct better staff and office accommodation.
- b) High prison congestion was prevalent due to prolonged remand, inadequate accommodation facilities and the increased prison population.
- c) Use of bucket system during the day and night still persisted due to unavailability of running water, toilet sanitary supplies and inadequate funds for installation, repair and maintenance for the operationalisation of water-borne toilets within most police detention facilities and some prisons.
- d) There was inadequate provision of basic necessities such as beddings, clothing, sanitary towels, soap, razor blades to inmates in detention facilities.

61 Mr Hasiyo Adams, General Secretary, Uganda Discharged Persons Association, information provided on January 22 2014.

62 Vocational training on carpentry, tailoring, bricklaying, handicrafts.

63 Gulu Main Prison provided vocational skills for the inmates through carpentry, a secondary school erected to enable inmates learn to read and write programmes. At Naguru Remand Home there were mentoring programmes offered by an NGO. At Jinja Women Prison, efforts to have inmates acquire skills in crafts.

- e) Remand homes had challenges of prolonged remand, inadequate staffing, congestion, old and dilapidated structures, inadequate transport, delayed food deliveries and inadequate provision of beddings.
- f) It was still a challenge to determine the age of juvenile offenders in remand homes. The tendency to detain juvenile offenders for minor/petty offences instead of diverting or counselling them was also of concern.
- g) Military detention facilities faced challenges of long periods of detention, overcrowding, non-functioning human rights committees especially at the detach level, inadequate bedding and limited access to information.
- h) The rehabilitation and reintegration of inmates was affected by inadequate resources to satisfy the demand; inadequate infrastructure in the prisons to fully accord inmates proper rehabilitation; the punitive attitude of some community members; habitual and hard core criminals who are committed to a life of crime.
- i) The current staff population of 6,387 is disproportional to the increasing prison population of 39,394.
- j) UPF and UPS staff faced the challenge of poor/lack of accommodation, inadequate staffing, poor water supply, inadequate salaries, inadequate transportation, inadequate stationery and food supply for inmates and suspects. The challenges in the facilitation of police officers included inadequate funds for imprest, fuel, maintenance and repair costs; transport, stationery and associated items.

## 2.6 RECOMMENDATIONS

1. As recommended in the previous Annual Reports:
  - The Uganda Police Force and the Uganda Prisons Service should continue to construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects and improve the living conditions of detainees and staff;
  - The Justice Law and Order Sector should strengthen the District Coordinating Committees to fast track cases of prolonged detention;
  - The Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prisons Service should ensure that children in conflict with the law are separated from adults in all places of detention;
  - The Justice Law and Order Sector should strengthen mechanisms for diversion of children away from the criminal justice system using alternative dispute resolution mechanisms such as mediation and arbitration; and
  - Ministry of Internal Affairs should ensure that the Uganda Police Force and the Uganda Prisons Service are allocated adequate resources to enable them perform their functions and to improve on their working conditions and welfare.
2. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the International Covenant on Civil and Political Rights;
3. The Uganda Police Force, Uganda Prisons Service and the Uganda Peoples' Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and are provided with basic beddings, improved sanitation and ensure detainees living with HIV/AIDS access ARVs;
4. Judicial Service Commission should recruit more judicial officers to reduce case backlog and prolonged detention of suspects and remandees;
5. The Ministry of Internal Affairs, Uganda Prisons Service, Uganda Police Force and the Directorate of Public Prosecutions must urgently address the issue of suspects who are being detained without files. If there are no files or charges against them, they should be released;

6. Ministry of Finance, the Justice, Law and Order Sector and Uganda Prisons Service should allocate funds for transformation of the current prison system into a correctional system focusing on the rehabilitation and reintegration of inmates;
7. Uganda Prisons Service should construct perimeter walls around all the prisons in Uganda as a security measure within and outside the prisons and to provide an avenue for inmates to undertake recreation activities;
8. Uganda Registration Services Bureau should increase its efforts in ensuring the countrywide registration of all births in Uganda to address the issue of age determination of children in conflict with the law;
9. The Ministry of Internal Affairs should ensure that the Uganda Prisons Service, Uganda Police Force get adequate resources to enable them perform their functions effectively and improve their working conditions and welfare.
10. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the International Convention on Civil and Political Rights; and

## **2.7 CONCLUSION**

The assessment of conditions in places of detention inspected highlighted some positive developments towards improving the conditions of inmates. Nonetheless, there is need to find lasting solutions to the recurring problems being experienced. Challenges like inadequate financial and human resources and facilitation must be addressed within the UPF, UPS, UPDF and Remand Homes since they have a spiral effect on the enjoyment of rights by inmates and staff in places of detention.



## CHAPTER 3

# HUMAN RIGHTS EDUCATION AND OUTREACH

### 3 INTRODUCTION

The UN Declaration on Human Rights Education and Training underscores the importance of Human Rights Education (HRE). It provides that everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.<sup>64</sup> It further provides that HRE and training is essential for the promotion of universal respect for and observance of all fundamental human rights and freedoms.<sup>65</sup>

The second phase of the UN World Programme for Human Rights Education (2010-2014) requires that UN member states (Uganda inclusive) should focus on HRE for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.<sup>66</sup>

### 3.1 THE LEGAL FRAMEWORK

#### 3.1.1 The international legal framework

Article 26 of the Universal Declaration of Human Rights (Universal Declaration) emphasizes the right to education for all and its significance for HRE. Other instruments also set the obligations in the promotion of HRE for all persons. Article 29 in the Convention of the Rights of the Child (CRC), highlights the aims of education to foster the development of the child's personality and talents, preparation for a responsible adult life, respect for human rights as well as the cultural and national values of the child's country and that of others.<sup>67</sup> Article 5 of the UNESCO Convention Against Discrimination in Education also echoes the value of HRE.<sup>68</sup>

#### 3.1.2 The regional legal framework

The ACHPR provides for the right to education. Specifically it provides for the duty of States parties to ensure through teaching, education and publication, the respect of the rights and freedoms stipulated in the Charter.<sup>69</sup> Article 11 of the African Charter on the Rights and Welfare of a Child (ARWC) provides that every child has a right to education.

#### 3.1.3 The national legal framework

The international and regional human rights standards pertaining to HRE were domesticated in the provisions of the Constitution of Uganda. It provides for the establishment of the UHRC whose mandate includes establishing a continuing programme of research, education and information to enhance respect of human rights.<sup>70</sup>

### 3.2 EDUCATION AND OUTREACH ACTIVITIES

The HRE activities conducted by UHRC in 2013 comprised workshops/trainings, community outreach activities, media campaigns and commemoration of international human rights days.

64 Article 1(1) of the UN General Assembly Resolution 66/137 of 16th February 2012.

65 As above Article 1(2).

66 <http://www.ohchr.org/EN/Issues/Education/Training/Pages/Programme.aspx>.

67 The Convention on the Rights of the Child.

68 The UNESCO Convention Against Discrimination in Education.

69 Articles 17(1) and 25 of The African (Banjul) Charter on Human and Peoples' Rights.

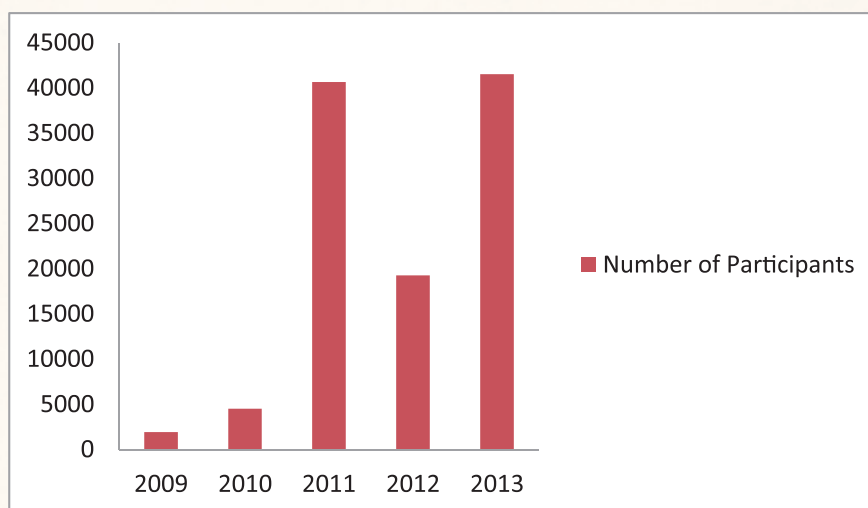
70 n 12 above, Article 52(1)(c).

They were all intended to enhance the levels of human rights awareness, nurture a culture of respect for human rights and emphasise the importance of citizens' duties and responsibilities.

UHRC sensitised a total of 41,530 persons from law enforcement agencies, local government, schools and grass root communities. In addition, the UHRC noted that an estimated 127,558,261 listeners were sensitised through TV/Radio programmes.

Figure 3.1 demonstrates that between 2009 and 2013 there was a surge in the number of persons sensitized by the UHRC. This was attributed to the increased implementation of community meetings (*baraza*) which by nature involve a large number of people as well as the intensified radio talk shows.

**Figure 3.1: Number of persons sensitised by UHRC from 2009 to 2013**



### 3.2.1 Human Rights Education for Law Enforcement Agencies

The 1995 Constitution of Uganda mandates all law enforcement and security agencies to respect human rights in the execution of their work. Article 221 distinctively obliges law enforcement and security agencies to respect human rights. It provides that it shall be the duty of the UPDF, UPF, UPS and all Intelligence services to observe and respect human rights and freedoms in the performance of their functions.

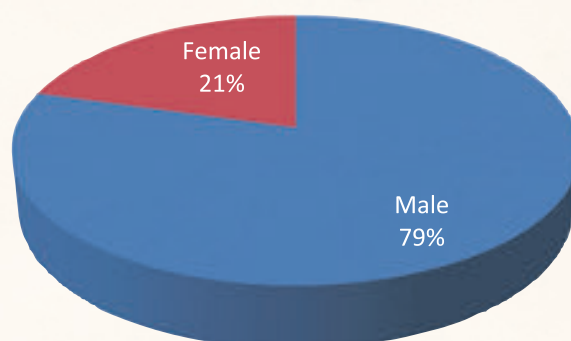
In view of that, UHRC conducts human rights awareness programmes targeting security agencies to reinforce their ability to respect and promote human rights and ensure that a culture of respect for human rights is developed and nurtured.

Furthermore UHRC's interventions with law enforcement and security agencies are influenced by the nature and trend of complaints received at the UHRC which show that the majority of the respondents are members of UPF, UPS and UPDF.

A total of 2,111 members of the UPF and UPS were trained in 2013. The training enhanced participants' knowledge and appreciation of human rights and key laws relevant to their work. Participants enhanced their understanding of the Constitution of Uganda, the Prevention and Prohibition of Torture Act, 2012, the Penal Code Act, Cap 120 among other laws. They also gained knowledge in enhancement of human rights in law enforcement, the role of the police in the protection and promotion of human rights, rights of suspects, rights of prisoners, use of force, community policing, collecting and adducing evidence in court, police code of conduct and professional standards in law enforcement.

However, it was noted that male participants (1,676) outnumbered females (435) in all the trainings conducted for law enforcement agencies. This could be attributed to the fact that generally fewer women get recruited into the UPF and UPS. Figure 3.2 demonstrates the disparity.

**Figure 3.2: Percentage of Male and Female participants from Law Enforcement Agencies**



**(a) Human Rights education for the Uganda Police Force**

The UHRC held HRE programmes for 2,384 members of UPF of whom 1,923 were male and 461 female. This represents 17.3% of 7,106 the total number of females in the force. The entire UPF is composed of 41,073 police personnel. The 2384 trained in 2013 represented a 150% increase from the 954 that were trained in 2012. The increase was attributed to the methodologies used in the trainings which included targeting police personnel on police baraza days at police stations and police posts as was the case in the Lango and Acholi sub regions; and the post to post trainings conducted in Karamoja region for the Anti Stock Theft Unit (ASTU). The trained officers comprised uniformed police officers, detectives and special police constables (SPCs) drawn from different regions of the country.

In 2013 there was a 22.5% increase in the complaints registered at the UHRC against UPF from 346 complaints in 2012 to 424 complaints in 2013. It should be noted that even as the UHRC conducts human rights trainings for UPF, it also conducts human rights awareness campaigns for the general public. Therefore the increase in complaints against UPF was partly attributed to the increased reporting of cases by members of the public as they increasingly appreciate human rights issues and their duty to report alleged human rights violations owing to the human rights awareness campaigns.

However, although complaints against UPF increased, the UHRC noted increased responsiveness of the UPF to human rights through its cooperation during UHRC's investigations and inspections. Furthermore, UPF had taken positive strides towards disciplining errant officers accused of violating human rights as was the case with those who were dismissed from UPF after being found guilty by the Police Disciplinary Court of torturing a one Kasim Ssuuna at Mukwano Factory.



Police officers engaged in group work during a training conducted by UHRC for police at Kaabong Catholic Mission, Kaabong District



## **(b) Human Rights training for Uganda Prisons Service**

In 2013, the UHRC trained 84 members of the Human Rights Committee of Gulu Central Government Prison. Of these, 35 were prisons officers and 49 were inmates. The trainees comprised 66 males and 18 females. Prisons Human Rights Committees are an initiative within the UPS that comprise both prisons officials and inmates which champions human rights issues within the respective prisons. The participants gained general knowledge on human rights, the rights and duties of prisoners and the duties of prisons officers. It is noteworthy that out of the six complaints registered against UPS at the UHRC Gulu regional office in 2013, only one was against Gulu Central Government Prison. This could be attributed to the intense engagement between the UHRC and Gulu Central Government Prison in the period under review.

### **3.2.2 Training on the Human Rights Based Approach for district officials**

The UHRC trained 48 district officials on the Human Rights Based Approach (HRBA) to development. These 25 males and 23 females were drawn from Masaka, Rakai, Lwengo, Kalungu and Bukomansimbi districts. The participants gained knowledge and skills of basing development programming on human rights and human rights principles; and appreciated the importance of integrating human rights in local government programming and budgeting. It should be noted that UHRC targeted officials from the aforementioned districts because those from other districts were trained by UHRC in 2009.

### **3.2.3 School outreaches, Human Rights and Peace Clubs**

#### **(a) Sensitisation workshops**

The UHRC conducted human rights sensitisation programmes for 13,063 pupils and students and 20 teachers in primary and secondary schools. These were conducted in Arua, Moroto, Napak, Jinja, Busia, Tororo, Mbarara, Kiryandongo, Apac, Lira, Kitgum, Pader and Agago Districts.

The UHRC would address pupils and students at their schools and was thus able to reach a bigger number of participants. Participants gained knowledge on rights and responsibilities, guidelines on the formation of human rights clubs, rights of the girl child, duties and responsibilities of parents and the role of human rights clubs in the protection and promotion of human rights.

During such interactions the students and pupils expressed concern over the high girl child school dropout rate, the need to sensitise about responsible parenting and the challenges faced by children affected by natural disasters and displacement. UHRC also facilitated the formation of 10 new school human rights and peace clubs in the districts of Moroto and Mbarara.

#### **(b) School Human Rights and Peace Clubs**

A Human Rights and Peace Club is a group of students who come together to promote human rights, peace and tolerance in their school and community. A human rights club is formed by active members who are informed about human rights and are involved in raising awareness about human rights within their school and their communities.

UHRC monitored human rights and peace clubs in schools in the districts of Arua, Moroto, Napak, Soroti, Jinja, Busia and Tororo. UHRC assessed the operations of the human rights clubs and shared best practices with them to enhance their effectiveness.

UHRC found that school human rights clubs were implementing human rights-related activities through music, dance and drama, debates, writing and reciting poems, organising seminars and participating in radio talk shows.

Through radio talk shows, school human rights clubs broadened their reach beyond their respective schools. At their initiative and with guidance from UHRC, some of the human rights and peace clubs were involved in outreach activities such as visiting inmates in prisons and patients in health centres where they donated soap and raised awareness on human rights. However, it was noted that as previously reported the human rights and peace clubs required technical and logistical support from the UHRC to execute their mandate effectively.

UHRC developed and procured 155 talking compounds for distribution to school human rights and peace clubs. Through the human rights messages on the talking compounds students in schools were encouraged not to discriminate against people living with HIV/AIDS, to respect the rights of others and to ensure a clean and healthy environment. The talking compounds enhanced the visibility of the UHRC and the respective human rights and peace clubs where they were distributed. Annex D shows the number of schools with functional human rights clubs.

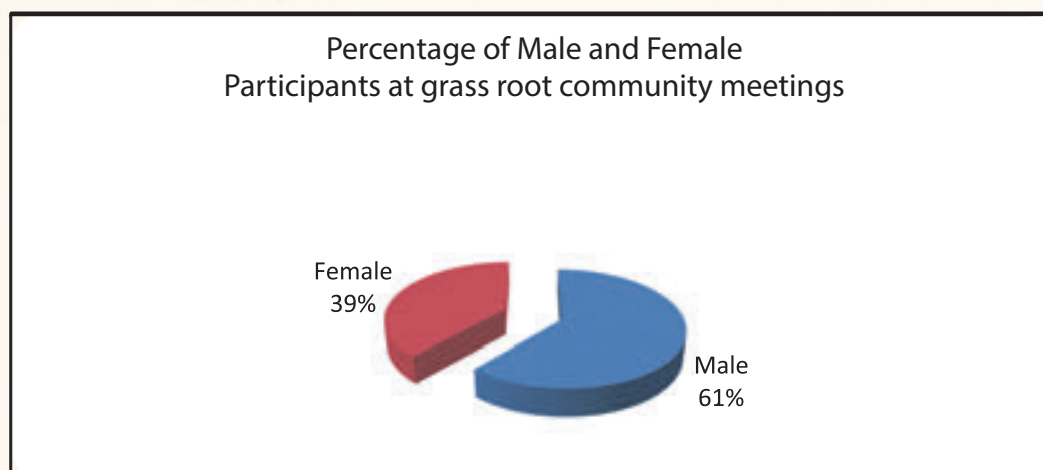


One of the members of Ediofe Girls Secondary School Human Rights and Peace Club sensitising inmates of Gili gili prison in Arua District

### 3.2.4 Human Rights awareness baraza for grass root communities

The UHRC conducted grass root human rights awareness activities reaching 20,217 members of the communities through community meetings (*baraza*). As a result grass root communities were empowered with human rights knowledge to enable them claim their rights and fulfill their civic duties. Of the total 20,217 baraza participants, 12,420 were male while 7,797 were female as Figure 3.3 below illustrates. There was a 44.8% increase in the number of people who participated in the UHRC's community baraza in 2013 compared to the 13,959 that attended in 2012. This was due to the enhanced use of radio stations and local leaders to mobilise the communities.

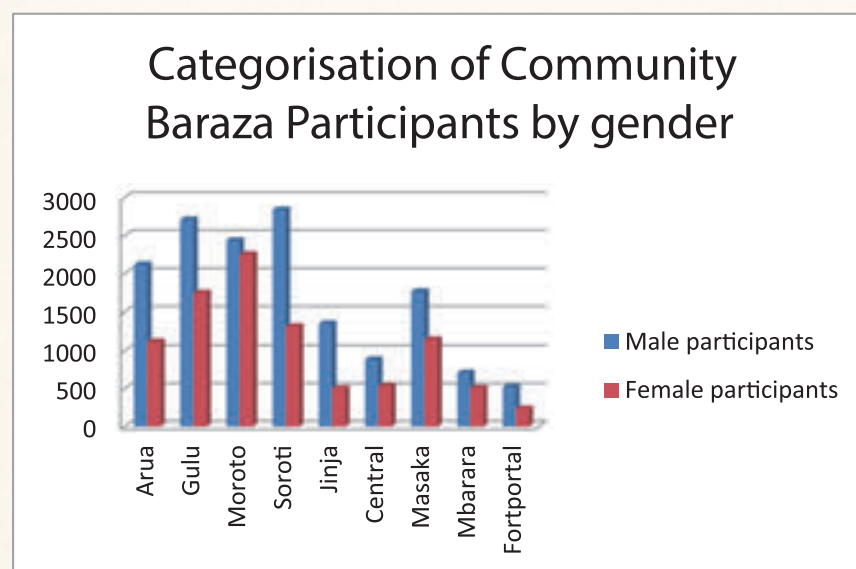
**Figure 3.3:**



Source: UHRC

Furthermore there was a 57.3% increase in the number of women involved in community baraza activities in 2013 compared to the 4,954 that participated in 2012. This is attributed to the enhanced mobilisation strategies particularly targeting women. UHRC took particular care to conduct community meetings at venues and time that were convenient for women to attend. Figure 3.4 shows the categorisation of community baraza participants by gender and regions.

**Figure 3.4**



Source: UHRC

Communities were sensitised in the districts of Zombo, Yumbe, Nyadri, Arua, Adjumani, Lira, Kiryandongo, Gulu, Kitgum, Pader, Kotido, Nakapiripirit, Kaberamaido, Bukwo, Kapchorwa, Bukwo, Kumi, Ngora, Bukedea, Amuria, Manafwa, Serere, Soroti, Mbale, Katakwi, Arua, Namutumba, Busia, Mayuge, Iganga, Buyende, Kaliro, Tororo, Namayingo, Tororo, Butaleja, Luweero, Mpigi, Mityana, Kayunga, Buikwe, Lwengo, Rakai, Kalungu, Bukomansimbi, Kalangala, Masaka, Lyantonde, Kabale, Ntungamo, Mbarara, Sheema, Hoima, Kyegegwa and Kamwenge.

Participants gained knowledge and understanding of a wide range of human rights issues including the mandate of the UHRC; the provisions of the Constitution; the role of the community in community policing and conflict management; children's rights; women's rights; the rights of vulnerable groups; domestic violence; mob justice and land rights. The interactive and candid nature of the discussions enabled the UHRC to identify and document the pertinent human rights issues in the various communities targeted. Of particular concern to the communities were the poor quality of health and education services; the escalation of land conflicts, mob justice and domestic violence; the lack of access to justice; the increased incidences of violation of children's rights; the need for constitutional awareness and translation of the Constitution into local languages; and the high levels of corruption.

The UHRC also formed ten sub county human rights committees in Lwengo, Rakai, Kalungu, Bukomansimbi, Kalangala, Masaka and Lyantonde districts after holding a community baraza. The committees would subsequently be a contact mechanism between the UHRC and the grass root communities. They have proved essential in replicating the human rights message to their communities; receiving and forwarding reports of human rights violations to the UHRC. The committees comprised ten members drawn from local leaders, opinion leaders, police officers and prisons officers. However, they had not yet got any formal training in human rights by the end of 2013.





A group of women attending a community baraza conducted by the UHRC at Arengesiep village, Nabilatuk sub county, Nakapiripirit District

### 3.2.5 The draft National Civic Education Policy

UHRC facilitated a consultative process of developing a draft National Civic Education Policy. The Policy was drafted by a multi-sectoral Working Group comprising members from the UHRC, the Office of the President, the Office of the Prime Minister, the Ministry of Justice and Constitutional Affairs, the Ministry of Local Government, the Ministry of Education and Sports, the MoGLSD, the Judicial Service Commission, the Electoral Commission, Human Rights Network (U) (HURINET), National NGO Forum, Uganda Joint Christian Council, Inter-Religious Council of Uganda and the Uganda Journalists Association.

Once approved by the Cabinet, the National Civic Education Policy will provide a national framework for broadly and effectively coordinating civic education delivery in the country; defining the scope/parameters of civic education; setting minimum standards and ensuring quality control; enhancing efficiency and effectiveness in civic education delivery across the country; and enabling measurement and evaluation of the impact of civic education.

The draft policy was validated on 18<sup>th</sup> June 2013 by a national workshop attended by 100 key stakeholders in civic education. At the validation meeting the Minister of Justice and Constitutional Affairs Hon. Kahinda Otafire, made a commitment to support UHRC in the processes leading up to the tabling of the policy in Cabinet.

### 3.2.6 Media programmes

The UHRC used media programmes to raise human rights awareness and engage the general public on human rights issues. These included: radio and television talk shows, radio spot messages, advertisements, media briefings and newspaper supplements. Refer to Annex E and F.

#### (a) Radio talk show programmes in 2013

The UHRC conducted a total of 182 live phone-in radio talk shows on 56 radio stations country wide. This was a 58% increase compared to the 115 radio talk shows conducted in 2012. The talk shows were conducted in various languages including English, Luganda, Lusoga, Runyankore/Rukiga, Runyoro/Rutooro, Ateso, Kumam, Kupsabiny, Lumasaaba, Lugbara, Kakwa, Alur, Madi and Ngakarimojong. The wide coverage of radio, enabled the UHRC engage a wider audience. Furthermore the use of listeners clubs during human rights sensitisation campaigns enhanced the interactive nature of the UHRC media campaigns as was the case in Masaka region. The wide coverage of radio enhanced UHRC's visibility leading to an increase in the number of people seeking its services.

The choice of discussion topics for the radio talk shows was influenced by prevalent human rights issues and the nature of complaints received at the UHRC. In 2013 radio talk shows focused on human rights, duties and responsibilities of citizens; the Prevention and Prohibition of Torture Act; mob justice and domestic violence as human rights violations; the rights of PWDs, women and children; the right to personal liberty; the rights of suspects during and after arrest; land rights; and labour rights.

#### **(b) Radio spot messages**

The UHRC ran a total of 1,867 radio spot messages on 17 radio stations, drawing from the nature of complaints received at the UHRC as well as the human rights issues pertaining at the time. Through the spot messages listeners gained information on human rights issues such as, the right to health, mob justice as a human rights violation, the mandate of the UHRC, the Prevention and Prohibition of Torture Act and the right to freedom from torture and ill treatment. The messages were aired in English, Ngakarimojong, Luganda, Runyoro, Rutooro, Luo and Ateso.

The listeners in the Karamoja region covering Kaabong, Kotido, Abim, Napak, Moroto, Amudat and Nakapiripirit; and western region covering Kabarole, Hoima, Bundibugyo, Kibaale and Kasese were sensitised on the Prevention and Prohibition of Torture Act, children's rights and duties. Those in the Central Buganda region covering Mukono, Kampala, Wakiso, Luweero, Kiboga, Mubende, Mityana, Nakasongola and Mpigi benefitted from radio messages promoting the rights of vulnerable groups and condemning child labor and mob justice. Annex F shows the UHRC radio talk shows and spot messages in 2013

#### **(c) Television talk shows**

UHRC conducted six television talk shows on NTV, Top TV and NBS. Viewers gained information on various human rights issues that were discussed including the salient issues in the UHRC 15<sup>th</sup> Annual Report; the mandate of UHRC; and the Prevention and Prohibition of Torture Act. The talk shows were aired in English during popular shows such as 'On the Spot' and 'Mini Buzz' on NTV, 'Prime News Live' on Top TV and 'Morning Breeze' on NBS. As a result of these initiatives, debates were generated among the general public on the various topical issues that were discussed thereby leading to greater awareness on human rights.

#### **(d) Television infomercials**

A total of five TV adverts and infomercials on important human rights information were aired on NBS and WBS TV. Viewers were informed about the commemoration of the 20<sup>th</sup> anniversary of the Vienna Declaration and Programme of Action and the importance of freedom of expression. Annex G shows infomercials conducted by UHRC in 2013

#### **(e) Newspaper supplements/adverts**

Newspaper supplements, advertorials and commentaries on specific human rights themes were run in 8 local newspapers. Readers gained understanding of human rights issues such as the Prevention and Prohibition of Torture Act, the right to freedom of expression, the importance of re-engaging communities for effective HIV prevention and the commemoration of the International Human Rights Days. The UHRC also run public announcements in local newspapers of the relocation of its Head office from Buganda Road to Twed Plaza, Lumumba Avenue.

#### **(f) Media briefings**

The UHRC has over the years endeavored to advise stakeholders and the general public on emerging human rights issues in the country. This it has done through periodic press briefings among others. During the year 2013, the UHRC held a total of 8 formal press conferences on various themes including announcing its land mark achievements and calling for action by relevant stakeholders following incidents of human rights violations.



The press conferences listed in Table 3.1 below informed the media coverage that raised awareness on the various human rights topics discussed.

**Table 3.1: UHRC press conferences in 2013**

S/N	Theme /Topic of Press conference	Date held	Addressed By
1	Human rights concerns over the rampant mysterious murders in the country and a call for in-depth investigations into the root cause	23 <sup>rd</sup> January 2013	UHRC
2.	Concern over curtailment of media freedoms occasioned by the closure of some media houses and a call to government to uphold the respect for human rights	22 <sup>nd</sup> May 2013	UHRC
3.	Launch of UHRC 15th Annual Report	3 <sup>rd</sup> April 2013	UHRC
4.	Launch of Anti-Torture week activities	24 <sup>th</sup> June 2013	UHRC, OHCHR, & CAT (Coalition Against Torture)
5.	Human Rights concerns on the Public Order Management Law that had just been passed and other emerging human rights concerns including Government Plans to construct an Oil Refinery in Hoima; landslides and hail storms in Bududa District; and the influx of refugees from the Democratic Republic of Congo	13 <sup>th</sup> August 2013	UHRC
6.	Call to Police to clarify circumstances under which the 'shoot to kill' order should be applied and a reminder to Police to exercise restraint in its work	6 <sup>th</sup> September 2013	UHRC
7.	Condemnation of Police brutality against a former employee of Mukwano Industries and a call for the arraignment of the concerned Police Officers before a competent court of law	2 <sup>nd</sup> October 2013	UHRC
8.	Human rights concerns over escalating crimes threatening the rule of law; sexual violence and related crimes and human trafficking and a call for urgent government intervention	29 <sup>th</sup> November 2013	UHRC

Source: UHRC

In addition to the use of formal press briefings the UHRC issued news releases to various media houses on important or monumental occurrences within the UHRC. Table 3.2 below shows details of press releases issued during the period under review

**Table 3.2: UHRC Press releases in 2013**

S/N	Subject of press release	Date issued
1.	UHRC Chairperson Mr. Med S.K Kaggwa receives Presidential Award at the African Regional Summit in Dakar Senegal in recognition of his outstanding performance as a Special Rapporteur on Prisons and Places of Detention for the African Commission on Human and People's Rights	June 2013
2.	UHRC maintains 'A' Status Accreditation under the Paris Principles by the UN International Coordinating Committee (ICC) in May 2013	30 <sup>th</sup> May 2013
3.	Statement on the formation of a National Coalition of Human Rights Defenders in Uganda	13 <sup>th</sup> June 2013
4.	Launch of the UHRC 15 <sup>th</sup> Annual Report to Parliament on the State of Human Rights in the country for the year 2012	2 <sup>nd</sup> April 2013

Source: UHRC

### 3.2.7 Human rights education through publications

In implementing its communication strategy UHRC enhances its visibility through Information, Education and Communication (IEC) materials on selected human rights themes. The materials are distributed to stakeholders, the general public and are also used for UHRC exhibitions during public events. In 2013, UHRC produced 26,000 copies of IEC materials in the form of brochures, posters, fliers, bumper stickers and banners, for schools, communities, UPF and health centres.



The IEC materials which were in various local languages, covered the following themes: Rights, duties and responsibilities of citizens of Uganda; the duties and obligations of police officers and health workers; and the rights and duties of students.

### **3.2.8 Conducting civic education through the implementation of special projects**

#### **(a) The Local Development and Social Cohesion in Northern Uganda Project**

In 2013, UHRC implemented the Local Development and Social Cohesion in Northern Uganda Project with support from the United Nations Development Programme (UNDP). The project targeted nine sample districts of Apac, Dokolo and Oyam (all in Lango sub-region), Amudat, Abim and Kaabong (all in Karamoja sub-region) and Nwoya, Agago and Lamwo (all in Acholi sub-region).

Through the project UHRC built the capacity of the UPF district officials, community leaders and communities to enable them deliver community security and reinforce access to justice systems at the grass root level through increased peaceful resolution of disputes. The effectiveness of community justice mechanisms was improved to ultimately enhance social cohesion in the targeted sub regions. All this strengthened the post-conflict recovery process in areas with unique issues like escalating land conflicts, domestic violence, sexual gender based violence and violation of children's rights.

The interventions: Trainings for police officers, community leaders and district officials; procurement and distribution of law books; and community baraza, were interconnected in order to achieve a trickledown effect. As such the police officers who were trained were involved in the community leaders' trainings as well as the community meetings (baraza). The community leaders who were trained were involved in the community meetings (baraza).

#### **(i) Training for the Uganda Police Force**

The UHRC in partnership with UPF built the capacity of selected police officers in human rights, post conflict management and community policing as a way of enhancing police contribution to community justice and security. The UHRC trained 308 police officers who included officers in charge of police stations and posts as well as district police commanders.

The training enhanced participants' knowledge and appreciation of human rights and their importance in law enforcement; community policing; and key laws relevant to their work such as the Constitution of Uganda. Participants appreciated the psychosocial context of the post conflict areas that they work in, including their own psychosocial needs as police officers. They resolved to develop working relationships with their respective communities, especially in promoting peace and coexistence among community members.



Participants and facilitators of Dokolo Police Training workshop posing for a group photo with the then Resident District Commissioner Dokolo Mr. Ben Anyama (4<sup>th</sup> left)

**(i) Procurement and distribution of law books.**

The UHRC distributed 3000 law books to Police Stations and Police Posts in Lango, Acholi and Karamoja sub regions. The law books were: The 1995 Constitution of Uganda, the Penal Code Act Cap 120, the Fire Arms Act Cap 299 the Domestic Violence Act 2010 and the Children Act.

**(ii) Training for District officials**

The UHRC had previously established District Human Rights Desks / Committees (DHRD/Cs) in most of the districts in Uganda as a strategy to enable local governments promote and protect human rights as well as deal with human rights issues. In its previous Annual Reports the UHRC reported that majority of the (DHRD/Cs) that had been formed were not functional due to technical, logistical and financial constraints. Technical constraints affected districts where DHRDs members who were previously trained by UHRC were transferred to other districts and the new members who were appointed in their place never received any basic training in human rights. The DHRDs lacked allocation of operational funds from the mother districts and there were no operational guidelines for their work.

In 2013, UHRC carried out a Rapid Needs Assessment exercise on DHRD/Cs in the nine sample districts to establish their current status. The findings would then inform the process of developing a comprehensive capacity building plan for human rights coordination at the district local governments; as well as guide other interventions as far as the functionality of the DHRD/Cs was concerned. The exercise confirmed that DHRD/Cs were largely non-functional and members had limited knowledge about the Human Rights Based Approach to Development. The lack of an advocacy strategy to promote DHRD/Cs in local government was noted as well as the need for the Ministry of Local Government to support their operations.

The UHRC also conducted a one-day stakeholders' meeting to discuss strategies on how to strengthen local governments in protecting and promoting human rights in Uganda through embracing and revitalising the DHRD/Cs as a structure mainstreamed into the local government. The meeting was attended by 50 participants drawn from MoLG; MoJCA; MoFPED; Uganda Local Government Finance Commission; OPM and members of DHRDs from selected districts. The meeting discussed guidelines on the functionality and operationalization of the DHRD/Cs and drew up strategies of ensuring harmonised, coordinated and monitored management of DHRD/Cs.

After the one day dialogue UHRC conducted capacity building trainings for the existing DHRDs in Lango, Acholi and Karamoja sub-regions. The trainings held in Gulu, Lira and Moroto towns were attended by a total of 101 participants. These included District Chairpersons, CAOs, District Community Development Officers, District Police Commanders, District Prisons Commanders, District Health Officers, Resident District Commissioners, and Representatives of Civil Society among others. Participants gained knowledge and skills on human rights, the HRBA to Development, the rights of vulnerable persons, monitoring and reporting on human rights in communities and the obligations of district local government officials in the protection and promotion of human rights. The district leadership and members of the DHRDs renewed their commitment to embrace the HRBA to development planning and programming in their respective districts and work closely with the UHRC especially through its regional and field offices.

**(iii) Trainings for community leaders**

The UHRC conducted trainings for 229 community leaders in the districts of Oyam, Dokolo, Nwoya, Lamwo, Agago, Abim, Amudat and Kaabong. They comprised 176 male and 53 female community leaders at sub-county level. Participants were drawn from sub-counties of Aber in Oyam District, Bata in Dokolo District, and Chawente in Apac District under Lango sub-region; Koch-Goma in Nwoya District, Padibe East in Lamwo District, and Laponi in Agago District under Acholi sub-region; and Nyakwae in Abim District, Karita in Amudat District and Kamion in Kaabong District under Karamoja sub-region. They included local council officials, sub-county and parish chiefs, sub-county chairpersons, clan leaders and religious leaders.



The trainings community leaders were organised and conducted in partnership with UPF at the district level. At the end of the training, the community leaders appreciated their role in the protection and promotion of human rights in their post-conflict context and acquired knowledge on how to handle human rights-related issues in their communities. In Karamoja region, the community leaders resolved to join efforts to stop trafficking of persons especially children as well as the practice of Female Genital Mutilation.



Community leaders at a human rights training workshop at Kamion Sub county, Kaabong District

#### **(iv) Community meetings (baraza)**

UHRC in partnership with UPF conducted community sensitisation meetings (baraza) in 45 villages in the nine sample districts. In total, the meetings conducted in five villages per district were attended by 4,584 people comprising 2,889 males and 1,695 females.

The meetings enabled participants to understand human rights issues, in particular, the mandate of the UHRC, the provisions of the Constitution, the role of the community in community policing and conflict management, the rights of children, women and vulnerable groups and land rights. They also understood the human rights implications of domestic violence and mob justice.

During the baraza, key human rights issues that informed the resolutions made by the community members included:

- The impact of the long periods of conflict on the communities in the regions and the need for post-conflict interventions to take that into consideration in order to be responsive and appropriate.
- The supremacy of the Constitution of Uganda over cultural norms, values and practices.
- The constitutional right of women to property, including land.
- The unconstitutional practices of widow inheritance, early and forced marriages and mob justice.
- Children's status as human beings with equal human rights as adults and which have to be respected.
- The obligation of rights holders to fulfill their duties and responsibilities so as to enjoy their rights
- The importance of local complaints resolution mechanisms like clan leaders and LC courts as the first point of call.



- The critical importance of partnerships between the communities and police to prevent crime and avoid taking the law in their hands.
- The need for community members to know that police bond is free of charge and for police to respect that.

The general recommendations from the project included the following:

- The UPF leadership should be engaged to recruit or engage psychologists to assist police personnel who are in need of counselling due to assignments that expose them to traumatic events.
- There should be continuous training of officers and community leaders on their role in the promotion and protection of human rights. Further training should be conducted on psycho-socio needs of people in a post conflict area.
- Community policing and civic education that takes into consideration the psychosocial needs of the population should be emphasised.
- The draft guidelines for the operationalisation of the DHRDs should be finalised.

#### **(b) Strengthening Human Rights in Uganda Project**

The UHRC with support from the German Agency for International Development (GIZ) implemented the Strengthening Human Rights in Uganda Project in Mpigi and Luweero districts. The project was focusing on strengthening the protection of human rights particularly of vulnerable persons. Through the project, the UHRC raised the awareness and built the capacity of 96 district local leaders and CSOs (60 male and 36 female people) in human rights with emphasis on rights of vulnerable groups.

The UHRC conducted ten community baraza for district local government leaders, CSO representatives and the general public in Luweero and Mpigi districts. Participant acquired information and knowledge on rights and duties of citizens as well as the rights of women, children and PWDs.

The UHRC conducted ten joint public meetings in partnership with Peace and Justice Archdiocese Commission stakeholders in which participants acquired knowledge on human rights and rights of vulnerable groups. The UHRC and the Peace and Justice Archdiocese Commission also mediated conflicts in the areas where the meetings were conducted.

The UHRC conducted radio talk shows and aired spot messages in which topical issues such as mob justice, rights of women and children, freedom from torture, inhuman and degrading treatment were tackled. Seven radio talk shows were conducted. The UHRC was able to reach communities in twelve districts of Luweero, Nakaseke, Wakiso, Nakasongola, Mityana, Kiboga, Mpigi, Gomba, Masaka, Butambala, Mubende and Kyankwanzi where the radio coverage reached.

UHRC printed 13,200 fliers and stickers in both English and Luganda to popularise the toll-free line at UHRC Central Regional Office.

The UHRC was able to establish that there is need for more awareness especially on the rights of the vulnerable as well as on the duties and responsibilities of citizens. It also established that grass root approaches such as community baraza in addition to partnerships in human rights promotion were very effective.

### **3.3 UHRC LIBRARY AND DOCUMENTATION SERVICES**

Through library and documentation centres at the head office and in all its regional offices, the UHRC provided a vital resource of information on human rights for the public during 2013.

The LDC also enabled UHRC staff to reinforce their knowledge through research to effectively fulfill their mandate. Information and materials that users commonly sought included: The laws of Uganda, international human rights laws, thematic human rights reports, human rights text books and human rights annual reports. A total of 1,004 users comprising 601 researchers, 242 students, 152 lawyers and 9 journalists accessed the UHRC's library and documentation services. The LDC was also equipped with 815 new materials in 2013 that consisted of text books, journals and periodicals.

The UHRC posted 20 web stories to its website [www.uhrc.ug](http://www.uhrc.ug) to provide information and updates on its activities for internet users both within and outside Uganda. Among the materials uploaded on the website were the UHRC 15<sup>th</sup> Annual Report and the cause lists for the UHRC tribunal.

### **3.4 COMMEMORATION OF INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS DAYS**

UHRC annually carries out joint advocacy activities with other human rights partners to raise awareness among stakeholders and the general public on selected international, regional and national human rights days. In 2013 advocacy activities on human rights days included public processions, public dialogues, community out-reach dialogues, performances through songs, dance and poems, exhibitions and media campaigns among others. UHRC actively participated in joint activities to commemorate the International Women's Day, World Press Freedom Day, International Day in Support of Torture Victims, World AIDS Day and the International Human Rights Day.

#### **3.4.1 International Women's Day on 8<sup>th</sup> March**

UHRC facilitated Rakai District Local Government to commemorate International Women's day. The activities to commemorate the day included drama skits and speeches on women's rights. The function was attended by 200 persons.

#### **3.4.2 World Press Freedom Day on 3<sup>rd</sup> May**

UHRC in partnership with the Uganda Journalists Association (UJA) held three Press Discourses in Kampala, Gulu and Mbale to commemorate the World Press Freedom Day. A half-day press discourse on 'Freedom of Expression and the Media' was held in Kampala at the ESAMI Auditorium on Friday 3<sup>rd</sup> May 2013. Presided over by the Minister of State for Gender, Labour and Social Services Hon. Sulaiman Madada, the discourse was attended by over 150 journalists and other stakeholders. The Mbale press discourse was held on Thursday 2<sup>nd</sup> May 2013 at Mount Elgon Hotel. The activity which was supported by the UN OHCHR was attended by 63 stakeholders mainly from Eastern Uganda. The Gulu press discourse was held on Friday 3<sup>rd</sup> May 2013 at Hotel Kakanyero, Gulu. The press discourse which was jointly organised by the UHRC and UNESCO in partnership with the Northern Uganda Media Clubs was also used to launch a tool kit for training journalists on peace, conflict and post conflict reporting.

#### **3.4.3 International Day in Support of Victims of Torture on 26<sup>th</sup> June**

UHRC commemorated the International Day in Support of Victims of Torture in partnership with the Coalition Against Torture (CAT) which is led by the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) and UN OHCHR and the Human Rights Centre Uganda (HRCU). The day was commemorated with a half-day public dialogue under the theme: *'Implement Anti-Torture Law Now: Compensate Torture Survivors'* in line with the international call for holistic rehabilitation of survivors of torture. The focus of the dialogue which was attended by 123 people was on the implementation of the new Prevention and Prohibition of Torture Act 2012 and the need to compensate survivors of torture.

A petition calling on government to expeditiously compensate torture survivors was presented to the Speaker of Parliament the Rt. Hon. Rebecca Kadaga, during the morning of Tuesday 25<sup>th</sup> June 2013.

The aim of the petition was to remind government of its duty to compensate and facilitate the rehabilitation of survivors of torture.

A Peace March was held on Wednesday 26<sup>th</sup> June 2013 to crown the commemoration activities and the Chief Walker and Chief Guest was the Acting Chief Justice, Hon. Justice Steven Kavuma. An exhibition was held at Buganda Road Primary School Grounds to highlight the progress made in rehabilitation of survivors of torture and the need to improve and avail rehabilitation services for them.

The UHRC also commemorated the International Day in Support of Victims of Torture and the Day of the African Child in Lyantonde. A total of 345 people were sensitised on children's rights, freedom from torture, cruel, inhuman and degrading treatment and punishment and the Prevention and Prohibition of Torture Act.

#### **3.4.4 World AIDS Day on 1<sup>st</sup> December**

World AIDS Day is an opportunity for people worldwide to unite in the fight against HIV/AIDS, show their support for people living with HIV/AIDS and remember those who have died. UHRC placed a half page supplement in the New Vision Newspaper on the day's theme: *'Re-engaging communities for Effective HIV Prevention: Community Action Towards Zero New Infections'*. It called on stakeholders and the general public to re-commit themselves to the reduction and eventual elimination of HIV/AIDS in Uganda.

#### **3.4.5 International Human Rights Day on 10th December**

The UHRC in conjunction with the Human Rights Network (HURINET-U), the HRCU, UN OHCHR, MoJCA and other human rights actors commemorated the day with a series of activities under the theme: *'Human Rights: The Long Walk'*.

UHRC took part in a monitoring inspection of Butabika National Referral Mental Hospital on Monday 9<sup>th</sup> December 2013 as a way of raising awareness about the right to health in Uganda in general and mental health rights in particular. They made recommendations to various stakeholders for the improvement of the quality of health services. The team also donated a hamper of 200 hospital blankets to the institution.

The UHRC and partners held a Human Rights Walk on Tuesday 10<sup>th</sup> December 2013 in Kampala in order to draw public attention to the International Human Rights Day and its theme. The walk provided a platform for human rights defenders to show solidarity in the human rights cause. The peaceful procession attracted participants from government, JLOS institutions, security agencies, members of the academia, the media, CSOs, students, Members of Parliament as well as members of the general public. The Ambassador of Netherlands H.E Alphons J.A.J.M.G Hennekens officiated at the functions at which institutions that had sustained the long walk of defending human rights in Uganda received Human Rights Recognition Awards. The UHRC and its partners also participated in a Human Rights Fair to showcase their work and create a platform to interface with the public.

#### **3.4.6 International Labour Day on 1<sup>st</sup> May**

UHRC commemorated the International Labour Day in Kalangala district with 109 people who participated. The commemoration activities included drama skits and speeches human rights issues with particular attention to labour rights.



### 3.5 HRE EDUCATION THROUGH PARTNERSHIPS

The UHRC conducts HRE through collaboration and partnerships with other individuals, institutions and organisations. This concerted effort enabled UHRC reach wider audiences and strengthened the working relationship between the UHRC and its stakeholders.

In 2013, the UHRC participated in 50 human rights awareness activities organised by other stakeholders such as CSOs, Faith Based Organisations and international organisations. The UHRC made presentations on selected human rights topics such as the role of the media in the protection and promotion of human rights; the rights of children and women; protection mechanisms for human rights defenders; the impact of corruption on human rights; reproductive health rights; and the Prevention and Prohibition of Torture Act.

The organisations and institutions that UHRC partnered with included: Community Integrated Initiative, Soroti Catholic Diocese Justice and Peace Commission, HURINET-U, Ankole Western Civil Society Forum, Olives Catholic Youth Organisation, Human Rights Centre Uganda, Transparency International - Uganda Chapter, Uganda Land Alliance, Community Empowerment for Rural Development, Network for Empowerment of Marginalized Children and Youth (NEMACY Uganda), JLOS, CARITAS and UN OHCHR.

### 3.6 CHALLENGES IN THE PROVISION OF HRE

- a) Civic education interventions are not streamlined and there are no standard setting or quality control mechanisms in civic education delivery. The lack of a coordination mechanism for civic education in Uganda has led to a myriad of actors being involved in civic education delivery all focusing on different areas of interest in the civic education arena. This makes it difficult to determine the national picture of the quantity and quality of civic education being delivered and the overall impact of civic education on the populace.
- b) As previously reported, the UHRC interventions continue to be sporadic due to inadequate funding. This makes it difficult to sustain the positive impact of civic education efforts on the populace since the interventions are not continuous and in every corner of the country.
- c) As has been reported in the previous Annual reports, DHRDs in many of the districts in Uganda still remain non-functional due to lack of logistical and financial support from their respective districts and from the MoLG. This constrains their capacity to effectively perform and ultimately limits their impact.

### 3.7 RECOMMENDATIONS

- 1 Government should adequately fund Uganda Human Rights Commission's civic education mandate as well as support efforts to streamline civic education delivery in Uganda;
- 2 The Ministry of Local Government and the Local Government Finance Commission should adopt and implement the draft guidelines on the functionality and operationalisation of District Human Rights Desks in order to ensure enhanced promotion and protection of human rights by the local governments; and
- 3 The Ministry of Internal Affairs and the Uganda Police Force should enhance human rights training programmes for the police force in order to enhance their appreciation of the importance of respecting, protecting and promoting human rights as a state obligations;

### 3.8 CONCLUSION

The UHRC efforts in conducting HRE activities were intended to address the inadequate awareness of human rights and civic obligations among rights holders and duty bearers in Uganda. The HRE as highlighted in this chapter contributed to the promotion and protection of human rights as they benefitted different categories of people countrywide. It is however imperative that civic education activities are enhanced through coordinated efforts and sufficient funding to make them continuous and country-wide as the Constitution of Uganda requires.

## CHAPTER 4

# FINANCE AND ADMINISTRATION

### 4 INTRODUCTION

The function of finance and administration plays an integral part in the achievement of the UHRC strategic objectives. This function in 2013 was implemented through the provision of administrative and logistical support as well as establishing sound financial and internal control systems. Specifically, these entailed the general office management and running; resource mobilisation and allocation; establishment of sound financial and asset management systems; security and safety of staff and equipment; and provision of financial information as required by Government, donors and the public.

These support roles enabled UHRC to be effective in service delivery and this was made possible by the availability of funds from both the Government of Uganda and development partners. The chapter therefore highlights the major activities undertaken under the support and administrative services in the FY 2012/13.

#### 4.1 OPERATIONAL AND ADMINISTRATIVE STRUCTURE OF UHRC

The UHRC comprises the Chairperson and six members of the Commission whose primary function is to lay out the policy framework that guides implementation of programmes and activities intended to achieve the set goals and objectives. The Secretary to the UHRC is responsible for implementing the policy decisions of the UHRC, day to day administration, facilitating the realisation of targets and goals set by the UHRC. The Secretary is also the accounting officer. The UHRC carried out its activities through the five directorates namely: Finance and Administration; Regional Services; Monitoring and Inspections; Complaints, Investigation and Legal Services and Research, Education and Documentation. Additional structures used by the UHRC to support service delivery are the regional and field offices located in the different parts of the country.

In the FY 2012/13, the UHRC was fully constituted. However, one member Ms. Mariam Fauzat Wangadya left the UHRC service to take on a new appointment with the Inspectorate of Government as Deputy Inspector General of Government. Her departure left a gap with a significant effect on the operations of the UHRC, especially the tribunal. She was yet to be replaced by the time of compiling the report.

##### 4.1.1 Staff establishment

The total staffing level of UHRC including members of the UHRC by December 2013 was 207 including members of the UHRC, 163 staff on contract and 44 volunteers. Refer to Annex I for the full list as at 30<sup>th</sup> December 2013. Out of the total number of staff, 117 were females and 90 males.

In a bid to promote efficiency in service delivery and improve performance, the UHRC approved an expanded staff structure in 2010. This structure compared to the previous one, also provided for career progression. It comprised 466 positions expected to be filled in the medium term. Out of the 466 positions, 163 were filled by the end of December 2013 and this accounted for only 35% of the staffing requirement of the UHRC.

##### 4.1.2 Regional and field offices

In an effort to take human rights services nearer to the people, the UHRC established regional offices in the different parts of the country. By the end of December 2013, the UHRC had a total of 10 regional offices namely: Gulu, Arua, Soroti, Jinja, Fort Portal, Mbarara, Masaka, Moroto, Central, and Hoima the newest.

Hoima Regional Office was created out of Fort Portal Regional Office and came into effect on 1<sup>st</sup> October 2013. The office is now fully operational. The regional offices are responsible for implementing the UHRC core activities in close liaison with the respective directorates at the head office and are coordinated by the Directorate of Regional Services. UHRC also has eight field offices namely: Kaberamaido, Kapchorwa, Kotido, Nakapiripirit, Pader, Kitgum, Lira and Moyo which was opened in May 2013.

## 4.2 ANALYSIS OF FUNDING OF THE UHRC

In the FY 2012/13, the UHRC received funding from both the Government of Uganda (GoU) and the development partners for its operational and core activities. While in the past development partners contributed a bigger percentage, GoU contribution has since improved and in the FY 2012/13 GoU contribution was 70% with donor contribution at 30% of the total budget.

The UHRC continued to experience shortfalls in its budget in the last five years. The trend in funding still indicates that the shortfall in the budget is likely to continue and this is evident in the budgetary provisions for the FY 2014/15 and the medium term as communicated by the Ministry of Finance, Planning and Economic Development (MoFPED). The projection for GoU for the FY 2014/15 is UGX 9.78 billion showing no increase compared to FY 2013/14, while donor projection is UGX 3.9 billion for the calendar year 2014 as per the Memorandum of Understanding signed between UHRC and the Democratic Governance Facility (DGF). This meant that only the first half of the FY 2014/15 has funding. It caused uncertainty because the MoU will not cover a full FY.

### 4.2.1 Funding gap

In the last five FYs, the UHRC experienced shortfalls in its budget submissions and therefore many activities could not be carried out as planned. In the FY 2012/13, UGX 8.32 billion was received by UHRC from GoU and UGX 3.58 billion from development partners totalling UGX 11.90 billion. This accounted for 44% of the total budget estimates submitted by the UHRC which was UGX 27.11 billion.

In the FY 2012/13 the total funding gap was UGX 15.2 billion resulting from the difference between the budget submissions of UHRC and the amounts appropriated. The big funding gap arose from the need to fund the said staff structure and the opening of additional regional offices. However, these two activities could not therefore be undertaken due to this shortfall in the budget.

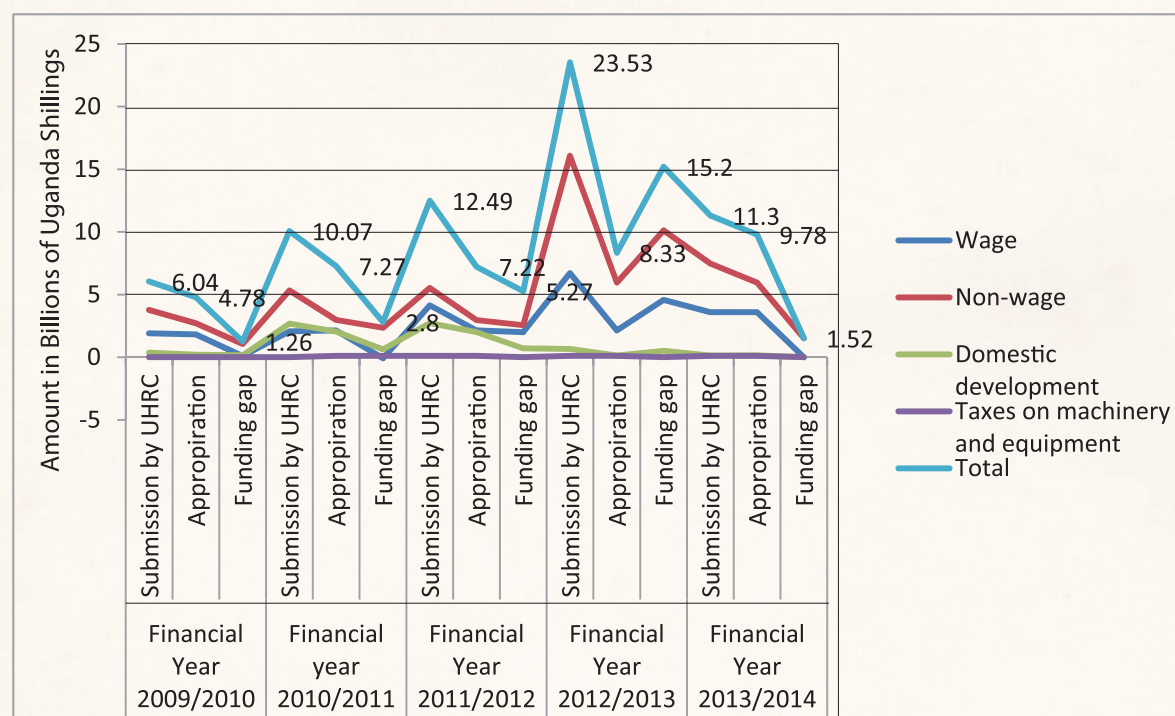
The analysis of the budget over the last five years also indicated that the funding gap varied from year to year. This was due to the unique requirements of each year and the changing human rights needs and institutional development requirements that dictated the nature of activities at a particular time. Table 4.1 below shows UHRC budget submissions, amounts appropriated and funding gaps over the last five years.

**Table 4.1: Government of Uganda funding over the last five FYs (UGX)**

Description	FY 2009/10 (billions)			FY 2010/11 (billions)			FY 2011/12 (billions)			FY 2012/13 (billions)			FY 2013/14 (billions)		
	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap	Submission by UHRC	Appropriation	Funding gap
Wage	1.91	1.82	0.09	2.06	2.14	-0.08	4.14	2.14	2	6.71	2.14	4.57	3.59	3.59	0
Non-wage	3.77	2.71	1.06	5.33	2.98	2.35	5.53	2.97	2.56	16.07	5.95	10.12	7.47	5.95	1.52
Domestic development	0.36	0.2	0.16	2.68	2.05	0.63	2.72	2.01	0.71	0.65	0.14	0.51	0.14	0.14	0
Taxes on machinery and equipment	0	0	0	0	0.1	0.1	0.1	0.1	0	0.1	0.1	0	0.1	0.1	0
<b>Total</b>	<b>6.04</b>	<b>4.78</b>	<b>1.26</b>	<b>10.1</b>	<b>7.27</b>	<b>2.8</b>	<b>12.49</b>	<b>7.22</b>	<b>5.27</b>	<b>23.53</b>	<b>8.33</b>	<b>15.2</b>	<b>11.3</b>	<b>9.78</b>	<b>1.52</b>



**Figure 4.1 GoU funding in the last five years**



#### 4.2.2 Funding from Development Partners and the Justice, Law and Order Sector

In the FY 2012/13, the UHRC received funds from DGF, GIZ as well as JLOS totalling to UGX 3.58 billion. While GIZ funds were used for capacity development of the UHRC, funds from JLOS and DGF were used for the day to day activities of promotion and protection of human rights. Contributions from development partners have not been consistent over the years. This is mainly attributed to the constantly changing donor priorities, conditions and interests that have on many occasions contributed to uncertainty of funding. In the FY 2012/13, donor contribution declined from UGX 4.09 billion to UGX 3.58 billion which is a 12.5% decline. The FY 2013/14 experienced a further decline from UGX 3.58 billion to UGX 2.99 billion representing a decline of 16.5%. In the month of February 2014, a new Memorandum of Understanding (MoU) was signed between the UHRC and DGF covering the period February 2014 to December 2014.<sup>71</sup> The total MoU value is UGX 3.9 billion and only UGX 1.95 billion is attributed to the FY 2014/15. Table 4.2 below shows the contribution of development partners over the last five years and a projection for the financial year 2014/15.

**Table 4.2 Financial support from Development Partners over the last 5 years**

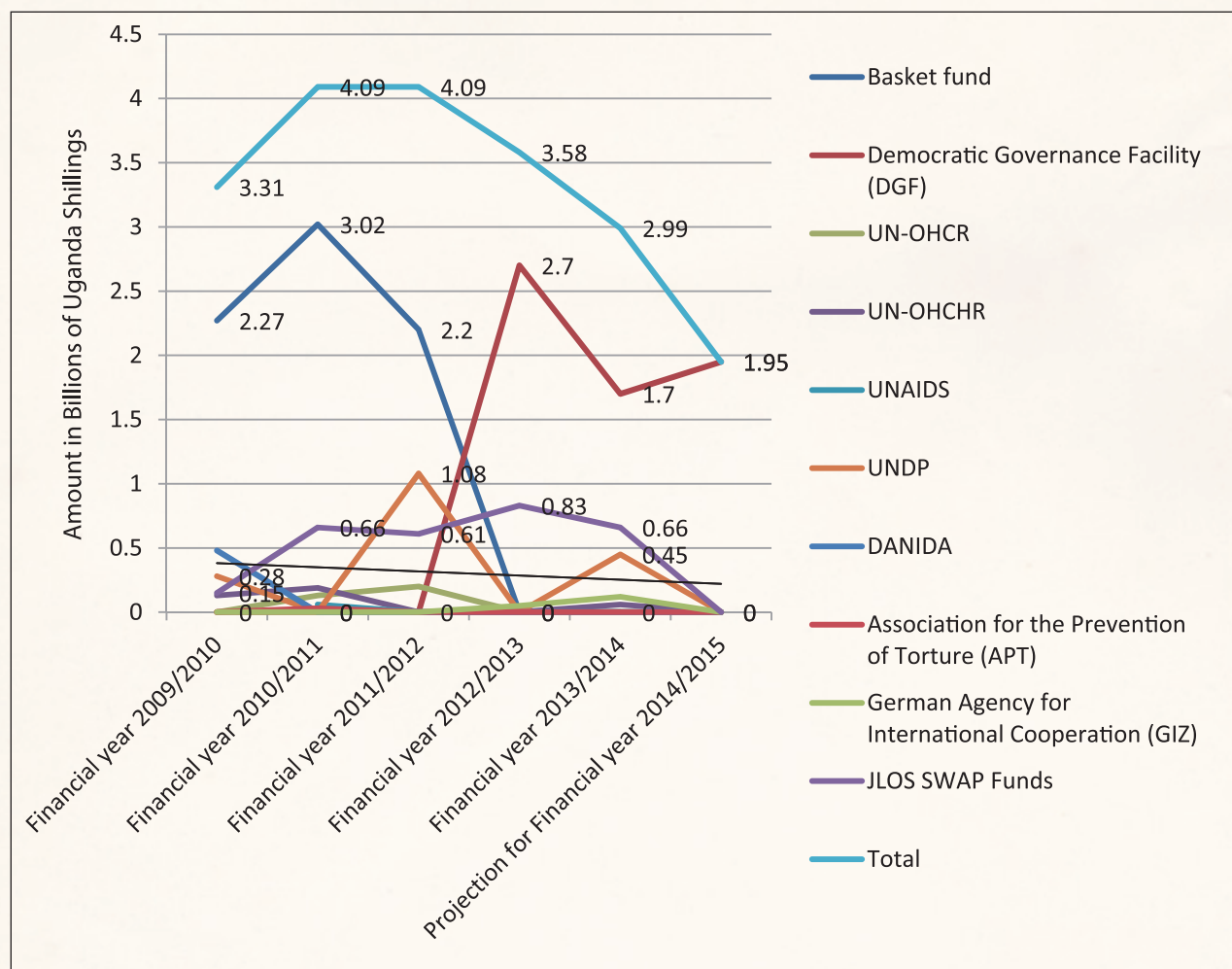
Development Partner	FY 2009/10 UGX in billions	FY 2010/11	FY 2011/12 UGX in billions	FY 2012/13 UGX in billions	FY 2013/14 UGX in billions	Projection for FY 2014/15 UGX in billions
Basket fund <sup>72</sup>	2.27	3.02	2.20	0	0	0
DGF	0	0	0	2.7	1.7	1.95
UN-HCR	0	0.13	0.20	0	0	0
UN-OHCHR	0.13	0.19	0	0	0.06	0
UNAIDS		0.06	0	0	0	0
UNDP	0.28	0	1.08	0	0.45	0
DANIDA	0.48	0	0	0	0	0
APT	0	0.03	0	0	0	0
GIZ	0	0	0	0.05	0.12	0
JLOS SWAP Funds	0.15	0.66	0.61	0.83	0.66	0
<b>Total</b>	<b>3.31</b>	<b>4.09</b>	<b>4.09</b>	<b>3.58</b>	<b>2.99</b>	<b>1.95</b>

Source: UHRC

<sup>71</sup> The MoU signed between The UHRC and DGF covers only a period of six months from July to December 2014.

<sup>72</sup> Development partners operated under the name Basket fund. In the financial year 2012/2013 funding modalities and the composition of development partners changed as well, and they started operating as Democratic Governance Facility.

**Figure: 4.2. Graphical presentation of Donor funding to the UHRC over the last five years**



Source: UHRC

#### 4.2.3 Off budget interventions

The UHRC received UGX 0.05 billion from the GIZ which was used for capacity development of the UHRC. The details of the activities are presented in Chapter 3 on the core activities of promotion and protection of human rights.

### 4.3 INSTITUTIONAL STRENGTHENING

The UHRC implemented activities for its capacity development to carry out its mandate. These included the oversight role by internal audit; inspections and technical backstopping to regional offices; and training and mentoring staff on performance agreements as expounded on below.

#### 4.3.1 Oversight role of internal audit

In line with the requirements of the Government of Uganda Charter for Internal Audit Functions, the internal audit activity continued to provide management with assurance that the internal controls were appropriate and effective. This was achieved through objective appraisal and evaluation of the risk management processes, internal control and governance processes, as well as identification of corrective action and suggested enhancements to the controls and processes.

This activity is fully supported by the UHRC and management, and has full, unrestricted access to all organisational activities, records, property and personnel. Both post and pre-audit of financial transactions, financial and Value For Money audits at head office and 9 regional offices were carried out during the year and reports issued to the Secretary to the UHRC for further management.

#### **4.3.2 Inspections and technical backstopping of regional offices**

The UHRC through its directorates conducted oversight visits, inspections and technical support in all the 9 regional offices.<sup>73</sup> This enhanced effectiveness and efficiency in the delivery of human rights services by the respective offices. Capacity challenges and gaps were identified and brought to the attention of the relevant line directorates for action. A number of these issues were subsequently incorporated in the budgeting framework for implementation.

#### **4.3.3 Training in performance, change and record management**

In keeping with the Results Oriented Management Approach in the Public Sector and best practices in modern human resource management, all staff were trained in performance and change management. Training in records management and skills improvement was also conducted. In addition, all UHRC staff involved in complaints handling mechanisms were trained on the Human Rights Information System. The training is expected to enhance staff performance as well as improve service delivery.

#### **4.3.4 Participation in the JLOS training in management for development results**

Two staff of UHRC participated in a management training for development results which was organised by JLOS at Kabira Country Hotel. The management for development results provides a framework for critical thinking and reflection upon the desirable results and the strategic path to attain them. It includes tools for strategic planning and budgeting, risk management, progress monitoring and outcome evaluation. The training enhanced the capacity of the UHRC to handle output budgeting, assess outcomes and impact of its activities as laid out in its strategic investment plan.

#### **4.3.5 Performance agreements**

In the year 2013, all staff in regional offices were taken through a hands on training on performance planning, mentoring and appraisal. This followed the introduction of a new performance management system where each staff supervised was required to enter into a performance agreement with the supervisor. This system involved the active participation of the staff being appraised as opposed to the old system where confidential appraisal was the practice. Subsequently, all staff have signed the performance agreements with their supervisors effective July 2013.

### **4.4 INTERNATIONAL, REGIONAL AND NATIONAL ENGAGEMENTS**

The chairperson, members of the UHRC and staff participated in international, regional and national forums and programmes aimed at enhancing and developing capacities of National Human Rights Institutions; providing technical expertise in thematic human rights issues and attending or facilitating at general human rights training and awareness creation programmes. These forums were for information and experience sharing; commemoration of milestones; as well as acquisition or imparting of knowledge. Dissemination of information and good practices acquired from all these engagement to UHRC management and staff was done in a meeting held in November 2013 at Grand Imperial Hotel, Kampala. Refer to Annex I for the detailed activities of engagement.

<sup>73</sup> At the time of inspections and technical backstopping the Hoima Regional Office had not yet been opened.



#### 4.5 CHALLENGES

- a) As reported in the previous reports, the UHRC still gets inadequate funding for both its wage bill and non-wage which has led to inability to pay staff allowances which are a contractual obligation and the failure to implement the new staff structure which was approved in 2010.
- b) UHRC faced inadequate logistical support with each regional office covering on average ten districts having only one vehicle; low staffing levels both at the head office and the regional offices; inability to motivate staff working in hard-to-reach areas; and the limited presence of UHRC in terms of country-wide coverage of regional offices which should at least be at district level.
- c) The increased workload for the existing members of the UHRC as a result of the transfer of a member to the Inspectorate of Government. If replacement is not done quickly, the gap may result into an increase in case backlog.
- d) The high cost of rent for both head office and the regional offices deprives the UHRC of funds that would have been used for core activities and other operational expenses required for smooth running of the offices.
- e) The dependency on development partners for funding and their constantly changing priorities often led to uncertainty regarding availability of funds for operations. Consequently, the planning cycle has been distorted. The Government budgeting cycle is not aligned with that of external sources of financing which ultimately impacts on reporting.

#### 4.6 RECOMMENDATIONS

1. As recommended in the previous Annual Reports:
  - The Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission to avoid the challenges associated with dependency on external financial support that has often proved unreliable;
  - The Ministry of Finance, Planning and Economic Development should increase funding for the Uganda Human Rights Commission wage bill to adequately cater for the approved structure and non-wage to pay non-wage staff related costs that are contractual in nature to avoid any possible future litigation; and
  - Ministry of Finance, Planning and Economic Development should progressively provide funds to Uganda Human Rights Commission to acquire office accommodation for regional offices so that the recurrent expenditure on rent may be channelled to other critical areas of operations.
2. The Ministry of Finance, Planning and Economic Development should provide additional resources to enable the Uganda Human Rights Commission establish more regional offices as well as procure additional vehicles since most of the activities involve fieldwork.

#### 4.7 CONCLUSION

Despite the challenges faced in service delivery in the FY 2012/13, the UHRC still made achievements. However, UHRC still needs adequate funds and other resources to fully execute its mandate. It is therefore our earnest appeal to the Government to provide adequate financial resource to enable the UHRC carry out its Constitutional mandate of protecting and promotion of human rights.

## CHAPTER 5

### EMERGING HUMAN RIGHTS CONCERNS

#### 5 INTRODUCTION

In 2013, UHRC continued to take note of significant occurrences that emerged in the year with serious implications for the enjoyment of human rights. Just like it did in the 15<sup>th</sup> Annual Report to Parliament, UHRC documented these emerging human rights issues to draw the attention of concerned stakeholders to them so that appropriate action can be taken to comprehensively address them. Some of the issues were recurrent while others emerged in the period under review.

In the course of the year UHRC took steps to highlight some of these issues through press statements and other media programmes; formal and informal engagements with relevant stakeholders; as well as activities under the various aspects of its mandate. The issues highlighted in this chapter are: The increasing incidents of murder; the increasing students' strikes in schools; the challenge of human trafficking; the state of media freedom; and freedom of assembly and demonstration. Other emerging issues were the delays in salaries of public servants; youth unemployment and underemployment; the plight of older persons; as well as the human rights concerns arising out of the South Sudan conflict.

#### 5.1 INCREASING INCIDENCE OF MURDER IN UGANDA

Murder according to Common Law, is interpreted as unlawful killing of a human by another human with malice aforethought<sup>74</sup>. Murder is a manifestation of a culture of no respect for the right to life among people that mastermind or perpetrate it. In 2013, murders were increasing by the day; regularly reported in the different media almost on a daily basis.

This section presents the legal framework for the protection of the right to life and security of person. It also highlights some of the incidents and their human rights implications; the possible reasons behind them and recommendations to curb the vice and address all issues surrounding the murders in Uganda.

##### 5.1.1 Legal framework relating to right to life and security of person

Every human being has the inherent right to life and security of person which must be protected by law. An act or omission that amount to murder is considered a criminal offence and a violation of human rights. Under the international legal framework, Article 3 of the Universal Declaration upholds every individual's right to life, liberty and the security of person. Similarly, Article 6 (1) of the ICCPR provides that every human being has the inherent right to life, while Article 9 (1) recognises everyone's right to liberty and security of person.

At the regional level, Article 4 of the ACHPR recognizes that human beings are inviolable and that every human being is entitled to respect for his life and the integrity of his person. In line with the security of person, Article 6 of the ACHPR recognises every individual's right to liberty and to the security of his person.

Under the national legal framework, Article 22 (1) of the 1995 Constitution of Uganda provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and conviction and sentence have been confirmed by the highest appellate court. In the same Constitution, Article 212 (a), (b) and (c) enjoins the UPF to protect life and property, preserve law and order, and prevent and detect crime.

74 Dressler Joshua (2001) 'Understanding Criminal Law' (3rd ed.)

Although the right to security of person and specifically security against crime or interpersonal or social violence is not expressly protected under international, regional and national systems of human rights law, the right to such protection is inferred from the obligation of the state to protect life and guarantee security of person. This specifically bestows on the state the obligation to protect citizens from crime; ensure speedy investigations and access to justice to deter commission of murder with impunity; and enhance mechanisms to guarantee protection of human rights and the right to life and personal security in particular. In the same vein, individuals are obliged to respect the rights and freedoms of others.

### **5.1.2 Incidence of murder in 2013**

In 2013, the UHRC noted with concern the increasing number of murders, particularly the mysterious and gruesome nature of some of them as well as their occurrence across the country. Media reports showed that some victims were killed by slitting their throats, beheading, strangling, shooting or hitting them with metal bars. In some cases, holes were dug in the walls of houses to access the victims; and some were first sedated before they were killed. In some instances perpetrators walked away with victims' property that often included money or household items, while in other instances nothing noticeable was taken from the victims. The murders were commonly reported in the districts of Kampala, Mukono, Wakiso, Mubende, Bushenyi and Masaka.

### **5.1.3 Reasons for increased incidents of murder in Uganda**

There were several reasons reported by both security agencies and general community members for the increased incidents of murder and these included:

#### **5.1.3.1 Misuse of firearms**

There was reported misuse of firearms by some security officers. This was the case in Nalukolongo, a Kampala suburb when Gumikiriza Joseph a private guard attached to Saracen Security Group shot and killed a woman in his attempt to rob millions at a petrol depot.<sup>75</sup> Another case was the shooting at Top Bar on William Street, Kampala city centre in which a man shot and killed one person, injuring five others.<sup>76</sup> This allegedly followed a fight between two men over a commercial sex worker. In another incidence, Patrick Odong, a UPDF soldier attached to Mbuya army barracks shot and killed three people, including his girlfriend at a pub in Kinawataka, a Kampala suburb following a quarrel with his girl friend.<sup>77</sup> A UPDF soldier shot and killed ten people in a bar near Bombo Barrack, in Luwero district.<sup>78</sup> Yet some officers were reportedly conniving with or hiring out their guns and ammunitions to the culprits.

#### **5.1.3.2 Guns in the wrong hands**

There was a reported increase in the number of guns, particularly in the hands of wrong people. Incidents were reported when unknown assailants attacked and killed security officers and guards, making off with their guns. A case in point was Peter Lusonyi, a security guard attached to Security Plus Company who was killed while guarding road construction firm's equipment at Katende in Mpigi District by unknown assailants, who made off with his gun. Another case involved Charles Byarugaba, a police officer attached to a Police Post in Mulago who was attacked on his way to the post by unknown assailants, taking off with his gun and rounds of ammunition. The recent trend showed that in some cases the assailants were more interested in guns since they took nothing else from the victims.

75 Daily Monitor, 27th December, 2013 <http://www.monitor.co.ug> last accessed Monday 20 January 2014.

76 Bagala Andrew, 'Eight shot in city bar brawl', The Daily Monitor of 7 October 2013.

77 <http://www.ugandaradionetwork.com> last accessed on Monday 20 January 2014.

78 Bagala Andrew and Wandera Dan, 'Gunman kills soldiers in Bombo', The Daily Monitor of 10 March 2013.



### **5.1.3.3 Poverty and hard economic conditions**

The increasing number of unemployed people, particularly the youth prompted many to engage in crime. Considering the increasing cost of living and economic hardships in the country, most people have become noticeably unable to fend for themselves and their families at large. As a result, such people make do with whatever work they can find and failure to do so often lead to a life of crime.<sup>79</sup> In addition, unemployed people are easy to manipulate and hire to commit crimes.

### **5.1.3.4 Traumatized, disgruntled and unprofessional security officials**

Some murders were reportedly committed by security officials who were allegedly traumatised or disgruntled. The UHRC has noted that some of the “trigger happy” security officials could have been dealing with their own traumatic experiences without any recourse to psycho-social support. Some officers are disgruntled and while others act unprofessionally. This was the case with Harish Shama, a businessman and general manager at Big Boss Universal Limited in Bunga, Ggaba Road in Kampala who was shot dead by a security guard employed on the company premises after the accused allegedly forcefully asked for payment from the deceased.<sup>80</sup> The UHRC noted with concern the low wages paid to security officers and yet they have to secure installations like banks, shops and mobile money shops that at times keep large sums of money.

### **5.1.3.5 Low policing capacity**

It was reported that murders partly escalated due to low policing capacity. It should be noted that the UN standard requires a ratio of police to the population of 1:500, but according to UPF sources the ratio in Uganda is at 1: 863.<sup>81</sup> This stretched the police capacity to cover all corners of the country. This situation has been exacerbated by prevalent demonstrations, protests and strikes which have divided police's concentration, manpower and resources, in an effort to manage them. It was therefore reported that this created a lapse in crime detection and prevention.

### **5.1.3.6 Declining community vigilance**

Increased incidences of murders were also attributed to declining community vigilance. It was reported that communities are no longer vigilant in knowing who is who, where they live or what they do for a living. The situation was compounded by the inactiveness of community based security structures like LC 1 and LC 2. It is important to note although government has an obligation to protect its citizens, the individual has the responsibility for their personal security.

### **5.1.3.7 Inadequate funding to the UPF CIID**

Inadequate funding for the UPF CIID at all levels affected their capacity to locate suspects in murder cases and as a result perpetrators went about their business with impunity. Information gathered from UPF indicated that the CIID was ill-equipped, both in terms of human and logistical resources. Specifically, it was noted that the Department uses manual searching of finger print records; has few finger Ballistic experts and Police Pathologists; and manually manages/ handles records. The lack of logistics, adequate and sophisticated equipment required to conduct timely investigations affected the unravelling of most murder cases.

79 Busharizi Paul, 'Rampant murders: It is more than just security', The New Vision of 21 June 2013.

80 Kagwa Rahima, Tumushabe Alfred, Mugume Colleb and Mukombozi Rajab, 'Businessman shot dead, 3 others hacked', The Daily Monitor of 1 October 2013.

81 n 23 above.

#### **5.1.3.8 Human sacrifice**

The increased cases of human sacrifice also contributed to the incidences of murder, a number of victims were found with missing body parts like the head, tongue, internal organs and private parts. This was the case with Sylvia Ssuubi, a ten-year-old girl who was killed in a suspected ritual murder. Ssuubi was reportedly beheaded before her body parts were taken.<sup>82</sup>

#### **5.1.3.9 Domestic violence**

Over the years, Uganda has continued to experience increasing cases of domestic violence. For instance, domestic violence-related deaths rose from 181 in 2011 to 277 in 2012.<sup>83</sup> These cases involved both men and women and in some cases children as victims. A case in point was in March when David Mugisha of Nsiika Township, Buhweju district, tied his wife Judith Komugisha to their marital bed and beheaded her. In addition to these cases, there were increasing cases of jilted lovers killing their partners. This was the case with Hajara Namata who was allegedly murdered by her boyfriend at their home in Nkokonjeru village, Kyengera in Kampala accusing her of infidelity.<sup>84</sup> Another case was of Amos Abbo, a resident of Bugiri district who beheaded his wife and two year old daughter allegedly because of an extra-marital affair and having a child with another man.<sup>85</sup>

#### **5.1.3.10 Disagreements among individuals**

UHRC noted reports of rampant murders especially in Northern Uganda due to disputes of land. Dodo Saidi Duki, a guard at BAT tobacco nursery bed was allegedly murdered as a result of a land conflict with his neighbour.<sup>86</sup> Another case was of Yona Kuribakanya, 48, who was clobbered to death by a mob and his house set ablaze, following a disagreement over sharing communal land in Kyamugasha village, Rugando Sub County in Mbarara district.<sup>87</sup> Other instances included deals that had gone bad and personal grudges, whereby the disgruntled parties allegedly masterminded the murder of the other.

#### **5.1.3.11 Laxity in Uganda's immigration procedures and security**

While monitoring the human rights situation in border areas, the UHRC established that there was a lot of laxity in the immigration procedures and security on the Ugandan side. Macmillan Mawa, 35, a resident of Leiko village in Dranya parish and a foreign currency dealer in Koboko town was shot dead by unknown assailants who fled towards the Democratic Republic of Congo with unspecified amounts of money.<sup>88</sup> Such laxity was possibly facilitating easy entry and exit of criminals in the country, helping them to elude arrest.

#### **5.1.3.12 Mob action**

Mob action was on the rise with particularly motorcycle riders and youth taking the law in their hands. Many people suspected of committing crime including some innocent ones were killed by mobs. Cases in point were James Wabulo and George Seguya who were lynched by a mob in Mukono District, accusing them of stealing a motorcycle belonging John Mwanje.<sup>89</sup> Media reports were daily awash with similar incidents of deaths caused by mob actions. Officials from the UPF CIID observed that mob action makes it very difficult for police to fight crime and conduct investigations. It was noted that lynching suspects jeopardises investigations as criminals remain at large with no accomplices to pin them.

82 Nsubuga Henry, 'Three siblings arrested over ritual murder', The New Vision of 19 March 2013.

83 Uganda Police Force Annual Crime and Traffic/Road Safety Report 2012

84 A.Nakiwala & A. Ssenyonga, 'Woman killed in Kyengera, boyfriend flees', The New Vision of 19 November 2013.

85 Bagala Andrew, 'Man Charged over beheading wife', The Daily Monitor 31 March 2013.

86 Richard Drasimaku, 'Five arrested over Koboko murder', The New Vision of 31 January 2013.

87 Anyine Fred, 'Man, 48, killed', The Daily Monitor of 18 March 2013.

88 Drasimaku Richard, 'Koboko money dealer murdered', The New Vision of 11 September 2013.

89 Mayamba Johnson, '14 held over killing', Daily Monitor, March 28 2013.

#### 5.1.4 Human rights implications of murders

Although murders are outright crimes and security matters, they also lead to violation of fundamental human rights. The state is under obligation to prevent and punish violation of human rights including the actions or omissions by third parties like criminals.<sup>90</sup> Under human rights law, if a state fails to act with due diligence to prevent violations of rights or to investigate and punish them or provide compensation, it can be held responsible. The state obligation to act with due diligence requires that these crimes are expeditiously investigated, prosecuted and punished. In 2013, UHRC noted with concern the negative human rights implications of the escalating murders on the enjoyment of human rights in the country.

The murders caused loss of lives therefore deprivation of the right to life and the right to human dignity by individuals and the state. Some of the murders were associated with arbitrary deprivation of the right to own property. This was the case specifically where murders were coupled with theft or robbery of victims' property including household items, vehicles, motorcycles and money. In some cases perpetrators accessed their victims by digging holes in walls or ceilings of the victims' houses or forcing their way in. This was invasion of privacy of the victims and their homes. In cases where the victim was a sole bread winner of his or her family, there was disruption of lives of the victims' dependants. Victims' families suffered economic hardships, including inability to send children to school thereby violating these children's right to education.

Some murder suspects that were apprehended by police were detained beyond the constitutional 48 hours before being taken to court. Some of the suspects spent as long as a month in detention and this was largely attributed to the delays in investigations. In some cases, some suspects were reportedly subjected to torture and ill treatment while in custody which violated a non-derogable right to freedom from torture and ill treatment. Of concern too were the hurried and indiscriminate arrests that were conducted in certain cases. This led to deprivation of the right to liberty and freedom from torture and ill treatment sometimes of innocent people.

#### 5.1.5 Recommendations

The UHRC recognises efforts by all responsible agencies and particularly UPF in trying to resolve murders in the Uganda. The efforts were in training of staff in crime prevention and handling; apprehending suspected murderers and investigating murder cases; deploying expert detectives in homicide from headquarters to remotely located crime scenes; intensifying community policing initiatives; prosecuting and disciplining security officials involved in murderous acts. Nevertheless much more needs to be done. In this regard, the UHRC makes the following recommendations:

##### **Uganda Police Force and other Security Agencies should:**

1. Conduct thorough and expeditious investigations into the murders to apprehend and prosecute the culprits as well as manage the fear and anxiety among communities and the country at large;
2. Spearhead the development of a special prevention and response mechanism to prevent the re-occurrence of such murders, including intensification of community policing programmes and rationalised deployment of police officers especially in the affected areas;
3. Scale up its capacity in numbers and professional capacity of its detectives to be more effective in detecting and preventing crime. The detectives should be continuously empowered with specialised skills to investigate complicated crimes;
4. Set up counselling units for their officers to address the psychosocial trauma associated with their work;
5. Conduct mass community sensitisation on the importance of residents refraining from tampering with scenes of crime to enable the investigators to get reliable findings, particularly in murder cases;

<sup>90</sup> ICCPR General Comment 31 para 8.



6. Keep members of the public updated on the progress on the murder cases so as to reassure them about the security situation in their communities as well as rebuild public confidence and trust in Police; and
7. All security agencies should strengthen the control of armouries, use and movement of arms.

### **Government Ministries**

1. The Ministry of Gender, Labour and Social Development should ensure that survivors or witnesses of these murders are afforded psychosocial counselling to address the effects of trauma with particular attention to children;
2. The Ministry of Local Government should expedite the process of reviving the Local Council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security;
3. The Ministry of Internal Affairs should expedite the National Identity Card project in order to facilitate the development of a databank with bio-data of all people living in Uganda to help in police investigations; and
4. The Ministry of Internal Affairs should strengthen security at Uganda's border points in order to stop illegal immigrants who may include criminals.

### **The general public**

1. Neighbourhood watch initiatives should be encouraged among communities to enhance their vigilance in identifying and reporting suspicious persons in their midst to the authorities to allow for timely interventions;
2. Members of the communities should cooperate with the investigating teams by willingly providing them with information in their possession that is related to murder cases;
3. All persons should respect other persons' rights, including the right to life; and
4. Members of the public should respect the rule of law and desist from taking the law in their hands.

## **5.2 STUDENTS' STRIKES IN UGANDA**

In 2013, numerous students' strikes occurred across the country. Their escalation and nature raised serious human rights concerns. This section focuses on students' strikes in Uganda during 2013. It highlights the reported causes of these strikes and their human rights implications. Recommendations are also made on how to avert the strikes.

### **5.2.1 Introduction**

A students' strike is generally perceived as a protest that takes the form of a range of activities to express dissatisfaction with a given issue with the hope that a solution would be found. In educational institutions, there are key stakeholders who include administrators, teachers, non-teaching staff, students and parents therefore effective management of conflicts, including strikes depends on collaborative teamwork among them.<sup>91</sup>

In 2013, several primary, secondary, university and tertiary institutions experienced students' strikes which were also widespread across the country. They were more prevalent in private schools although some occurred in government schools as well. Over 140 schools, including tertiary and vocational institutions had students' strikes in 2013 and most which were rowdy and violent, prompting police intervention. Some schools were forcefully closed until normalcy returned.

91 A.B. Henkin, P.S. Cistore & J.R. Dee (2000) 'Conflict Management Strategies of Principals in Site Based Managed Schools' Journal of Education Administration 38, 2.

## **5.2.2 International, regional and national legal framework relating to students' strikes**

The rights to freedom of expression, assembly and demonstration are at the core of strikes. At the international level, Article 19 of the Universal Declaration and Article 19 (2) of the ICCPR provide for every human being's right to freedom of expression, while Article 20 of the Universal Declaration and Article 21 and 22 (1) of the ICCPR provide for the right to freedom of peaceful assembly and association. Specifically, the CRC under Article 13 provides for every child's right to freedom of expression, while Article 15 recognises the right of the child to freedom of association and to freedom of peaceful assembly.

At the regional level, Article 9 of the ACHPR provide for every individual's right to freedom of expression, while Article 10 (1) and 11 provide for every individual's right to freedom of association and assembly. At the national level, the 1995 Constitution under Article 29 (a) and (b) recognises every individual's right to freedom of speech and expression, and freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition.

Like other human rights, the rights to freedom of expression, assembly and association are not absolute rights, so they can be limited to safeguard the human rights and freedoms of others or in the public interest. Therefore the enjoyment of these rights should be in accordance with the limitations as provided for in human rights instruments like Article 19 (2) of the Universal Declaration, Article 19 (3) of the ICCPR and Article 43 (1) of the 1995 Constitution.

## **5.2.3 Causes of students' strikes**

### **5.2.3.1 Dictatorial tendencies by some school administrators**

In almost all cases of students' strikes, the school administrators, particularly head teachers were the target of students' dissatisfaction. The students generally complained about the administrators' style or methods of managing the school. It was observed that schools at all levels have students' councils for enabling students to participate in school administration. However, in some cases, it was reported that school administrators were taking decisions impacting on students without involving the students' councils. Consequently, many students' councils turned into pressure groups to influence administrators' decisions or to cause change, resulting into students' strikes.

### **5.2.3.2 Poor management skills by some head teachers and teachers**

Some head teachers lacked proper leadership and management training so their poor management skills coupled with irrational decisions reportedly acted as catalysts to students' strikes. Some other head teachers were accused of running schools as their personal projects; satisfying their selfish needs but keeping out key stakeholders from the day-to-day running of the schools. Consequently, some teachers considered themselves as having no role in preventing strikes, while others believed that their business was restricted to teaching and instead left the enforcement of school rules to the head teacher. To this end, a teacher in a Government schools observed:

*'As teachers we have no means of handling students' strikes since they do not occur in classrooms and even if we sense that there is going to be one, we just stay home and let the 'big man' handle because he is the overall'.<sup>92</sup>*

It was therefore reported that this division within the administration created tension affecting students thus triggering strikes.

### **5.2.3.3 Blocked communication between students and administrators**

Some strikes were reportedly sparked off by lack of clear communication channels between the administrators and students. In an interview a students alleged that some head teachers, deputy head teachers and teachers were very rude, harsh and unapproachable, while some males were forcing girls into relationships. A female student said:

92 Interview conducted with anonymous teacher from a Government School

*'Students were agitated by the head teacher's inability to prevail over teachers who were accused of conning girls and instead decided to strike'.<sup>93</sup> An A'Level student in Busoga College Mwiri observed:*

*'Some teachers do not pay attention to students' learning needs and when requested to repeat a certain module or step, they instead start to insult you in front of everyone in the class, calling you names like dense or academic dwarf'.<sup>94</sup>*

Some head teachers or teachers harshly treated students to instil fear in them. This widened the communication gap between administrators and students, prompting strikes in order to be heard. It was evident that there are no clear communication channels in some schools between administrators and students.

#### **5.2.3.4 Corporal punishments in schools**

Some strikes were reportedly caused by the use of corporal punishments by administrators, particularly teachers. An O'level student from a school in Busenyi who spoke on condition of anonymity said: *'Teachers subject us (students) to a lot of caning over flimsy matters, without giving us an opportunity to defend ourselves. For example you can be caned ten to twenty strokes for not wearing a belt or for performing poorly in a test'.<sup>95</sup>* In this regard, students said they were not resisting punishment, but rather objecting to certain punishments and the unfair implementation of the school rules and regulations. Corporal punishment is prohibited in Uganda.

#### **5.2.3.5 Lack of a mechanism for students to air out their views**

Schools that experienced students' strikes had students' councils. Nevertheless, it was reported that some administrators did not pay attention to students' grievances and resorted to victimising student leaders who insisted on raising grievances. Some were allegedly suspended on cases of indiscipline or insubordination. Consequently, student leaders refrained from forwarding students' views and grievances, leaving them with no alternative of airing out their views or grievances apart from strikes.

#### **5.2.3.6 Misconception about human rights**

Some students' strikes were reportedly caused by students' misconception of human rights. Some students perceived everything as their right or freedom and as a result, they ended up making irrational demands on the school. When these demands were not met they resorted to striking. A teacher from M.M Wairaka College observed: *'Students can refuse to go for night preps which usually begin at 7:00pm to 9:00pm claiming that they have a right to sleep'.<sup>96</sup>* Students also demanded for rights without fulfilling their duties and responsibilities. In some instances students dodged or went to class late, or refused to complete assignments in time and disrespected teachers. When such students were punished, they went on strikes claiming that the school administration was being strict on them yet they have their rights.

#### **5.2.3.7 Students' dissatisfaction with the school administrators' decisions**

A student at Makerere University Business School (MUBS) led a strike over a decision by the administration to stop students from doing coursework and tests before completing their tuition fees payments<sup>97</sup>. Another instance was a one day students' strike at Bukalasa Agricultural College, Wobulenzi which followed a decision by the College administration to suspend 200 non-resident students over refusal to pay meal fees.<sup>98</sup> A student interviewed from the College alleged: *'The administration is full of dictators who take students for granted and never listen to their views'.<sup>99</sup>*

93 Interview conducted with anonymous student from a Government School.

94 Interview conducted with anonymous A' level student from Busoga College Mwiri, Jinja District.

95 Interview conducted with anonymous O' level student from a secondary school in Bushenyi District.

96 Interview conducted with anonymous teacher from M.M Wairaka College in Jinja District.

97 Okoth Cecilia and Senyonga Andrew, 'MUBS students strike, lecturers flee campus', The New Vision of 9 November 2013.

98 Bakalu Berard, 'Bukalasa College scraps Lunch fee after strike', The Observer of 29 October 2013.

99 Interview conducted with anonymous student from Bukalasa Agricultural College, Wobulenzi.



Students of Kyambogo University went on strike protesting the senate's decision requiring them to have paid 100% tuition in the first six weeks of the semester.



Kyambogo University students striking over the University policy which required them to have paid 100% tuition in the first six weeks of the semester Source: New Vision

#### **5.2.3.8 Poor quality of food**

The poor quality of food served to the students was another cause of strikes. Some students alleged that they were being fed on posho and beans throughout the term, yet they were paying relatively high fees for meals. Others reported being fed on beans infested with weevils and indigestible maize flour full of maggots. This was the case in one of the schools in the Albertine region where police reportedly confiscated all the maize floor consignment in the school stores which was infested with maggots, following the students' strike.

#### **5.2.3.9 Students' demand for entertainment facilities and opportunities**

The strike at Tororo Town College, Tororo Municipality was reportedly caused by students demanding for entertainment facilities and opportunities, including watching live football matches on pay-TV channels, dance parties, games and sports. Students reported that they were being involved in too many academic activities, denying them chance to relax their brains and expose their talents. However, a head teacher who spoke on condition of anonymity noted that some students demand for entertainment facilities that cannot be afforded by the school, wondering how a school that does not have power can afford Digital Satellite Television to show students football. Another teacher observed that some students demand to have dance parties from dusk to dawn.

#### **5.2.3.10 Undisciplined students**

Some students' strikes were engineered by undisciplined students including those who abuse narcotic drugs like marijuana and were acting under their influence. Some of the foreign students who had been dismissed from schools in their home countries like Kenya and Tanzania for causing or participating in students' strikes had been admitted in Ugandan schools without any recourse to counselling or rehabilitation. In most cases, such students may have detected a dismissal for their indiscipline so they influenced others to strike.

#### **5.2.3.11 Dismissal of academically challenged students**

Students' strikes were also reportedly caused by academically challenged students who were earmarked for dismissal. The policy in some schools is to dismiss such students without any recourse mechanism.

A teacher of O'level from a government school observed: *'Most private schools set the cut-offs point for students' promotion to the next class so high for in a bid to retain the cream, dismissing the academically challenged'*.<sup>100</sup> However, the prospect of dismissal created a sense of despair among students who then influenced others to strike.

#### **5.2.3.12 Lack of accountability**

Some schools have a tendency of letting students contribute money for certain causes like end of year parties or leavers' parties, and lack of accountability for these funds in relation to the services provided left many students disgruntled. In other circumstances, school administrations usually ask parents to pay development fees for projects like construction of classroom blocks or library blocks or procurement of school buses.<sup>101</sup> However, in instances where such projects delayed to take off or to be completed some students ended up becoming rowdy and violent as a way of holding those responsible accountable. This often escalated into full blown strikes.

#### **5.2.3.13 Disgruntled teachers**

In some cases, students' strikes were reportedly caused by disgruntled teachers who incited students to strike. These teachers had administrative issues such as abrupt change of school known cultures without consulting teachers and students; power struggles between head teachers and deputies; disregarding teachers' views and opinions as well as their role in school management; low remuneration, coupled with delayed payments; among others. They largely blamed these on the head teachers. As a result, some teachers gave concealed support to students' strikes, especially those that targeted head teachers. This was the case at Kinyogogga Seed Secondary School, Nakaseke district where a teacher was arrested on allegations of masterminding a violent students' strike.<sup>102</sup>

#### **5.2.3.14 Teachers' absenteeism**

Some strikes were attributed to persistent teachers' absenteeism, especially in government schools. It was reported that some teachers dodge lessons, while others step in classrooms once in a week or a month. It was alleged that these teachers prefer to offer their services and dedicate their time to private schools from which they get additional income. A student from Kinyogogga Seed Secondary School observed: *'With the continued absenteeism of teachers, we have failed to complete the syllabus and yet Uganda National Examinations are drawing near'*<sup>103</sup> It was alleged that these anomalies were brought to the attention of the head teacher to no action, hence the strike.

#### **5.2.3.15 Rivalry among schools**

Some strikes were reportedly caused by rivalry amongst schools. Historically, there are schools, particularly neighbouring schools in certain regions of Uganda that have a long standing rivalry. Examples of such rivalry has been between Ntare school and Mbarara High School, St Gerald's and Makobore High School, Kigezi College Butobere and Kigezi High School in Western Uganda; Kings College Budo and St. Mary's College Kisubi, Mt. St. Mary's Namagunga, Nabisunsa Girls School and Gayaza High School in Central Uganda; Busoga College Mwiri and Kiira College Butiki or Nabumali High School, Tororo College and Teso College in Eastern Uganda and St. Joseph's College Layibi and Lango College in Northern Uganda.

This rivalry which started as harmless competition for academic excellence or sports prowess or attention from other neighbouring schools eventually escalated into violent clashes that often result into physical injury and destruction of property. In April Mbarara High School and Ntare School students attacked each other causing damage to property.<sup>104</sup> This followed a clash between the two schools over a football match. A teacher from Ntare School said:

100 n 92, above

101 Interview conducted with an anonymous source from a Secondary School.

102 Wandera Dan, 'Headmaster injured during violent strike', The Daily Monitor of 2 August 2013.

103 Interview conducted with an anonymous source from Kinyogogga Seed Secondary School, Nakaseke District.

104 Tumushabe Alfred, Mukombozi Rajab and Muhereza Robert, 'Blame game deepens as school strikes rise', The Daily Monitor of June 12, 2013.

*"There has been bad blood between the two schools for a long time and by the time old students leave the school, they have already grounded others into the culture".<sup>105</sup>*

He further observed that there has to be a fight between the two schools every term.

#### **5.2.4 Implications of students' strikes**

Although strikes were not the solution, they were an eye opener that there is a problem with school management in addition to the shrinking space for addressing students' grievances. However, while in some cases strikes enabled students to remedy their grievances, they had far reaching negative implications as highlighted below.

Students who were found to have perpetrated or engaged in strikes were expelled or arrested. This happened at Ntare School and Mbarara High School where senior two and three students from the former were expelled and 14 of whom were arrested for engaging in a violent fight. In the same way police arrested six student leaders of Makerere University following a strike over the university policy that requires all privately sponsored students to pay at least 60% of their tuition fees within the first six weeks of the semester.<sup>106</sup>

Having realised that students' strikes yielded results in a given school, other schools borrowed a leaf. This probably explains why schools in the same district or region went on strikes in a successive order.

Physical injuries to head teachers, teachers and students who opposed the strike were registered. School property was vandalised or destroyed and in some cases this translated into high costs incurred by parents to pay for the loss.

Schools were closed to facilitate restoration of order after especially persistent violent strikes which required police intervention. At Kagamba Secondary School in Kajara County, Ntungamo District 960 students were sent home following a strike in which they claimed they did not want the newly elected head boy. Closure of schools disrupted studies, especially for those in candidate classes.

In some instances the strikes disrupted economic activities and livelihoods of the neighbouring communities when students overpowered police and moved their protest into the neighbourhood. At St. Kizito Senior Secondary School-Lorengedwat, Nakapiripirit district striking students attempted to break into shops at Lorengedwat trading centre. The same happened when Makerere University Kampala students went on strike and in the process looted shops around Kikoni, a Kampala suburb.

#### **5.2.5 Recommendations to address school strikes**

##### **School Administrators**

1. Head teachers need to manage conflicts in their schools using strategies that yield functional synergies among teachers and students;
2. School administrators should open channels of communication with students as well as treat them as stakeholders in school administration;
3. Administrators should regularly meet with students' bodies so as to solve students' grievances in a timely and effective manner;
4. Punishments given to students should be fair and proportionate to the offence committed;
5. School administrators should comply with the policy and law that banned and prohibited corporal punishment in all schools and colleges in Uganda;

<sup>105</sup> Interview with an anonymous teacher from Ntare School, Mbarara District.

<sup>106</sup> Innocent Anguyo, 'Makerere defends tuition policy, students released on bond' The New Vision of 13 February 2013



6. School administrators should help academically challenged students to improve instead of dismissing them;
7. There is need to sensitise students about human rights and their corresponding duties and responsibilities;
8. Schools should desist from commercialising education whereby they are quick to admit students with the sole interest of making money without taking note of their track record of discipline; and
9. The students who influence others to strike should be identified and expeditiously dealt with in accordance with school rules and regulations.

### **Students**

1. Students should desist from using violent means of solving grievances; and
2. In exercising their freedom of assembly and demonstration students should respect other people's rights.

### **Government Ministries**

1. The Ministry of Finance, Planning and Economic Development should increase Uganda Human Rights Commission funding to establish and train School Human Rights Clubs which can inculcate a culture of human rights respect among students and appreciation of duties and responsibilities that come with them;
2. The Desk that was established by the Ministry of Education and Sports to handle students' grievances should be strengthened to provide an effective redress mechanism for students' grievances;
3. Appointed head teachers should undergo management training to prepare them for the managerial roles. In addition, refresher courses should be organised for serving head teachers to equip them with human rights knowledge, conflict management skills so as to enable them avert violent student's strikes; and
4. The schools inspectorate department of Ministry of Education and Sports should be strengthened and adequately facilitated to carry out regular inspections of schools for quality assurance in education institutions.

### **Uganda Police Force**

1. In quelling students' strikes, police should desist from using excessive force.

### **Parents**

1. Parents Teachers' Association should revive their role in disciplining students and inculcating in them the culture of respect for elders as well as structures.

## **5.3 HUMAN TRAFFICKING IN UGANDA**

UHRC was greatly concerned by the escalating reports of human trafficking which regrettably included high incidences of child and women trafficking both within and outside Uganda, commonly done under the pretext of finding jobs and education opportunities for the victims. This section highlights the challenge of human trafficking which of late has become a serious human rights concern. Human trafficking and its key elements are defined and the international, regional and national legal framework for fighting it, especially of women and children, is highlighted. Specifically, issues of fraudulent adoptions of children for suspicious intentions, street children, and trafficking of the women are tackled.

The 2001 Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking in persons as the act of recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>107</sup>

On the other hand, child trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of any person under the age of 18 years for the purpose of exploitation. Trafficking in children differs from trafficking in adults in that the means are irrelevant since children can never voluntarily or willingly enter into an arrangement that can result in trafficking, even if the parents give their consent.<sup>108</sup> Thus all movement of children by another person for the purpose of exploitation constitutes trafficking, regardless of the means employed. With child trafficking the component of deception and fraud is not necessary as it is with adult trafficking.

### 5.3.1 International, regional and national legal framework

Uganda has ratified a number of treaties that prevent trafficking in persons, which include the 2001 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and the UN Convention against Organised Crime which establishes a comprehensive framework to promote cooperation in preventing and combating transnational organised crime and their criminal groups more effectively and efficiently. The Universal Declaration states that "Everyone has the right to life, liberty and security of person;"<sup>109</sup> while the ICCPR protects the right to life<sup>110</sup> and the right to liberty and security of person<sup>111</sup>.

The CEDAW provides for action to suppress all forms of trafficking in women and exploitation of women;<sup>112</sup> while the CRC requires States Parties to take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful activity; the exploitative use of children in prostitution or other unlawful sexual practices and prevent the exploitative use of children in pornographic performances and materials.<sup>113</sup> The ILO Convention No. 182 provides for the prohibition and the elimination of the worst forms of slavery or practices similar to slavery including trafficking.<sup>114</sup>

At the regional level, the ACHPR recognizes the right to respect one's dignity as a human being, including freedom from slavery, slave, trade, torture, inhuman and degrading punishment and treatment.<sup>115</sup> The 2003, Maputo Protocol to the African Charter on Human and People's rights on the rights of Women in Africa provides for States parties' obligations to prevent and condemn trafficking in women; to prosecute the perpetrators of such trafficking and to protect those women most at risk.<sup>116</sup> In circumstances of armed conflicts, States Parties have the obligation to protect women from any form of sexual exploitation.<sup>117</sup> ARWC provides for protection of the African child, taking into account specific challenges unique to the region and makes explicit provision against child labour,<sup>118</sup> sexual exploitation of children<sup>119</sup> and the sale, trafficking and abduction of children.<sup>120</sup>

107 Article 3, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons para (a).

108 [http://www.unicef.org/southafrica/SAF\\_pressrelease\\_notetrafficking.pdf](http://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf) last accessed on 24 January 2014.

109 Article 3 of the Universal Declaration of Human Rights.

110 n 15 above, Article 6.

111 n 110, Article 9.

112 Article 6 of the Convention on the Elimination of Discrimination Against Women.

113 n 67 above, Article 34.

114 Articles 1-2 of the International Labor Organisation Convention No 182

115 n 69 above, Article 5.

116 Article 11 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

117 As above.

118 Article 15 of the African Charter on the Rights and Welfare of a Child.

119 As above, Article 27.

120 As above, Article 39.

At the national level, the Prevention of Trafficking in Persons Act, 2009 prohibits child trafficking and outlines penalties for violators<sup>121</sup>. The Act also provides for protection, assistance, support and reparation to victims of trafficking to and from Uganda.<sup>122</sup> Section 132 of the Penal Code Act criminalises procuring a woman for unlawful sexual intercourse by using threats, intimidation, and deception or by administering drugs<sup>123</sup> and provides for a penalty of seven years' imprisonment.

### 5.3.2 Trafficking of women in Uganda and its human rights implications

The UHRC recognises Government's efforts to address the problem of human trafficking by enacting a law. The Coordination Office for Counter Trafficking in Persons (COCTIP) was established in the Ministry of Internal Affairs (MIA) to counter trafficking in persons in accordance with the Trafficking in Persons Act 2009.

The UHRC notes that human trafficking is a major threat to the enjoyment of fundamental human rights. It results in violations such as deprivation of the right to life, to personal liberty, to the rights of the family, rights of children and the freedom from slavery or servitude. It also leads to forced marriages, child marriages, forced labour, harmful child labour, use of children in armed conflict, use of victims in illegal activities, debt bondage, slavery or servitude, human sacrifice, the removal of body parts for sale or for purposes of witchcraft and harmful rituals or practices among many others.

The complexity of the crime and the lack of a national data collection system made it difficult to establish the number of victims of human trafficking within or outside the country. However, official records from the UPF, Interpol and Coordination Office for Counter Trafficking in Persons (COCTIP) indicate that four cases of transnational trafficking persons were registered in 2010; 7 in 2011, 45 in 2012 while 77 were registered by the end of August 2013.<sup>124</sup> The most affected group are females the age-bracket of 20-35 years. Over 120 female victims of adult transnational trafficking in persons were registered compared to 90 male adults.<sup>125</sup>

**Table 5.1: Number of cases and victims of transnational trafficking**

Year	No. of cases	Victims involved
2010	4	6
2011	7	41
2012	45	93
2013	77 <sup>126</sup>	Over 350

Source: Coordination Office to Counter Trafficking in Persons

The numbers of internal trafficking in persons cases were as follows; 10 cases in 2010, 7 in 2011, 11 in 2012 and 22 cases by end of August 2013.<sup>127</sup>

**Table 5.2: Number of cases and victims of internal trafficking**

Year	No. of cases	Victims involved
2010	10	10
2011	7	7
2012	11	11
2013	22	92 <sup>128</sup>

Source: Coordination Office to Counter Trafficking in Persons

121 <http://www.dol.gov/ilab/reports/child-labor/uganda.htm> last accessed on 11 March 2014.

122 Articles 33-35 of the Prevention of Trafficking in Persons Act.

123 The penalty is seven years of imprisonment.

124 Mr Moses Binoga, Coordinator Counter Human Trafficking National Task presentation made at the Protection Sector Support Group meeting on 26 September 2013 at the UHRC.

125 As above.

126 As at 31 August 2013.

127 n 125 above.

128 As above.



Trafficking is a core component of gender-based violence and indicators show that Uganda has many cases of human trafficking and more severe for young girls and women. Most of these young girls and women were reported to be trafficked in countries like Saudi Arabia, United Arab Emirates, and Iraq among others to provide domestic labor and sexual exploitation.<sup>129</sup>

The UHRC noted that the Government investigated several cases involving the trafficking of Ugandan women to China and Malaysia and cooperated with authorities in Egypt, Saudi Arabia, and South Sudan, Dubai, Abu Dhabi, and Kuwait. Police also closed down four unlicensed recruitment agencies suspected of facilitating human trafficking. However it did not pursue criminal prosecution of these or other agencies for their role in the fraudulent recruitment of Ugandans for overseas employment.<sup>130</sup> For instance anti-trafficking law enforcement efforts slightly increased from four prosecutions in 2011 to 28 in 2012.<sup>131</sup> Whereas 58 offenders remained under investigation, four cases against trafficking defendants were either dismissed or withdrawn.<sup>132</sup>

It was further reported that the MoGLSD developed guidelines to regulate and monitor foreign labour movement and recruitment and a total of 27 companies were issued with licenses.

### 5.3.2.1 Child trafficking in Uganda

Child trafficking involves taking children out of their protective environment and preying on their vulnerability for the purpose of exploitation.<sup>133</sup> The UHRC notes this is a major crime in Uganda that it is a gross violation of children's rights.<sup>134</sup> According to the COCTIP over 150 children were registered as victims of trafficking from January 2012 to August 2013.<sup>135</sup>

#### a) Fraudulent adoptions of children

The Children's Act states that a foreign citizen may adopt a Ugandan child if the prospective adoptive parent has resided in Uganda for at least three years and if the foreigner has also fostered the child for 36 months.<sup>136</sup> However, exceptions were made to the three-year residency and fostering requirements on a case-by-case basis if it was deemed to be in the best interest of the child.<sup>137</sup> Exceptional circumstances to waive this provision as a requirement are not specified in the law. Courts implemented good judgment in approving legal guardianship orders which could allow children to move abroad for full and final adoption especially in circumstances where the likely adoptive parents were not able to meet the requirements for adoption in Uganda. This somehow led to the misuse of the inter-country adoption. UPF documented two cases of suspected child trafficking through fraudulent adoption which were as a result of gaps in the guardianship law that enabled child trafficking and exploitation to be disguised as guardianship.<sup>138</sup>

There are many child care institutions/children/babies homes/orphanages in Uganda funded by International Adoption agencies that are reportedly exclusive for the purpose of making children available for international adoption.<sup>139</sup>

129 <http://www.makeeverywomencount.org/index.php?option=com> last accessed on 22 January 2014

130 United States Department of State, 2013 Trafficking in Persons Report -Uganda, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f37c18.html> last accessed on 7th February 2014.

131 United States Department of State, 2013 Trafficking in Persons Report - Uganda, 19 June 2013, available at: <http://www.refworld.org/docid/51c2f37c18.html> last accessed 7 February 2014.

132 As above.

133 <http://www.ilo.org/ipec/areas/Traffickingofchildren/lang--en/index.htm> last accessed on 13 March 2014

134 <http://www.ilo.org/ipec/areas/Traffickingofchildren/lang--en/index.htm> last accessed on 13 March 2014

135 n 128 above.

136 [http://www.passportsusa.com/family/adoption/country/country\\_3012.html](http://www.passportsusa.com/family/adoption/country/country_3012.html) last accessed on 10 February 2014.

137 [http://www.passportsusa.com/family/adoption/country/country\\_3012.html](http://www.passportsusa.com/family/adoption/country/country_3012.html) last accessed on 10 February 2014.

138 n 135 above.

139 <http://www.adoptioninuganda.wordpress.com/2013/05/07/domestic-or-international-adoption/> last accessed on 20th January 2014.

However, Uganda has not yet ratified the 1993 Hague Convention on Protection of children and cooperation in respect of Inter-Country Adoption which establishes safeguards, ensures that inter-country adoptions take place in the best interest of the child and with respect for the child's fundamental rights among other provisions. One thing to note is that adoption and legal guardianship is mainly governed by the 1995 Constitution of the Republic of Uganda; and the Children's Act Cap 59 to mention but a few. In regard to foreign or international adoptions prospective adoptive parents have to at least foster the child 36 months.

### b) Karamoja street children in Uganda

The UHRC was concerned about the influx of street children from the districts of Moroto, Mukono, Mbale, Adjumani, Moyo, Kitgum, Wakiso, Sembabule and Busoga sub region living on the streets either accompanied or unaccompanied. On the streets, these children engage in a variety of odd activities like carrying luggage, picking waste, begging, loading/off loading, and stealing. They are exposed to multiple hazards like exposure to sexual abuse, poor health conditions, crime and child labour, drug abuse and prostitution.

The number of street children increased from 4,000 in 1993 to over 10,000 in 2012 a 70% increase.<sup>140</sup> The majority (80%) of these children are from Karamoja sub-region.<sup>141</sup> In Soroti town, there are 200 children living on the streets, 216 in Mbale and 97 in Jinja. Regardless of the numbers even one child on the streets is too many.<sup>142</sup>

The UHRC noted that some of these children were initially rounded up, bundled onto trucks and taken against their will by KCCA and the MoGLSD and taken to the poorly-equipped and over-populated Kampiringisa National Rehabilitation Centre in Mpigi before being dumped in Karamoja. The process was not child-friendly nor was it in the best interest of the child. Most of them were separated from their relatives and guardians. The Committee too on the Convention on the Rights of Child was deeply concerned with the fact that society considers such children as dangerous people and a burden for the society.<sup>143</sup> The UHRC notes that these children require rehabilitation as opposed to handling them as criminals. Table 5.3 below shows Karimojong returnee children and families that were reintegrated into their communities.

**Table 5.3: Reception and reintegration of Karimojong returnee children and families from 2007 to 2013<sup>144</sup>**

YEARS	FEMALE	MALE	TOTAL	ADULTS	CHILDREN
2007	141	93	234	66	168
2008	329	127	458	118	340
2009	221	91	312	71	241
2010	176	82	258	41	217
2011	256	90	346	35	311
2012	63	53	116	18	98
2013	51	27	78	10	68
<b>Total</b>	<b>1,237</b>	<b>563</b>	<b>1,802</b>	<b>359</b>	<b>1,443</b>

Source: Institute for International Cooperation and Development

### c) Vulnerability of street children reintegrated without parents or guardians

The condition of unaccompanied children poses greater risk on their livelihoods and integration among their community members and also makes them more prone to returning to the streets after resettlement.

<sup>140</sup> [http://www.anppcanug.org/wp-content/uploads/activity\\_reports/ID.pdf](http://www.anppcanug.org/wp-content/uploads/activity_reports/ID.pdf) last accessed on 7th February 2014.

<sup>141</sup> As above.

<sup>142</sup> n 138 above.

<sup>143</sup> [www1.umn.edu/humanrts/crc/uganda2005.html](http://www1.umn.edu/humanrts/crc/uganda2005.html) last accessed on 29th January 2014.

<sup>144</sup> Report of Institute for International Cooperation and Development, Moroto District 2013.

**Table 5.4: Number of children and unaccompanied in Napak District from 2007 to 2009<sup>145</sup>**

Sub County	2007		2008		2009	
	Children	Unaccompanied	Children	Unaccompanied	Children	Unaccompanied
Iriiri	4	0	83	41	66	30
Lokopo	82	5	121	39	61	27
Lopei	10	2	86	37	42	30
Matany	55	1	48	5	50	19
Ngoleriet	8	0	2	2	14	6
Unknown	0	0	0	0	7	7

Source: Institute for International Cooperation and Development

**d) Causes of out-migration phenomenon of persons including children from Karamoja Region into major Towns.**

The UHRC noted through its monitoring work that the “pull and push factors” of this phenomenon are:<sup>146</sup>

- Economic reasons related to hunger, effects of drought, personal needs, money for clothes, looking for work and general economic hardships whereby living conditions are poor and the cost of living is very high;
- Family related reasons like being sent by mother, husband, auntie, cousin, sister, daughter, co-mother, among others;
- Appearing on the street after previous errands like visiting relatives in Luzira, buying oil, visiting daughters, buying iron sheets and selling tobacco;
- Family-related circumstances like when family land is grabbed; the death of a husband; a mother chased by husband, separation and divorce; lack of family support and an unmarried status bringing vulnerability and family ties that are not strong. Other reasons include looking for lost children, being taken as baby sitter, being taken by women for exploitative purposes.

**5.3.3 Recommendations on human trafficking**

- The Ministry of foreign Affairs should ratify the 1993 Hague Convention on Protection of children and cooperation in respect of inter-country Adoption;
- The Ministry of Finance, Planning and Economic Development should allocate sufficient funds to the Coordination Office to Counter Trafficking in the Ministry of Internal Affairs to support counter trafficking activities;
- The Coordination Office to Counter Trafficking and Uganda Police Force should apply the Human Rights Based Approach in counter-trafficking;
- Law enforcement officers should be effectively trained to implement the Prevention of Trafficking in Persons Act, 2009;
- The Ministry of Justice and Constitutional Affairs should develop a witness protection law to assist victims of human trafficking;

<sup>145</sup> As above.

<sup>146</sup> As above.



6. The Uganda Law Reform Commission should expedite the process of amending the Children's Act CAP 59 to include strong provisions related to inter-country adoption and guardianship; and
7. The Coordination Office to Counter Trafficking should implement strategies for prevention of trafficking in persons by intensifying an anti-trafficking public awareness campaign.

## **5.4 THE STATE OF MEDIA FREEDOM IN 2013**

This section highlights the most significant events that had an impact on the state of media freedom in Uganda during the year 2013. It briefly expounds on the nature of freedom of the press and other media; the legal framework regulating the media in Uganda as well as the state obligations, duties and responsibilities of the media practitioners' in fostering the enjoyment of the freedom.

The section further highlights both the positive developments and the human rights concerns that impacted on the enjoyment of media freedom. Recommendations are made for action that will enhance the realisation or safeguarding of media freedom in Uganda.

### **5.4.1 Introduction**

Free, independent and vibrant media are indispensable in any democratic society. The freedom of the press and other media is part of a wider fundamental freedom of speech and expression which underpins all other human rights and freedoms. The media play a crucial role in a functioning democracy. They are both the enabler of the right to freedom of speech and expression as well as the facilitator of the right to information both of which enhance citizens' participation in their governance. Freedom of speech and expression means that everyone has the right to express or disseminate information and ideas; to seek information and ideas; to receive them; and the right to impart them.

Freedom of the press and other media is a corollary to the individuals' freedom of expression. This means that the promotion and protection of media freedom promotes and protects freedom of speech and expression of individuals and the public. Conversely, any attack or illegitimate restriction on media freedom inevitably impacts on the general freedom of speech and expression of individuals. Therefore, issues of media freedom are not just for the media fraternity or human rights defenders, they are issues for all citizens. Protection of media freedom goes beyond guaranteeing the safety and security of journalists; to the wider freedom of speech and expression of all; the right to information; the media platforms; and the role that media practitioners play in facilitating these rights in a democracy.

Like all other rights and freedoms, media and press freedom comes with duties and responsibilities. The 1995 Constitution of Uganda states categorically that the exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations. Accordingly, in a number of articles, the Constitution enjoins citizens both in their individual and official capacity to respect the rights and freedoms of others. The fulfillment of duties and responsibilities by the media is equally critical for protection of media freedom in Uganda.

### **5.4.2 International, regional and national legal framework**

Freedom of the press and other media is guaranteed at the international, regional and national levels by human rights instruments that guarantee freedom of speech and expression. Freedom of the press and other media is guaranteed under Article 19 of the Universal Declaration and Article 19 (2) of the ICCPR at the international level. At the regional level, the right is guaranteed under Article 19 (1) and (2) of the ACHPR. The 1995 Constitution of Uganda in Article 29 provides that 'every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media'.

Other national laws regulating or having a bearing on the media include The Press and Journalist Act, Cap 105; Uganda Communications Act, 2013 The Access to Information Act and its regulations; The Interception of Communications Act, 2010; the Penal Code Act Cap 106 and The Public Order Management Act, 2013.

The State has the primary responsibility to guarantee human rights, in this case, media freedom. The state obligations on protection of media freedom are at three levels:

- **Respect:** This entails the duty to ensure that its own agents, public officials and others acting in official capacity do not violate the right to freedom of speech and expression that includes media freedom.
- **Protect:** The duty to ensure that no third party like private individuals and other non-state actors interfere with the people's freedom of speech and expression including media freedom.
- **Fulfill:** The duty to ensure that a conducive atmosphere, such as a favourable policy, legal, judicial and administrative framework is in place for the realization of media freedom.

The State therefore must be, and must be seen to be accountable at the three levels. It would not be enough for the state to reign in its agents to refrain from infringing on media freedoms while letting third parties like private individuals or institutions abuse the freedom with impunity. The 2002 Banjul Declaration on Principles on Freedom of Expression in Africa of the African Commission on Human and Peoples' Rights provided guidance on understanding freedom of expression, and therefore media freedom.

#### 5.4.3 Assessment of media freedoms in 2013

In its 15<sup>th</sup> Annual Report to Parliament, UHRC noted the human rights concerns that curtailed the enjoyment of media freedom in 2012. Of particular concern was the destruction and confiscation of journalists' property by police; denying journalists access to information and sources of information; denial of the public's right to information; unsatisfactory, unsafe conditions in which journalists work; harassment of journalist, panellists and callers by security agents and public officials; the low level of professionalism among the media practitioners; the treatment of public information as a commodity; lack of sophisticated media equipment to enhance safety of journalists covering volatile or dangerous situations.

In 2013, there were some positive developments in the state of media freedom. However, many of the concerns that UHRC had earlier noted were still prevailing without significant improvement. Notably, the respect or violation of media freedom generally followed the pattern of heightened tension at the time. Periods of demonstrations, protests and threat to security led to a surge in incidents of infringement of media freedoms.

##### 5.4.3.1 Positive developments

###### a) The human rights checklist of Parliament

To ensure that all laws passed by Parliament conform to human rights standards, the Human Rights Committee of Parliament developed a checklist that will require Parliament to subject all bills and business before them to international, regional and human rights standards to ensure compliance. This is a welcome development as it will mitigate the threats of proposed media laws or amendments, in particular, the proposed Press and Journalist amendment Bill which, though did not have much activity around it in 2013 is still in the offing.

## **b) Establishment of the Parliamentary Forum on Media**

Parliament formed the Parliamentary Forum on Media which brings together all members of Parliament interested in defending and promoting media freedoms. The Forum which was established with support of a development partner GIZ, is chaired by Hon. Mariam Nalubega Woman MP Butambala, deputised by Hon Michael Bayigga Lulume MP for Buikwe South. At the launch on 6<sup>th</sup> November 2013, the Speaker of Parliament Hon. Rebecca Kadaga who acknowledged the importance of the media pledged Parliament's commitment to work with the Forum to guarantee constitutional media freedoms and ensure safety of journalists. The Forum Chairperson cited some media laws and proposed laws that needed to be amended to ensure they do not violate media freedoms instead. By the end of 2013 the Forum had already discussed policy briefs on the legal framework governing the media in Uganda; building safety nets for the media in Uganda, use of the new media; and safety of journalists. The Forum if properly managed could be the voice of defence of media freedom within and outside Parliament.

## **c) Increased sense of solidarity**

There was a notable increased sense of comradeship amongst the media practitioners and other human rights institutions which was unprecedented. In the past, any threats to a particular journalist or media house generally attracted indifference from most of the other journalists or other media houses. Some incidents in 2013 demonstrated this solidarity when journalists joined protests and petitions to empathise with their colleagues and other media houses over a looming threat.

The Human Rights Network for journalists-Uganda (HRNJ-Uganda) petitioned the Human Rights Committee of Parliament in February 2013 over the poor working environment for media practitioners in Uganda perpetuated by impunity among duty bearers.<sup>147</sup> The media organisation sought Parliament's active involvement in the protection, upholding and promotion of the freedom of expression and information in Uganda. The petitioners also wanted Parliament to ensure that government takes action on the recommendations of the Universal Periodic Review (UPR) regarding media freedom.

The World Press Freedom Day on 3<sup>rd</sup> May 2013 brought together media associations, human rights partners, development partners and state agencies to take stock of the extent to which Uganda as a state party was complying with its obligations to promote and protect press freedom. The collaboration that was exhibited in the several joint activities that were held to mark the day indicated the increasing solidarity around the pursuit of media freedom.

In May 2013 journalists and human rights defenders joined hands to demonstrate against the closure of media houses by government. However, the police dispersed the protest with teargas and arrested some of the journalists.

A journalist Edward Ronald Sekyewa of the Hub Investigative Media, petitioned the High Court in November 2013 over inaccessibility to wealth declarations of public officials.<sup>148</sup> Through the Center for Legal Aid, he argued that the Leadership Code Act 2002 requires public officials and leaders at a certain level to declare their wealth once every two years and sets minimum standards of behaviour and conduct for leaders. However, it was difficult to access and scrutinise wealth declarations submitted by leaders to the Inspectorate of Government.

## **d) Increasing internet usage**

Media houses, journalists and other media practitioners are increasingly depending on the internet for their operations such as news gathering, processing and publishing. The reach of media houses and individual journalists has been expanded by social media which has become a significant platform thanks to the increased access to the internet.

147 Edward Ronald Sekyewa verses Attorney General High Court Civil Suit No. 354 of 2013  
148 <http://www.unwantedwitness.org.ug> last accessed on 28 January 2014.



According to the Uganda Communications Commission (UCC), access to the internet continued to increase as new service providers entered the market and operators increased their capacity investment in broadband.<sup>149</sup> The changes in the methods of accessing the internet have also contributed to this with the mobile phone becoming a very significant way of accessing the internet/online services for most Ugandans that use the internet.

Statistics from UCC indicated that by end of 2012 internet accessibility and utilization was estimated at close to 6 million. The UCC expected that with the 850,200 mobile phones and 84,558 fixed internet subscribers coupled with the reduced cost of bandwidth, access to the internet will continue increasing.<sup>150</sup>

**e) Improved quality on television due to digital migration**

In August, the digital migration from analogue to digital terrestrial broadcasting kicked off after the signal distribution equipment was handed over to the Uganda Broadcasting Corporation (UBC). Digital broadcasting was expected to improve the quality of television sound and picture as well as free up space in the frequency spectrum that could be used to provide more TV channels and others ICT services. This will enhance access to information by improving the quality of available information, in addition to increasing the potential for more media platforms to expand opportunities for availability of information. The digital migration was agreed to under the United Nations umbrella in line with the United Nations International Telecommunications Union (ITU) deadline of June 2015 for all countries to stop broadcasting analogue television signals.

**f) Journalists' participation in the consultative process for a national civic education policy**

Journalists were in 2011 identified by UHRC as key stakeholders in civic education in the country. A national consultative meeting of 2011 on a national civic education framework had nominated journalists, represented by the Uganda Journalists Association; to a Working Group that would extensively consult and make proposals for a national civic education policy. Throughout 2013, the Working Group comprising 15 key stakeholders representing several sectors including journalists in Uganda, was engaged in consultations and drawing up proposals for the civic education policy (Refer to Chapter 3 on Human Rights Education and Outreach). Representation of the journalists in the UHRC led process was meant to promote and safeguard media freedom in the development and implementation of the national civic education policy.

**5.4.3.2 Challenges to media freedom**

In 2013 there were significant challenges, both direct and subtle, that led to infringement of media freedoms and self censorship. They were related to closure of media houses, attacks on media practitioners, infringement on the spaces for professional work, lapses in professionalism as well as conditions of work of media practitioners.

**a) Closure of media houses**

The most conspicuous occurrence in 2013 impacting on media freedom was the closure of four media houses. Police on 20<sup>th</sup> May 2013 cordoned off and searched the premises of The Monitor Publications in Namuwongo, Kampala and The Red Pepper Newspaper in Namanve. The sealing off of the Monitor premises was spontaneously followed by the inaccessibility of airwaves of the sister radio stations 93.3 KFM and Dembe FM housed in the same premises. The events came in the wake of a controversial letter purportedly authored by the Coordinator of Intelligence Services, General David Sejusa, published partially on 7<sup>th</sup> May by the Daily Monitor. The media houses which were closed for 10 days were eventually reopened on 30<sup>th</sup> May 2013. The UHRC welcomed their re-opening.

149 'Status of the Communication Sector in Uganda' by Uganda Communications Commission 2013 The Daily Monitor  
150 As above.

The police sought to get the original document of the letter cited by the Daily Monitor. Police first interrogated the Daily Monitor Managing Editor Don Wanyama, journalists Risdell Kasasira and Richard Wanambwa severally over the controversial Sejusa letter. Thereafter on Wednesday 15 May 2013, the police secured from the Nakawa Chief Magistrates Court an order to compel the Daily Monitor journalists to produce the letter to police and to reveal their source of information. On the basis of this order the media houses were cordoned off and searched.

The Government explained that the police action was justified for national security reasons and was within the parameters of the law, specifically, section 37 of the Penal Code which bars the publication of information prejudicial to national security. However, the Monitor Publications Limited Managing Director Mr. Alex Asiimwe alleged that instead of carrying out the search, the armed policemen disabled the printing press, computer servers and radio transmission equipment with the intention of preventing the Monitor from operating, broadcasting and printing its newspapers. Subsequently the Monitor management also went to court to contest the demand by the police to disclose the source of the story and to get an order to end the police search and resume publishing. However, the police cordon continued for seven more days thereby affecting the operations of the media house.

As UHRC advised in a press statement on 22<sup>nd</sup> May 2013, the act of closing the media houses amounted to a denial of information to the public and as such a violation of freedom of press contrary to Article 29(1)(a) of the Constitution and the right to seek, receive and impart information. The method of operation and the manner in which the media houses were cordoned off was in breach of the fundamental principle of the inalienable right to a fair hearing. The move by police to compel the journalists to reveal their source of information was in contravention of their professional ethical standards. The action of cordoning off of the media houses for 10 days interfered with the people's right to information and also disrupted and denied the media houses their right to engage in their daily business activities. This led to economic losses for these companies and their staff. The Managing Director Monitor Publications put the economic loss at an estimated UGX 100 million daily.

The closure of the media houses attracted concern from various quarters including media proprietors and practitioners, international media, CSOs, local and international human rights defenders, Uganda Law Society, Members of Parliament and international human rights agencies among others. Some journalists joined some members of civil society to protest and campaign for the reopening of the media houses. However police dispersed the protest with tear gas; and roughed up some journalists including NBS reporter Bahati Remmy and NTV reporter Sudhir Byaruhanga. Journalists' equipment was also reportedly damaged in the clash while Geoffrey Ssebagala Wokulira, Mulindwa Mukasa and Williams Ntege were arrested at Namuwongo.

The Minister of Internal Affairs Hon. Hilary Onok made a statement to Parliament regarding the issue. UHRC issued a press statement giving guidance on the human rights that were in jeopardy and making recommendations on how to resolve the issue without further violation of human rights.<sup>151</sup>

#### **b) Incidents that amounted to intimidation of journalists**

In 2013, the HRNJ-Uganda documented 110 cases of attacks on journalists. This was an increase from previous years where 82 cases were recorded in 2012, 107 in 2011, 58 in 2010 and 38 in 2009.<sup>152</sup> The HRNJ-Uganda reported unjustifiable interference from state and non-state actors. However, the HRNJ-Uganda records indicated that UPF was the culprit in 50 of the cases in 2013 by arresting, assaulting, detaining and charging journalists with 'trumped up charges'.<sup>153</sup> The affected journalists were subjected to inhuman and degrading treatment, deprivation of property, denial of access to information and sources of information and their security of person was compromised. Most common was the police confiscating and deleting materials from journalists' cameras and recorders.

151 UHRC Press Statement on the 'Sealing off of some media houses by the Uganda Police' issued by Acting Chairperson UHRC Stephen Basaliza on 22 May 2013

152 Robert Sempala, Human Rights Network for Journalists-Uganda 'Media and the Freedom of Expression in Uganda – achievements and challenges in 2013' presentation at the 16th UHRC Annual Report Consultative meeting on 13-15 January 2013 at Speke Resort Munyonyo.

153 As above.



UHRC noted with concern that some journalists who were arrested in the course of duty were charged with offences not related to media laws. Such incidents had the effect of intimidating media practitioners which in turn put media freedom and freedom of information in jeopardy as self censorship sets in. The case of a journalist Jude Okech Jorum working with the government-owned Urban TV in Kampala), who was arrested in October and detained by police beyond the constitutional 48 hours without being arraigned in court was reported in the media. He was arrested in Naluvule, Wakiso district, as he covered the fallout between two orphanages and charged with criminal trespass. His camera and laptop were damaged during the scuffle to arrest him.

In November 2013, over 20 journalists were blocked from accessing the City Hall at KCCA to cover the controversial impeachment of the Lord Mayor Erias Lukwago. While covering issues surrounding the City Hall a journalist was arrested and held at Wandegaya Police Station in Kampala. Kisuule Richard aka Kamagu, a radio presenter at Top Radio was picked up from the station in Bwaise a suburb of Kampala for hosting an opposition politician, the Deputy Lord Mayor. Two others who were part of a group of journalists that had gone to Wandegaya Police Station demanding for the release of Kisuule, Mulindwa Mukasa and Halima Uthman were also arrested but later released. Mulindwa was charged with obstruction, while no charge was preferred on Halima.

#### **c) Threats from administrative action on journalists**

The police and the Uganda Communications Commission issued warnings that media houses would be closed if they hosted panelists critical of government or allowed discussions on sensitive issues such as the mysterious death of the late Member of Parliament Hon. Cerinah Nebanda, the Sejjsa letter and towards the end of the year, the South Sudan conflict. Other politicians and government functionaries equally issued warnings.<sup>154</sup> Following a complaint from a government official that some journalists were critical of certain government policies, two media practitioners Basajja Mivule and Simon Kaggwa Njala were suspended from their shows on Radio One and Akaboozi 2. Such developments had the potential to impact on freedom of expression as the affected media houses and practitioners check themselves while others opt for self-censorship, especially the less prominent rural media outlets.

#### **d) Mysterious deaths of journalists**

The death of two journalists in the year under mysterious circumstances which have never been resolved was of great concern to the media fraternity. Thomas Pere of the New Vision was in June found dead in a ditch having left for his home from work a few hours before. His personal effects were not taken indicating that robbery was not the motive. Alex Kule, a Kasese-based freelance journalist also died mysteriously and his body was discovered in December in transmitter house. He was an outspoken crusader against corruption. In both cases, no conclusive police investigations have been made public. It is imperative that the investigations are expedited so that the truth comes out. Otherwise, the mysterious deaths have a negative effect on colleagues who may suspect that they were connected to their work and thus cause fear.

#### **e) Threats of proprietary interests to media freedom**

The primary reason for many media proprietors to start the business is usually to make profits. The information service to the public comes secondary. Therefore, any threat to the profit margin is a frightening prospect for such proprietors and this has made them vulnerable to political influence and in some cases interference.

Over the years some of the threats have manifested in the form of withholding of advertisement, paid airtime and space; or costly legal battles sometimes ending in payment of exorbitant damage awards and even closure of the business. Inevitably the pressure on the proprietors to keep in business is transferred to the media practitioners who must toe the line in order not to put the media business at risk.

<sup>154</sup> As above.



In this regard, some media proprietors have not hesitated to reign in media practitioners deemed too critical, laying them off or reassigning them other roles in the newsrooms. Some media proprietors and editors have taken internal administrative decisions that are based on the need to protect the business and political interests rather than enhancing the information role as was witnessed in 2013 during the saga of the impeachment of the Lord Mayor and the closure of media houses. Media owners, police and other security agents have also pressured media practitioners to reveal their sources contrary to the norms of professional ethics.

**f) Lack of professionalism**

As pointed out in the last report, the media continue to grapple with the challenges of lack of professionalism, inadequate training, unethical conduct, corruption, coupled with poor working conditions and inadequate remuneration for media practitioners. In some instances, some journalists have exhibited inadequate awareness about the matters they are informing the public about. Poor working conditions have increased the vulnerability of media people many of whom are accused of getting brown envelopes to either give favourable coverage or suppress unfavourable information. A number of journalists were accused of compromising their professionalism or outright corruption in 2013.

Although the increased use of the internet has eased research for journalists it has also been abused by writers and broadcasters who do not respect intellectual property rights. There are increasing instances of plagiarism in the print and electronic media.

**g) Controversial UJA elections**

In December 2013, the elections of leaders of the Uganda Journalists Association (UJA) organised at the Pattidar Shamji Hall on Buganda Road Kampala ended in chaos as journalists traded accusations and counter-accusations of irregularities in the process. Police had to intervene to quell the chaos using tear gas. The elections were cancelled after members complained about a bloated voters register and stolen electoral materials. The ensuing chaos started when some contestants for the position of UJA President announced that they were pulling out of the exercise they described as a sham but the electoral commission insisted on proceeding with the elections. This almost degenerated into fist-fights but the UPF from Wandegaya Police Station intervened and later dispersed the charged journalists. The elections were eventually postponed. The incident attracted negative commentaries from members of the public as it brought to question the credibility and moral authority of journalists to monitor the rest of society, if they could not provide a good example. The journalists could have handled the matter better in order not to come off as a divided lot that is also afflicted and infiltrated by the vices in society. It was important that they conducted themselves in a way that safeguards the critical role the media play as a watchdog of society.

**h) Inability of UBC to play its public service role**

The Uganda Broadcasting Corporation (UBC) which is the national public service broadcaster has still not been enabled to play its rightful role. It has still not fully transformed into a public service broadcaster accountable to the public through Parliament. It is constrained to operate independently as it is caught between being a government funded agency and trying to find footing in a commercial environment. This scenario contributes to factors that affect access to information; especially developmental information as UBC grapples with the challenge of broadcasting information that is critical for citizens but which does not attract revenue. It is not able to adequately cover the information gaps that are created by profit-motivated broadcasts of purely commercial broadcasting stations.

#### **5.4.4 Interventions for protection of media freedom**

##### **5.4.4.1 Uganda Human Rights Commission**

UHRC addressed issues of media freedom through monitoring incidents of violations, receiving and investigating complaints, doing research on media freedoms among others.

###### **a) Monitoring the closure of media houses**

In 2013, UHRC closely monitored closure of the media houses. UHRC was on the ground at Namuwongo and engaged with Police and other government quarters to address the crisis. UHRC established from Police that they had acted on suspicion that someone was feeding Monitor FM with information prejudicial to security. Police suspected that Gen Ssejusa had connections within the media house and that the information was reaching the media house in electronic form. Police also suspected that the Monitor had additional subversive information which it was likely to publish with time. The Police therefore needed to get to the information; to know its source; the contact person within the media and the mode in which the information was reaching the media house. The police had also accused the Monitor of refusing to cooperate.

In line with its constitutional mandate, UHRC accessed the cordoned off area and the crime scene including inside the Monitor Publications building where police was carrying out the search. All other stakeholders including some staff members, journalists, politicians, and civil society members had been barred by police from reaching near the cordoned off area let alone inside the building. UHRC witnessed the police operation on the second day of closure and established that the Police was checking all the hard disks of all the computers in the Monitor. Police also physically checked everywhere in the Monitor including peering inside the sound proof material of the studio walls. However, UHRC established that the police did not have adequate capacity to expedite the search. They had to carry away the hard disks in phases to Kibuli CIID Head Quarters for checking.

Nevertheless, the media houses felt that the Police deliberately targeted them for disabling because they were more interested in disconnecting the computers than searching. According to the Red Pepper management, efforts to assist the police hire an expert to work with police to expedite their assignment so that they could re-open the station were declined by Police.

UHRC issued a statement condemning the violations of media rights that had occurred as a result of the closure of media houses. It urged Government to observe and uphold its duties to respect protect and fulfill the media freedoms; urged the police to exercise restraint at all times and strictly abide by the provisions of the court order; to expeditiously complete the search exercise so as to allow normalcy to return in the media houses. UHRC also urged media practitioners to perform their duties professionally and act within the confines of the law while maintaining the highest standard of ethical conduct and to refrain from publishing news that has the potential to excite and inflame rather than inform.

###### **b) Periodic media facility visits and interactions**

The UHRC embarked on visits to media houses to meet editors and journalists to discuss issues of human rights and media freedom. In November 2013, a team comprising the UHRC Chairperson Mr. Med S.K. Kaggwa, Members of the Commission Mr. Agaba Maguru and Ms. Violet Akurut Adome, Directors Patricia Nduru, Ruth Ssekindi and Kamadi Byonabye visited the Red Pepper Newspaper and NTV Uganda. At the Red Pepper, the UHRC team met the Director, Mr. Johnson Musinguzi while at NTV they met the News Manager Mr. Morris Mugisha and the News Editor Mr. Kato Williams. The visits were in recognition of the fact that journalists are human rights defenders and the media complement UHRC work.

The UHRC team wanted to understand how the media operate and the challenges the journalists face.

The discussions were centred mainly on the security of journalists on duty, their welfare and conditions of work, and their independence from interference by politicians, proprietors or any other interests. The media practitioners raised challenges of accessing and reporting on sensitive information as well as the inclination to self-censorship so that the media do not cause instability. They also acknowledged the declining quality of media practitioners as well as the need for further sensitisation about human rights. They urged UHRC to protect the rights of journalists. UHRC pledged to train journalists on human rights and also engage with media owners so that media freedoms can be protected and promoted. The visits to media houses will continue until UHRC covers all.

#### **c) UHRC research on media freedoms**

The UHRC undertook a systemic investigation of media freedoms in Uganda and the rights of journalists in Uganda. It focused on the state of media freedom; the root causes of violations; and the various challenges faced by the media. The findings were compiled into a research report that was being printing by the end of 2013.

#### **5.4.4.2 Government efforts to increase access to information**

There were also other significant government interventions for protection of media freedom as highlighted below.

##### **a) Approval of the National Communications Strategy**

In a bid to increase access to information, the Government approved in June 2013 the National Communications Strategy designed to enhance information flow from government to the people. The Strategy streamlines the flow of information among state organs; harmonises the media role in sensitising the public on matters of public interest; and provides for a mechanism to ensure timely flow of information.<sup>155</sup> In line with Article 41 of the 1995 Constitution which empowers Ugandans to have access to information, especially from the state, the strategy was designed to ease access to information from the various government institutions. It is expected that government policies will be effectively communicated to Ugandans through various media including social media which will be mandatory in every government institution.

##### **b) Strengthening of the Uganda Media Centre**

In May 2013, the Uganda Media Centre (UMC) was restructured and new management appointed to strengthen its capacity to play its role more effectively in managing the information needs of the Government. The UMC under the Office of the President has a mandate to effectively facilitate communications of government policies, programmes and projects to the public through the media. In line with National Communication Strategy, government institutions are obliged to regularly appear at the Uganda Media Centre to address the media and provide information to the public. The Centre which is expected to provide professional media and communication services to government departments, generate information for dissemination to the public and standardise government communication, among others is a key link between government and the media. If well managed, the UMC would not only enhance access to information from government and between government agencies, it would also play a key role in promoting media freedom which is a prerequisite for its success.

#### **5.4.5 Recommendations on media freedoms**

1. As recommended in the previous Annual Report:

- Media managers and journalists should adhere to the set professional code of ethics and practices;

<sup>155</sup> Government National Communications Strategy was launched on 11<sup>th</sup> June 2013.



- Security personnel that violate rights of journalists should be brought to book and the actions taken made public;
- All public bodies should endeavour to make accessible public information in their possession. They should take steps to ensure timely, effective and practical access of the media the public to such information; and
- Government should increase funding for UHRC to train and sensitise media proprietors, managers and practitioners on their role in the protection and promotion human rights as well as their duties and responsibilities that come with the right to information and media freedom.

#### **Uganda Police Force**

1. The Uganda Police Force should undertake prompt, effective and impartial investigation into all cases of attacks, threats and intimidation of media practitioners and bring the culprits to book;
2. The Uganda Police Force Police should expedite the investigations into the killing of the two journalists so that justice can prevail and fears can be allayed if the deaths were not connected to their duties as journalists;
3. The Uganda Police Force should carry out legitimate arrests and investigate expeditiously in cases of suspected breach of media law with due consideration not to jeopardise the enjoyment of media freedoms; and
4. The Uganda Police Force should institute mechanisms to fight against impunity when violation of media freedom and the rights of media practitioners have occurred.

#### **Parliament**

1. Parliament should ensure the effective application of the human rights checklist in order to enact human rights compliant media laws;
2. Parliament should ensure that the Parliamentary Forum on Media has the resources, and good will to operate effectively so as to amplify the voices that are currently advocating for improved respect of media freedoms; and
3. Parliament and the Ministry of Information and National Guidance should strengthen Uganda Broadcasting Corporation and enhance its capacity to play its public service role effectively in order to enhance the people's right to information.

#### **Public**

1. The public should be sensitised to appreciate that media freedoms are key to individuals' freedom of speech and expression and should therefore be protected as a right for all people not just the media fraternity.

#### **Uganda Communications Commission**

1. The Uganda Communications Commission should ensure continued increase in accessibility, affordability and penetration of the internet since it enhances the work of journalists; and
2. The Uganda Communications Commission should reign in media proprietors who abuse their positions to interfere in the enjoyment of media freedoms. Uganda Communications Commission should set parameters for safeguarding information as a public good not as a business commodity that should be left to the market forces.

#### **Media proprietors and Practitioners**

1. Media proprietors should improve the working conditions of media practitioners. Parliament should set a minimum wage in order to curb the rampant exploitation of media practitioners; and
2. The media fraternity should put their house in order by getting organised into credible professional associations that enhance unity, solidarity and professionalism among the professionals.

## Stakeholders

1. All stakeholders including government should support and strengthen the existing self-regulation mechanism of the media to enhance compliance with professional ethics among the media practitioners.

## 5.5 FREEDOM OF ASSEMBLY AND DEMONSTRATION IN 2013

### 5.5.1 Introduction

UHRC continued to monitor the enjoyment of the freedom of assembly and demonstrations in 2013 and to provide guidance to government, the UPF, the public and other stakeholders on the right. In the previous 15<sup>th</sup> Annual Report to Parliament the UHRC presented an assessment of the civic actions that characterised the year 2012 and made recommendations on safeguarding the freedom of assembly and demonstrations.

In 2013, the enactment of the Public Order Management Act was the single most significant occurrence with a big impact on the freedom of assembly and demonstrations. This section assesses the new Act; its implications on human rights; its pros and cons and highlights some incidents of citizens' attempts to exercise their freedom to demonstrate. Recommendations are made to ensure full enjoyment of the right.

### 5.5.2 International, regional and national legal framework

The freedom to assemble and demonstrate together with others peacefully and un-armed is one of the fundamental human rights recognised and provided for under international, regional and national human rights instruments. Uganda has ratified a number of such international and regional instruments and has also incorporated relevant provisions in the 1995 Constitution and other relevant national laws.<sup>156</sup>

The freedom to assemble is well articulated in Article 20 of the Universal Declaration and Articles 21 and 22 in the ICCPR. At the regional level, the freedoms are contained in Articles 10 (1), 11 and 27 (2) of the ACHPR and at the national level they are laid out in the 1995 Constitution under Articles 38 (2) and 29 (1) (d) and (e). The said Constitution further provides for the duty of every citizen to cooperate with lawful agencies in the maintenance of law and order as provided under Article 17 (b) and (f). However, the same Constitution also provides that these freedoms are not absolute and can therefore be subjected to limitations as given under Article 43(1).

### 5.5.3 Assessment of the realization of freedom of assembly and demonstration in 2013

In 2013, the debate on the enjoyment of freedom of assembly and demonstrations intensified owing to the passing of the Public Order Management Act, 2013 (POMA) which came into force on 2<sup>nd</sup> October 2013.<sup>157</sup> The initial Public Order Management Bill (POMB) was first tabled in Parliament in 2009, but had many human rights concerns prompting the UHRC to urge government to incorporate in the UHRC Guidelines on Public Demonstrations in Uganda.<sup>158</sup> The Guidelines had been jointly developed in 2007 by UHRC and other key stakeholders including the UPF CSOs, and the JLOS.

The views of UHRC on the initial POMB were presented before the Legal and Parliamentary Committee in 2012 and published in the UHRC 10<sup>th</sup> Annual Report.<sup>159</sup> Although the POMA was enacted in August 2013, efforts by various groups and individuals to enjoy the freedom to assemble and demonstrate have been met with a number of challenges. Human rights defenders, politicians, civil society organisations and members of the general public have also pointed out the positive developments and shortcomings of the new law.

<sup>156</sup> n 70 above.

<sup>157</sup> Public Order Management Act, 2013.

<sup>158</sup> UHRC Guidelines on Public Demonstrations in Uganda, 2007.

<sup>159</sup> UHRC 10<sup>th</sup> Annual Report, , 39 -46, 2007.

Enjoyment of the freedom of assembly and demonstration, continued to pose challenges in the year 2013 with some assemblies being denied and others dispersed by Police. The country also witnessed some incidents of combative and violent behaviour by some demonstrators culminating into scenes of violence, indiscriminate use of tear gas and the use of excessive force by the Police. Some of these chaotic assemblies inevitably led to loss of livelihood, destruction of property, injury to persons, loss of lives and deprivation of personal liberty, among other human rights concerns.

UHRC notes that on the other hand, there were also some assemblies, demonstrations or protests that were successfully carried out during the year, with police providing security and guidance to participants.

#### 5.5.4 Selected incidents of successful assemblies / demonstrations / petitions in 2013

Amidst public debate on whether the freedom of assembly and demonstration was being realised or not, the UHRC noted in 2013 that successful public assemblies, demonstrations, industrial action, protests and petitions were held. These included:

- Peaceful industrial action by the Uganda National Teachers' Union (UNATU) when they withdrew their labour protesting government failure to fulfil the agreement to increase teachers' salaries by 20% in FY 2012/13. UNATU held a peaceful procession through Lumumba Avenue in Kampala in October 2013, with Police providing security for the demonstrators;<sup>160</sup>
- Uganda Youth Network (UYONET) held a sharing and reflection platform at Nexus Resort Hotel, Nansana, Wakiso District which drew participants from district and sub county youth councils;<sup>161</sup>
- Kampala City Traders' Association (KACITA) successfully held a meeting of about 400 members at the Uganda Manufacture's Association (UMA) Conference Hall, Lugogo to review their industrial action of protesting against the Pre- Inspection Verification of Conformity (PIVOC) standards fee on June 27, 2013;<sup>162</sup>
- A group of about 600 State House-sponsored students of Kampala International University Ishaka Campus, Bushenyi District on Monday November 11, 2013 marched to the office of the RDC Bushenyi Mr. Gaston Maliro. They were protesting the delayed release of their tuition which had led to their missing of exams. They were addressed by the RDC who promised to take up the matter with State House and they marched back to the university peacefully;<sup>163</sup>
- Students of Mutesa 1 Royal University in Masaka District on Friday March 14, 2013 held a peaceful procession from the university to the Regional Police Head Office of Masaka to demand for police intervention into their grievances at the university; and<sup>164</sup>
- Several petitions demanding for government action were presented to the Speaker of Parliament throughout 2013. The petitions were from civil society groups, university students or associations and concerned citizens. They included a petition presented on July 17, 2013 by the Citizens' Action for Quality Education seeking for intervention to avert the declining standards in public education across the country<sup>165</sup>; Northern Uganda Farmers' petition demanding that Parliament consults them before passing the proposed bill on Genetically Modified Organisms (GMO)<sup>166</sup>; Lord's Resistance Army (LRA) War Survivors' demand for resettlement of former LRA abductees<sup>167</sup>; and the demand for the resignation of Youth Affairs Minister Hon Ronald Kibuule by concerned citizens over his alleged remarks that women dressed indecently would have asked to be raped and therefore suspects who have raped such women should be released<sup>168</sup>.

160 Daily Monitor, October 2013

161 <http://www.uyonet.wordpress.com>, last accessed on 27 January 2014.

162 <http://www.ugandaradionet.com/a/story.php?s=53926> last accessed on 27 January 2014.

163 Information from Uganda Police Force on the State of Human Rights in Uganda, Demonstrations and civil unrest in 2013 February 2014.

164 As above.

165 Available on [www.parliament.go.ug](http://www.parliament.go.ug) last accessed on 30 January 2014.

166 Samuel Nabwiso, East Africa Business Week Kampala, posted on <http://www.allafrica.com>, last accessed on 30 January 2014.

167 Kenneth Kazibwe, 'LRA War Survivors Petition Parliament on Resettlement' available at <http://www.chimpreports.com> last accessed on 30th January 2014.

168 Mercy Nalugo, 'Women Activists demand Kibuule's resignation', The Daily Monitor September 26 2013.



### 5.5.5 Human rights concerns in selected incidents of public assemblies and demonstrations during 2013

Incidents in Uganda have increasingly involved the public on the one hand trying to exercise their right to assemble and demonstrate, and the police trying to restrict them on the other; leading to the prevailing general uncertainties and frustration as to when, where and how this right should be exercised.

The UHRC noted incidents in which members of the public experienced challenges in the process of exercising their freedom to assemble and demonstrate. Groups such as the anti-corruption civil society activists operating under the Black Monday Movement; For God and My Country (4GC); Uganda Youth Network (UYONET); some local residents and politicians encountered hurdles.

Whereas some of the assemblies and demonstrations were intercepted by police for various reasons, the UHRC also noted that many of them turned riotous and violent with some of the participants throwing stones, blocking roads with timber logs and big stone boulders and burning tyres, prompting police to intervene.<sup>169</sup>

Some of the human rights challenges noted by UHRC in the realisation of the right to freedom of assembly in Uganda in 2013 are highlighted below:

#### a) Blocking/intercepting assemblies and demonstrations by the police

There were actions by Police to block or intercept public assemblies and demonstrations. Such incidents were cited in the Police Report on the State of Human Rights in Uganda<sup>170</sup> and in several media reports.<sup>171</sup>

In the Kampala Metropolitan Area, police dispersed a number of demonstrations and assemblies some of which were civic actions to demand for better governance, public services and affordable tuition. Others were sparked off by land wrangles and the demand for land compensation among others. On a number of Mondays Police blocked demonstrations by the Black Monday Movement. A case in point was on Monday 7<sup>th</sup> January 2013 when police blocked a Black Monday demonstration detaining some of the leaders at Jinja Road Police Station. The police spokesperson for the area said their action was prompted by allegations that the demonstrators were carrying deadly materials. On 10<sup>th</sup> May 2013 police also dispersed a rowdy business community along Nasser Road in Kampala which had blocked the road with burnt tyres protesting the failure by Umeme to provide electricity to the area leading to financial loss.

<sup>172</sup>

In Mpigi Area police dispersed a number of demonstrations including one in which demonstrators had blocked the Kayabwe-Nkozi Road with big stones and timber logs at Kayabwe Trading Centre in Mawokota Sub County Mpigi District protesting the poor state of the road. Angry residents of Mabanda Village, Kibibi Sub County in Butambala District were on Saturday 22<sup>nd</sup> February 2013 dispersed for blocking motor vehicles of Reynold Construction Company (RCC) from accessing their quarry, demanding for faster compensation for the damages caused on their houses by the stone blasting.<sup>173</sup>

In Ssezibwa Region police dispersed angry vendors of Njeru North Market who had blocked the Kayunga Road using stones and timber logs on Sunday 23<sup>rd</sup> February 2013 over demolition of their market in Buikwe District. In Western Region angry residents of Kakoba Division, Mbarara District were dispersed on 10<sup>th</sup> April 2013 as they protested the poor state of Buremba Road.

<sup>169</sup> As 163 above.

<sup>170</sup> As above.

<sup>171</sup> Print and broadcasting media reports

<sup>172</sup> n 170 above.

<sup>173</sup> As above

In Soroti Sub Region, a group of 15 supporters of Hon Mike Mukula were intercepted by police in Soroti Municipality on Saturday 1<sup>st</sup> March 2013 as they protested the arrest of their Member of Parliament. Police in Northern Uganda Region also dispersed a demonstration by a group of about 300 students of Adjumani Secondary School in Adjumani District who were marching on 19<sup>th</sup> April 2013 to the office of the District Education Officer to protest the lack of adequate teaching staff at their school<sup>174</sup>.

#### **b) Re-emergence of unidentified militia ('Kiboko Squad')**

The UHRC was concerned about the re-emergence of stick-wielding men during demonstrations in 2013. The informal militia was reminiscent of the 'Kiboko Squad' of 2011 which an inquiry headed by the Deputy Inspector General of Police Mr. Okoth Ochola had pronounced as illegal. The inquiry had established that the 'Kiboko Squad' had been formed by a group of businessmen in Kampala to secure their businesses in times of riots.

In a public statement issued on 29<sup>th</sup> November 2013, UHRC condemned the actions of illegal militias calling on the Police to investigate them. Below are some of the incidents during which illegal militias were sighted:

- An authorised rally organised by opposition leaders at Kawempe Muslim Primary School in Kawempe Division on 1<sup>st</sup> March 2013 turned riotous when a group of more than 300 youths reportedly attacked the participants. The attackers pelted participants with stones; chased them away; and smashed windscreens of cars belonging to opposition leaders while chanting that they were tired of demonstrations. This prompted police intervention and the use of teargas to disperse the crowd. The group of attackers who purportedly referred to themselves as residents of Kawempe Division allegedly operated side by side with the police.
- Police dispersed violent protests that erupted in Kampala and its suburbs after news of the impeachment of the Lord Mayor of Kampala Mr. Erias Lukwago by councillors on 5<sup>th</sup> November 2013 at City Hall, Kampala. Police used tear gas to disperse crowds some of whom were throwing stones and burning tyres at Kisekka Market and other Kampala suburbs of Nakulabye, Kasubi and Makerere. The Kampala Metropolitan Police Spokesperson Mr. Ibin Ssenkumbi was quoted by the media attributing the heavy police deployment in and around Kampala to intelligence reports that political activists had mobilised youth to cause confusion in the city. However, during the operation to quell the violent protests, stick-wielding men in civilian clothes were sighted in Nakulabye and Kisekka Market, indiscriminately whipping the protestors. The UPF Spokesperson Ms. Judith Nabakooba was quoted in the media to have condemned their actions but explained that she had received information that the stick-wielding men were civilians who allegedly organised themselves to prevent chaos in their markets. Nonetheless, UHRC, the media and other human rights defenders noted with regret that the civilian militia was reminiscent of the 'Kiboko Squad' of 2011.<sup>175</sup>

#### **c) Growing culture of intolerance and violence by some members of the public**

The UHRC noted a growing culture of violence, civil disobedience and intolerance among some sections of the public with numerous reports of public assemblies turning violent mainly in Kampala, its suburbs and other towns country-wide. The UHRC noted with concern that in so doing, the members of the public were contravening their constitutional duties and obligations as citizens provided for under Article 17 (b) and (f). Some of the incidents in which citizens abrogated their duties during the year include:<sup>176</sup>

- A public rally convened by Wakiso Woman Member of Parliament Hon. Rosemary Sseninde to explain the development of Kasokoso slum area into an urban housing area by the National Housing and Construction Corporation (NHCC) and the need for re- location residents. This rally ended up in acrimony and violence with residents even burning a vehicle for the Mayor of Kira Town Council, Mr. Mamerito Mugerwa;<sup>177</sup>

174 As above.

175 Dear Jeane & Abubaker Lubowa, 'Kiboko squad resurfaces in city chaos', The Daily Monitor of 26 November, 2013.

176 As above.

177 K. Ssemogerere, 'Tear gas in Kasokaso' The Daily Monitor of 14 November 2013.



- A related violent protest by residents of Kasokoso and Kiganda (Kireka, Wakiso District) who blocked roads and hurled stones at police, protesting the arrest of their leader Umaru Muyanja for allegedly inciting the public during a television talk show.<sup>178</sup> Police dispersed the protest using tear gas, batons and live bullets;
- Makerere University students protesting on 18<sup>th</sup> February 2013 against a tuition policy passed by the university administration. The protest turned violent with students looting shops in the surrounding suburbs and pelting stones at the anti-riot police. About seven students were arrested and detained at Wandegaya Police Station.<sup>179</sup>
- More than 15 youths demonstrating on 25<sup>th</sup> February 2013 against the Kampala City Lord Mayor Mr. Erias Lukwago for allegedly failing to make any significant change in the city and attempting to drag him out of his office at City Hall, Kampala. The youth were intercepted and restrained by the Commander of Central Police Station, Kampala Mr. James Ruhweza.<sup>180</sup>

#### **d) Lack of close cooperation between Police and organisers of demonstrations/assemblies**

Police often cited security concerns; disruption of business in the busy city and town centres and the lack of cooperation by the organisers for interception or dispersal of assemblies and demonstrations.<sup>181</sup> UHRC continued to reiterate the need for all stakeholders including the UPF, organisers and participants to closely coordinate and cooperate in their separate roles as outlined in new Public Order Management Act 2013 which was grounded in the Guidelines on Public Demonstration that UHRC produced in 2006.<sup>182</sup>

Many of the meetings, assemblies and demonstrations organised by opposition political leaders such as those organised by the Lord Mayor of Kampala Erias Lukwago; the Mayor of Kawempe Mubarak Munyagwa; Woman Member of Parliament for Mukono Hon Betty Nambooz Bakireke and Dr. Kizza Besigye, to take place in and around Kampala, Wakiso and Mukono were stopped by UPF citing lack of cooperation by the organisers.

In addition, police on some occasions intercepted demonstrations or assemblies by other politicians and their supporters. A procession in Mbale Town by supporters of Kampala Central Member of Parliament Hon. Mohammed Nsereko was intercepted on 31<sup>st</sup> December 2012. The supporters were celebrating his release on bail by a Tororo Court where he had been charged with inciting violence at the funeral of the late Butaleja Woman Member of Parliament Hon Cerinah Nebanda. UPF cited lack of notification of the procession by the organisers.<sup>183</sup> Media reports also indicated that police dispersed rowdy crowds of supporters of Kinkizi East Member of Parliament Hon. Chris Baryomunsi in Rugyeyo Trading Center in Kanungu District for using the 'wrong route'.<sup>184</sup>

#### **e) Police use of disproportionate force to stop demonstrations/assemblies**

Police on a number of occasions used disproportionate force to disperse demonstrations or assemblies. UHRC repeatedly condemned the use of disproportionate force by the police during demonstrations and assemblies. Some of such incidents that were reported in the media were:

- Police firing rubber bullets to disperse crowds of Mayor Lukwago's supporters and throwing a tear gas canister inside the mayor's car, leading to his hospitalisation;<sup>185</sup>
- Police firing tear gas and live bullets in the air on 4<sup>th</sup> April 2013 in Busia to disperse a group of about 50 youth protesting the poor state of the road which connects Jinja Road to Majanji Road accusing district authorities of failure to repair and maintain the road;<sup>186</sup>

178 Andrew Bagala available on <http://chimpreports-Uganda> last accessed on 13 November 2013.

179 Abdu Kiyaga, 'Makerere Students loot shops in strike', The Daily Monitor of 19 February 2013.

180 Dear Jeanne, '15 youth demonstrate over Lukwago', The Daily Monitor of 26 February 2013.

181 As above.

182 As above.

183 David Mafabi and Joseph Omollo, 'Tear Gas rocks Mbale as Nsereko is set free', The Daily Monitor of 1st January 2013.

184 Robert Muhhererza, 'Police shoot in air to disperse Baryomunsi fans', The Daily Monitor of 2nd January 2013.

185 Available at <http://www.bbc.co.uk/news/world-africa> last accessed 9 February 2014.

186 David Awori, 'Tear gas, bullets as youth protest over bad road', The Daily Monitor 6 April 2013.



- Anti-riot police commanded by the Kalungu District Police Commander Mr. Martin Okoyo firing tear gas and live bullets to disperse a crowd of Kalungu residents demonstrating over persistent water scarcity in the area;<sup>187</sup>
- The shooting of two civilians allegedly by a combined military and police operation. The security agents allegedly fired indiscriminately at violent crowds in Kisekka Market, Kampala as police moved to stop alleged planned rallies in markets by opposition leaders who they said were intended to incite violence. However, the Police Spokesperson Ms. Judith Nabakooba is reported to have confirmed that only one person had been shot in the back by a rubber bullet.<sup>188</sup>

#### **f) Use of Preventive Arrests**

The UHRC is concerned by the increasing trend of disregard of court decisions by many government institutions. The police has for instance continued to evoke provisions of the Police Act 2006, Section 24 (1) to carry out preventive arrests of opposition leaders wishing to demonstrate. The victims are sometimes confined in their homes or at police stations.<sup>189</sup>

#### **g) Misuse of due process by Police**

During the period, police sometimes detained demonstrators without charge or on flimsy charges that would later be dropped for lack of evidence. This raised concerns over the violation of their right to liberty. A case in point was the media report stating that the former Forum for Democratic Change (FDC) leader Dr. Kizza Besigye and the Kampala Lord Mayor Mr. Erias Lukwago had been released by police on 26<sup>th</sup> January 2013 without formal charges although they had been accused of participating in activities organised by an outlawed pressure group For God and My Country (4GC).<sup>190</sup>

#### **h) Persistent violation of various human rights**

Arising out of the challenges encountered by police and citizens during assemblies or demonstrations during the period under review, the UHRC noted that infringement of rights persisted in 2013. These had been documented in its previous Annual Reports, and stated in its periodic press statements.<sup>191</sup> It was noted that violent assemblies or demonstrations continued to be a major cause of human rights violations. Blocked or intercepted assemblies or demonstrations commonly turned violent inevitably leading to the violation of rights. Some of the violations that the UHRC has repeatedly highlighted include:

- violations of the right to life when some unfortunate participants in civic action were reported to have lost their lives;
- loss or damage of property to criminal elements, during stampedes of dispersed demonstrators;
- injury to persons some of whom were security agents, participants and non-participants in the vicinity of the demonstration or assembly;
- disruption of livelihoods when businesses were forced to close to safeguard their merchandise during violent assemblies;
- disruption of movement when roads to and from scenes of assemblies were closed;

187 Martins Ssekweyama, 'Police fire teargas to disperse Kalungu crowd', The Daily Monitor 3 July 2013.

188 Dear Jeanne, 'Two shot in city chaos as Besigye is arrested', The Daily Monitor 1 June 2013.

189 Dr. Kiiza Besigye versus Attorney General Constitutional Petition No. 41 of 2011 challenges the provisions of the Police Act on preventive arrest.

190 Mercy Nalugo, 'Besigye, Lukwago released', Daily Monitor Monday January 28, 2013, 1-4.

191 UHRC 9th, 14th, 15th Annual Reports of 2006, 2011 and 2012 and UHRC Press Statements, 2013.

- violation of the right to personal liberty in the case of demonstrators who were arrested or restricted to their homes (Preventive Arrest); and
- denial of citizens to exercise the right to participation, assemble and demonstrate when such gatherings were blocked.

#### **5.5.6 UHRC interventions in protecting and promoting freedom of assembly and demonstration in 2013**

The UHRC reaffirms that the freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition is a fundamental human right. The right of individuals to gather together for the common pursuit of their interests is fundamental to the very idea of democratic governance and is protected in all free and democratic societies. The idea that citizens should meet peacefully to consult one another about public affairs and to petition for redress of grievances is at the heart of democratic governance. Therefore the right to demonstrate and to protest on matters of public concern is a right which is in the public interest that individuals should possess so long as it is not done to propagate violence or do anything unlawful.<sup>192</sup>

The UHRC therefore continued to monitor enjoyment of the freedom of assembly during 2013 and made a number of interventions including the following:

- Receiving and investigating complaints of human rights violations arising from civic activities such as assemblies and demonstrations;
- Physically monitoring and following up of arrested victims of civic action in detention places to ensure that they receive a fair and speedy trial or secure police bond. The UHRC followed up the Lord Mayor Elias Lukwago and visited him in detention at Kiira Road Police Station.
- Issuing press statements calling on Government and the Police in particular to uphold their duty to facilitate the realisation of the freedoms to assemble and demonstrate on one hand and the citizens to strictly adhere to their duties and responsibilities on the other. UHRC called on government to clarify the status of stick-wielding men during demonstrations in 2013; and urged members of the public to fulfill their civic duties, desist from violence during demonstrations and observe the rule of law;
- Using the UHRC country-wide network of regional offices to carry out human rights awareness and sensitisation campaigns among citizens on the newly enacted Public Order Management Act, 2013 emphasising the need for cooperation between organisers and the Police and to empower them to utilise the Prevention and Prohibition of Torture Act, 2012 to bring to book errant government officials.

#### **5.5.7 Recommendations**

1. As previously recommended in the previous Annual Reports:
  - The Uganda Police Force should exercise its discretionary powers judiciously by respecting Article 221 of the 1995 Constitution, which makes it a duty of all law enforcement agencies to observe and respect human rights and freedoms in the performance of their functions;
  - The Uganda Police Force should desist from the use of excessive force and ensure punishment of errant security officers;
  - The public should understand that the freedom to assemble and demonstrate is not an absolute right and should be exercised with due regard to the rights and freedoms of others. Members of the public should fulfil their constitutional duties to obey lawful orders, desist from violent behaviour during demonstrations and in the event that anyone feels aggrieved should seek redress through lawful avenues; and
  - The Uganda Police Force should arrest and prosecute the stick-wielding men who masquerade as law enforcers during public demonstrations and usurp the mandate of the police.

<sup>192</sup> n 156 above, Article 45.



2. The Uganda Police Force, Uganda Human Rights Commission and other human rights defenders should urgently carry out country-wide sensitisation of citizens on the contents of the new Public Order Management Act, 2013 for every stakeholder to understand their role in peaceful demonstrations;
3. The Uganda Law Reform Commission and Parliament should review other laws that have an impact on the Public Order Management Act, 2013 such as the Police Act Cap 303 and Penal Code Act Cap 120 that provide for unlawful assemblies and dispersal of crowds so that they are brought in line with the Constitution and international and regional human rights instruments;
4. The Uganda Police Force should respect and implement court decisions in order to ensure promotion of the rule of law and avoid impunity in the country;
5. The institutions of justice especially the Uganda Police Force, Director of Public Prosecution and the Judiciary should implement the Prevention and Prohibition of Torture Act, 2012 to bring to book perpetrators of torture.

## **5.6 DELAYS IN PAYMENT AND INCREMENT OF SALARIES FOR CIVIL SERVANTS (TEACHERS, HEALTH WORKERS, POLICE AND PRISONS)**

### **Introduction**

The period under review was characterised by delays in payment and increment of salaries for civil servants on Government payroll following investigations into the ghost pensioners' scam in the Ministry of Public Service (MoPS).<sup>193</sup> Delays in payment of salaries for civil servants flout Government's commitment to promptly pay public servants' salaries by the 28<sup>th</sup> of every month as stipulated in the MoPS Client Charter.<sup>194</sup>

This section highlights the plight of civil servants with emphasis on delays in payment and increment of their salaries as well as the legal framework that provides for the right to remuneration. Positive interventions by Government to ensure that civil servants are paid promptly and the human rights concerns resulting from the delays are also outlined. Some recommendations are made to address the concerns highlighted.

### **5.6.1 International, regional and national legal framework**

The right to remuneration is stipulated by the Universal Declaration which provides for the right to work, free choice of employment, just and favourable conditions of work and protection against unemployment.<sup>195</sup> The Universal Declaration also provides for the right to equal pay for equal work for everyone without discrimination;<sup>196</sup> as well as the right to just and favorable remuneration ensuring that one has an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.<sup>197</sup>

The CESCR recognises the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The CESCR also calls upon states parties to take steps to achieve the full realisation of this right through technical and vocational guidance and training programmes; policies and techniques to achieve steady economic, social and cultural development; and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.<sup>198</sup> The ILO Convention No. 95 concerning protection of wages deals with aspects related to form and manner of the payment of wages and seeks to accord the fullest possible protection of workers' remuneration.<sup>199</sup>

193 Available at <http://www.newvision.co.ug/mobile/Detail.aspx?NewsID=633787&CatID=1> last accessed on 7 January 2014.

194 The Ministry of Public Service Client Charter 2007/08-2009/10.

195 n 109 above Article 23(1).

196 As above, Article 23(2).

197 As above, Article 23 (3).

198 Articles 6-7 of the International Covenant on Economic, Social and Cultural Rights.

199 1949 Convention concerning the Protection of Wages (c 95), Articles 1-10.



At the regional level, the ACHPR recognises the right to work emphasising conditions and pay. It states: 'Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.'<sup>200</sup>

The Constitution of Uganda provides for equal payment for equal work without discrimination.<sup>201</sup> In addition, the Employment Act, 2006, Labour Unions Act, 2006, and the Minimum Wages Advisory Boards and Wages Council all provide for the right to remuneration for work done.

### 5.6.2 The status of civil servants' pay

The period under review was characterized by unprecedented salary delays and distortions triggered by a Government shift of payroll control from the MoFPED to the MoPS.<sup>202</sup> The payroll shift was meant to streamline it and largely weed out ghost workers. However, this led to some data migration errors resulting in underpayments or overpayments. The worst hit group were the junior police officers, teachers, health workers and prisons staff<sup>203</sup> who had to endure challenges of delayed pay and this was in contravention of the Universal Declaration and other human rights instruments.<sup>204</sup>

### 5.6.3 Positive developments

#### a) Relocation of Government Payroll to Integrated Personnel and Payroll System

By the end of 2013, 96% of the Government payroll had been migrated to the Integrated Personnel and Payroll System (IPPS) from the Legacy Payroll System at Uganda Computer Services (UCS)-MoFPED.<sup>205</sup> Payroll data in UCS for some institutions was incomplete in terms of salary scales and titles making the process of Staff Establishment Control ineffective.<sup>206</sup> On migration to IPPS, staff payroll details are identifiable by department, position and approved structure providing a more comprehensive database.<sup>207</sup>

#### b) Salary enhancement for all civil servants in the FY 2014/15 budget

Government concurred that commodity prices had shot up and provided UGX 450 billion for salary enhancement for all civil servants in the FY 2014/15 budget, of which UGX 218 billion was meant to increase teachers' salaries by 25 per cent.<sup>208</sup> In the new salary changes, primary school teachers were allocated a 15% increment while science teachers in secondary schools and tertiary institutions got a 30% rise. Health workers were allocated a 10% increment and other public officers were given varying percentages in line with their salary scales.

#### c) Establishment of a negotiation council

The council was established to among other things to be responsible for conducting and facilitating consultations, dialogue and negotiations between the Government, an autonomous body or a local Government as the employer and the Public Service Labour Union, on the terms and conditions of service of members of the Union.<sup>209</sup> Government also agreed to directly involve Uganda National Teachers Union (UNATU) in the budgeting process for purposes of tracking and following up on the 25% salary increment for the FY 2014/15 and conduct a 100% forensic audit of the payroll within six months.

200 n 115 above, Article 15.

201 n 192 above, Article 40 (b).

202 [http://www.observer.ug/index.php?option=com\\_content&task=view&id=24340](http://www.observer.ug/index.php?option=com_content&task=view&id=24340) last accessed on 22 January 2014.

203 As above.

204 n 197 above, Article 23 (3).

205 Savia Mugwanya, Assistant Commissioner in charge of payroll, Ministry of Public Service presentation made at the UHRC 16th Annual Report Consultative Meeting on Tuesday, 14 January 2014.

206 As above.

207 n 204 as above.

208 Racheal Ninsiima, 'Museveni, teachers strike deal – UNATU', The Observer, 13 October 2013

209 Report on activities undertaken by the National Negotiating and Consultative Council August 2012– July 2013, 2.

#### **d) Ensuring quick access to human resource data and payroll**

Government through the MoPS ensured quick access to human resource data and faster access on payroll within the same month of appointment and deployment as long as other attendant processes prior to access to payroll are undertaken before the 15<sup>th</sup> of the payment month.<sup>210</sup>

#### **e) Reinstating genuine civil servants on the payroll**

An estimated 7,600 civil servants were mysteriously deleted from the payroll without reason. Government through the MoPS embarked on reinstating all genuine public servants who were deleted from the payroll and pay their arrears in accordance with the set guidelines. An estimated 6,300 had been reinstated by the end of 2013.<sup>211</sup>

### **5.6.4 Human rights concerns**

#### **a) Low salaries**

In 2013, disgruntled civil servants began demanding higher salaries, arguing that the high cost of living, high commodity prices and high school fees meant they could no longer afford to meet their family needs. Teachers who are among the lowest paid civil servants complained of low motivation, teacher payroll mismanagement, poor living conditions, low and late release of USE and UPE capitation grants, among others. One public servant stated: *'I have not yet received my salary and due to the delays my children cannot report back to school. I have not even cleared school fees balances for the previous term.'*<sup>212</sup> This contravenes provisions in the 1995 Constitution of Uganda, the Employment Act 2006, and the Labour Unions Act 2006, among others, which all provide for the right to remuneration for work done.

#### **b) Massive deletion from the payroll**

An estimated 7,600 civil servants were deleted from the payroll and ghost workers were included instead.<sup>213</sup> In 2013 a thorough internal audit exercise of the payroll was carried out by the MoPS and Auditor General's Office to ensure that Government pays the right people on the payroll.<sup>214</sup> Findings of the audit indicate that there was a network of ghost creators at the MoPS supported by the MOFPED. A total of UGX 28 billion was lost to ghost teachers, pupils and schools annually according to the MOFPED estimates.<sup>215</sup>

#### **c) Delayed payment of salaries**

A number of civil servants were not able to receive their salaries by the 28<sup>th</sup> day of every month as stipulated in the MoPS Client Charter. This was due to data migration errors. The Legacy payroll at the UCS did not have salary scales and Job Titles which resulted into underpayments or over payments in some instances. One civil servant stated:

*"I and most of the people I work with have been plunged into debts as a result of delays in payment of our salaries. We have been left with no option but to seek other profitable forms of employment alongside, which of course affects service delivery in the long run."*<sup>216</sup>

210 n 205 as above.

211 As above.

212 Interview with an anonymous teacher in Kampala.

213 Eva N. Lubowa, Assistant Commissioner /Compensation, Ministry of Public Service presentation made at the UHRC 16th Annual Report Consultative Meeting on Tuesday, 14 January 2014.

214 As above.

215 As above.

216 Interview with an anonymous health worker in Kampala.

However, UHRC noted that such challenges were being addressed as and when they were identified. In case of underpayment, arrears would be paid and for over payments salary recoveries were effected. It was noted that the wrong terms of appointment (e.g. Permanent and Pensionable Vs Contract), could result in deletion from the payroll due to the mandatory retirement policy.<sup>217</sup>

#### **d) Lack of training for payroll managers**

Due to logistical hindrances, it was not been possible to undertake comprehensive and regular preparatory training for all payroll managers as required. However, UHRC noted that trainings were undertaken in a phased manner to ensure that all Payroll Managers with access to IPPS, were able to confidently use the system. A training was conducted in the Eastern Region on the 6<sup>th</sup> of November 2013.<sup>218</sup>

### **5.6.5 Recommendations**

1. The Ministry of Finance, Planning and Economic Development and Ministry of Public Service should expeditiously conduct and conclude the verification of the payroll to ensure that civil servants erroneously deleted from the pay roll are reinstated and ghost workers are deleted;
2. The Ministry of Finance, Planning and Economic Development should increase operational funding for the Ministry of Public Service to be able to undertake comprehensive and regular preparatory training for all payroll managers as required in a bid to ensure that they can confidently use the Integrated Personnel and Pay Roll System;
3. The Ministry of Public Service should expedite the process of operationalising a help desk; and
4. The Ministry of Public Service should adhere to the requirement and their own commitment to pay public servants by the 28<sup>th</sup> day of every month.

## **5.7 THE QUESTION OF YOUTH UNEMPLOYMENT AND UNDEREMPLOYMENT IN UGANDA**

The youth are very important in the development of a country and their contribution cannot be underestimated. In light of this, the UHRC regarded youth unemployment and underemployment as a fundamental emerging issue in 2013, owing to the negative consequences these two challenges have on enjoyment of human rights, some of which were already manifesting.

The National Youth Council Act defines youth as persons falling between the ages of 18 and 30.<sup>219</sup> The right to work applies to almost all age groups including the youth. It is estimated that the youth labour force stands at 47.7% of the total labour force while the annual youth labour force growth rate stands at 6.7%. Youth unemployment in Uganda is reported to stand at 4.7%.<sup>220</sup> The ILO describes underemployment as when employed persons have not attained their full employment level.<sup>221</sup> This section presents the legal framework on the right to work in respect of youth; analyses the factors contributing to youth unemployment; the far-reaching implications it has on the country; and the interventions that have been undertaken to address the matter. Recommendations are also made to various stakeholders on how the youth unemployment and underemployment can be effectively addressed.

217 n 202 above.

218 Ministry of Public Service.

219 Section 1 of the National Youth Council Act Cap 319

220 Patrick Okello, Ministry of Gender, Labour and Social Development 'Government Interventions to address high levels of youth unemployment in 2013' a presentation at the UHRC 2013 Annual Report Consultative Meeting from 13 – 15 January 2014 at Speke Resort Munyonyo.

221 Definition of unemployment available at <http://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/underemployment/lang--en/index.htm> last accessed on 16 January 2014.



### 5.7.1 The international, regional and national legal framework

The right to employment for the youth is catered for under the general provisions on the right to work. At the international level, the right to work is guaranteed under the Universal Declaration which recognises the right of every person to work, free choice of employment, just and favourable conditions of work and protection against unemployment.<sup>222</sup> The CESCR under Article 6 requires states parties to recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and to take appropriate steps to safeguard this right including technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. Article 7 further enjoins states parties to recognise the right of everyone to the enjoyment of just and favourable conditions of work.

At the regional level, the ACHPR recognises that every individual has the right to work under equitable and satisfactory conditions, and receive equal pay for equal work.<sup>223</sup> The African Youth Charter on the other hand obliges states parties to 'address and ensure the availability of accurate data on youth employment, unemployment and underemployment so as to facilitate the prioritisation of the issue in national development programmes complemented by clear programmes to address unemployment'.<sup>224</sup> The African Youth Charter also requires states parties to take all appropriate measures with a view to achieving full realisation of the right to gainful employment, including development of macroeconomic policies that focus on job creation particularly for youth and young women; and development of measures to regulate the informal economy to prevent unfair labour practices where the majority of youth work. States are also obliged to implement appropriately-timed career guidance for youth as part of the schooling and post-schooling education system; and institute incentive schemes for employers to invest in the skills development of employed and unemployed youth.<sup>225</sup>

The 1995 Constitution of Uganda under Article 40(2) guarantees the right of every person to practise his or her profession and to carry on any lawful occupation, trade or business. The Employment Act No. 6 of 2006; the Labour Unions Act No. 7 of 2006, among others, further seek to protect the rights of employed youth.

The National Employment Policy of Uganda (2011) acknowledges the challenge of youth unemployment and seeks to consolidate and create synergies among different sectors and anchor employment creation as a key indicator of economic development. In the National Youth Policy (2001), it is noted that poverty, unemployment and underemployment are the main problems affecting the youth. The policy therefore provides a framework for development of a national action plan for the Youth that spells out the strategic areas for actions, target groups and implementation modalities.

### 5.7.2 Overview of youth unemployment in Uganda

According to the ILO, youth unemployment refers to all persons between the age of 15 and 24 who are without work; that is, had not worked for even one hour in any economic activity; currently available for work; and actively seeking work.<sup>226</sup> In Uganda youth are persons between the ages of 15 and 30. Presently, Uganda's population is about 34.1 million people with an annual growth rate of 3.2%.<sup>227</sup> It is estimated that the youth aged 18-30 years constitute 21.3% (6.5 million) of the total population of Uganda with 45% being male and 55% female. It is projected that youth population will reach 7.7 million by 2015.<sup>228</sup>

222 n 204 above, Article 23(1).

223 As above, Article 15.

224 Article 15 of the African Youth Charter, 2006.

225 As above, Article 15(4).

226 Youth Unemployment Rate, available at: <http://www.ilo.org/public/english/employment/yen/whatwedo/projects/indicators/2.htm> last accessed on 18 January 2014.

227 Uganda Bureau of Statistics (UBOS), Uganda Demographic and Health Survey (UDHS) 2011.

228 State of Uganda Population Report 2012, 4 available at [http://mail2.unfpa.or.ug/pub/2012/2012\\_SUPRE.pdf](http://mail2.unfpa.or.ug/pub/2012/2012_SUPRE.pdf) last accessed on 16 January 2014.

Despite the recognition of the right to work youth unemployment rate in Uganda stands at an estimated 62% thereby posing a threat to the wellbeing of society.<sup>229</sup> This estimate is an increase from 42% in 1997; 58% in 2003; 65% in 2006 and 53.4% in 2009/10.<sup>230</sup> Statistics from the MoGLSD indicate that an estimated 400,000 youth are annually released into the job market to compete for the available 9,000 jobs.<sup>231</sup>

The continued rise in the unemployment rate is of great concern since the youth form a large percentage of the workforce in Uganda. Not only does unemployment and underemployment affect the right to work, they also affect other rights including the rights to livelihood, food, property and housing.

### **5.7.3 Causes of unemployment and underemployment**

Youth unemployment in Uganda is of concern given that 83% of Uganda's population comprises young people.<sup>232</sup> Unemployment can be attributed to the following factors:

#### **a) Lack of necessary skills relevant to the existing job market**

The skills attained by some youth from tertiary institutions appear to be irrelevant to the current job market. This is because an array of courses have been introduced that do not necessarily render youth's qualifications attractive enough for the existing job market.

#### **b) Poor remuneration**

Some of the jobs available on the market which are taken up by youth as a result of their desperation are low paying. Such youth do not only have low pay but equally have unfavourable terms of service coupled with unsafe working conditions; which do match the their expectations of some youth. Eventually some youth abandon their jobs.

#### **c) Lack of jobs or income-generating activities**

With the ever increasing population there is a larger supply of labour as opposed to the existing jobs. Uganda is reported to have a low job-creation capacity since for every one percent increase in GDP, employment increases by 0.14 percent.<sup>233</sup> This is, unfortunately, not matched by the demand for the jobs.

#### **d) Rural-urban migration**

The trend over time has been that some youth migrate from rural areas to urban centres in the hope of getting jobs with good terms and conditions of work. It is estimated that while general youth unemployment rate in Kampala is at 32.2%, among university graduates in Kampala it is at 36%.<sup>234</sup> Evidently, there is an influx of youth searching for jobs in already saturated urban centres with the attendant high population; coupled with an unutilised and unproductive work force particularly among young people.<sup>235</sup>

229 Jeff Andrew Lule, '62% of Ugandan youth jobless – report', In The New Vision of 1 February 2013, available at < <http://www.newvision.co.ug/news/639446-62-of-ugandan-youth-jobless--report.html>>; accessed on 3 December 2013

230 National Employment Policy 2011,

231 n 228 above.

232 'View Point: 83% youth unemployment is a time bomb!', posted on 19th June 2012, available at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=19358%3Aview-point-83-youth-unemployment-is-a-time-bomb&Itemid=96](http://www.observer.ug/index.php?option=com_content&view=article&id=19358%3Aview-point-83-youth-unemployment-is-a-time-bomb&Itemid=96) last accessed on 10th October 2013.

233 n 220 above.

234 As above.

235 Urban Labour Force Survey 2010 (UBOS, 2010).

**e) High population growth rate**

Uganda's high population growth rate has affected the capacity of the economy to create adequate employment for the labour force. Uganda is estimated to have one of the highest annual population growth rates at an average of 3.2% and a high fertility rate of 6.2 children per woman.<sup>236</sup> Uganda's fertility rate is considerably high considering that the average global fertility rate stands at 2.7 children per woman.<sup>237</sup> A high population growth rate implies an increase in labour supply and yet the demand for labour is not guaranteed.

**f) Weak education system**

The existing education system and the introduction of universal primary and secondary education places emphasis on high enrolment rates as opposed to students attaining quality education. Despite government's investment in education, new findings continue to show that several children leaving the primary cycle cannot read let alone do a primary two level equation. According to the 2012 Annual Learning Assessment report by Uwezo, an international think-tank that gauges education standards in the region, little has improved over the last three years. For instance in primary three, only one out of ten pupils have primary two level literacy and numeracy skills.<sup>238</sup> The situation is made worse by the fact that there are limited opportunities for youth joining tertiary institutions to have career guidance to enable them determine the best career choices.

**g) Nature of school curriculum**

The current school curriculum trains students to become job seekers rather than job creators. In light of this, the youth expect to get white collar jobs on the existing markets as opposed to creating employment opportunities for themselves.

**h) Government policies**

Some government policies affected some youth and jeopardised their sources of livelihood. For instance, in a bid to restore order in Kampala City, the KCCA evicted street vendors and required them to obtain stalls in existing markets to do their business. Much as the idea of clearing the streets was welcome, the manner of implementation of the eviction order left a lot to be desired. In the course of the evictions, some vendors lost their merchandise and consequently their source of livelihood. Furthermore, the policy did not envisage that some of the affected youth could not afford the costs of renting a stall.<sup>239</sup>

**i) The role of parents**

Some parents have been reported to be encouraging the negative perception of some youths towards work. While some parents have failed to instil a culture of hard work and discipline in their children; others outrightly discourage their unemployed youth from taking on jobs that are deemed to be beneath their 'status'.

**j) Impact of conflict**

The impact of conflict on youth unemployment has largely been experienced in northern Uganda which suffered a 20 year armed conflict because of the Lord's Resistance Army and other groups. During the war, for security reasons, people were forced into internally displaced people's camps where they were subjected to a life of receiving handouts from both government and non-governmental organisations (NGOs). They were unable to work as their land were inaccessible. The youth that grew up in this environment became used to a life of handouts without necessarily being expected to work for their survival.

236 The State of Uganda Population Report 2012, 4.

237 n 234 above..

238 Patience Ahimbibwe, '90% UPE Pupils can't read' available at <http://www.monitor.co.ug/News/National/90--UPE-pupils-can-t-read---report/-/688334/2109860/-/nhuy4s/-/index.html> last accessed on 5 January 2014.

239 Costs of renting stalls from 'Landlords' cost between 30,000/- and 70,000/- per month in addition to KCCA fees available at <http://www.monitor.co.ug/artsculture/Reviews/-/691232/1231744/-/8qdb9z/-/index.html> last accessed on 5 January 2014.



Even with the return to peace and resettlement in their villages, some youth have opted to remain in trading centres where they spend the day drinking alcohol and watching football and films in makeshift video halls.

#### **k) Privatisation and sale of national corporations**

The privatisation and sale of some of the national corporations including Coffee Marketing Board, Lint Marketing Board and Dairy Corporation reduced employment opportunities for youth. With privatisation, regulation and monitoring of the privatised corporations is a challenge and there are no guarantees that local youth will be employed or given substantive positions.

### **5.7.4 Implications of youth unemployment**

The inability of the state to guarantee employment for its youth sometimes has a negative impact on the country. In this regard, the negative impact of youth unemployment can manifest in the following ways:

#### **a) Political unrest**

It has been observed that having many youth who are unemployed could provide a steady supply of idlers who could easily be recruited by politicians to take part in demonstrations and cause mayhem. A study that was conducted stressed that unemployed youth were likely to become a source of instability if government did not plan for them early enough.<sup>240</sup>

#### **b) High crime rate**

Unemployed youth have to find means of survival as a result of not having any source of income. This could culminate into their participation in crimes like theft and robbery in a bid to survive.

#### **c) Human trafficking**

Unemployed youth are susceptible to being trafficked as a result of their vulnerability. Foreign jobs are attractively packaged to lure youth. As at December 2009, there were 11 external employment recruitment agencies that had been licensed to operate in Uganda and over 11,000 Ugandans had been formally recruited and deployed abroad.<sup>241</sup> However, there are other unlicensed companies and individuals that recruit. It is not possible to establish the number of youths they have taken abroad. The youth continue to apply for such jobs attracted by the high pay promised despite the dangers involved. Such dangers include slavery, rape, exposure to HIV/AIDS and other sexually transmitted infections, torture and drug trafficking. In a heart rending narration before Parliament's Committee on Gender, Labour and Social Development, five young women rescued from sex slavery in Iraq gave accounts of repeated rape, sodomy, subjection to electric shocks, cigarette burns while in Iraq where they had gone in search for better opportunities.<sup>242</sup> The UPF has acknowledged that human trafficking is on the rise in Uganda due to poverty and lack of employment.<sup>243</sup> (Refer to Section 5.3 on human trafficking)

#### **d) Drug trafficking**

The need for survival irrespective of the cost has led some youth to engage in the lucrative business of drug trafficking. Drug trafficking is considered to be a quick way of making 'big' money that is worth the risks involved.

240 Action Aid International, 'Lost Opportunity? Gaps in Youth Policy and Programming in Uganda' [www.actionaid.org](http://www.actionaid.org) last accessed on 10 February 2014.

241 n 233 above.

242 Moses Walubiri & Henry Sekanjako, 'Ugandan girls narrate Iraq ordeal', The New Vision of 5th September 2012, available at <http://www.newvision.co.ug/news/634916-Ugandan-girls-narrate-Iraq-ordeal.html> last accessed on 28 December 2013

243 Zurah Nakabugo, 'Ugandans dishonoured abroad', The Observer; available at [http://www.observer.ug/index.php?option=com\\_content&task=view&id=27141&Itemid=114](http://www.observer.ug/index.php?option=com_content&task=view&id=27141&Itemid=114) last accessed on 17 January 2014.

The risks range from hefty fines, prison sentences including death if arrested to death in instances where they act as drug 'mules' or from overdose in the event of drug abuse.

**e) Sexual exploitation and prostitution**

Desperation has lured some youth, especially females into engaging in prostitution to make ends meet. On the other hand, other youth have been sexually exploited in exchange for job offers which, in some instances, never materialise.

**5.7.5 Government interventions to curb youth unemployment in Uganda**

Government has made interventions aimed at ensuring youth employment as well as general poverty eradication. The interventions aimed at availing funds for youth to start or run their businesses, as well as equipping them with the requisite skills. Some of the interventions are outlined below:

**a) Northern Uganda Social Action Fund – Youth Opportunities Programme**

Under the Youth Opportunities Program, youth were required to organise themselves into groups to which cash transfers were made in a bid to increase opportunities for employment and reduce conflict.<sup>244</sup>

**b) Youth Fund**

Government set up a youth fund to assist youth to setup various enterprises. In essence, youth who got involved in private enterprises, were able to access an estimated UGX 15 billion. It is estimated that 3,500 organisations from different districts across the country had since October 2012 accessed the fund.<sup>245</sup>

**c) Youth Livelihood Programme**

This programme is anchored on four policies including the NRM Manifesto 2011-2016, the National Development Plan, the National Employment Policy and the the Social Development Investment Plan.

The programme aims at equipping youth with skills as well as start-up capital in a bid to reduce the levels of unemployment in the country. The programme seeks to ensure that all youth access funds as opposed to previous programmes that left out some youth due to stringent measures. The programme is budgeted at UGX. 53 billion annually and covers youth leaders nationally.

**d) Youth Venture Capital Fund**

In fulfilment of a Presidential promise during the 2011 campaigns, Government allocated UGX 16.5 billion for a job stimulus package mainly to cater for the unemployed youth in the central business district and the urban centres in Kampala. In March 2012, KCCA rolled out the disbursement of the funds through Centenary Bank which set the minimum requirements for the youth to access the money. A big number of youth did not, however, access the money because they did not have the necessary requirements set by the bank. For instance, each youth without collateral was required to present two reputable guarantors and have a running business.

The maximum amount that could be disbursed to an individual was UGX 2 million and UGX 10 million for a group of over five people. The fund was revolving with a maximum of two years and minimum of 3 months.<sup>246</sup>

There have been other government interventions aimed at generally addressing poverty eradication and unemployment in Uganda though not focusing on the youth only.

244 Northern Uganda Social Action Fund – Youth Opportunities Program, available at < <http://www.poverty-action.org/project/0189>> last accessed on 11 January 2014.

245 Kyateeka Mondo, Commissioner Youth and Children Affairs, Ministry Of Gender, Labour and Social Development reported by Jeff Andrew Lule, 62% of Ugandan youth jobless – report, The New Vision of 1 February 2013, available at < <http://www.newvision.co.ug/news/639446-62-of-ugandan-youth-jobless--report.html>>; last accessed on 3 December 2013.

246 Juliet Waiswa, 'KCCA to review Youth Fund access modalities', The New Vision of 14 May 2013, available at <http://www.newvision.co.ug/news/642694-kcca-to-review-youth-fund-access-modalities.html>

Such interventions include: *Bonna baggagawale* and *Entandikwa*. In addition, the youth representation in Parliament was designed to ensure that they have an opportunity to air out their concerns as well as make substantial contributions to the development of the country.

#### **5.7.6 Challenges of ensuring youth employment**

Despite government interventions to curb youth unemployment, challenges as explained below still remain.

##### **a) Limited job opportunities**

The available jobs in the market are not only few but are also of low economic value with low pay especially in the informal and service sectors. Furthermore, Uganda's economy has a low job-creation capacity. It is estimated that 50% of economically active youth are not engaged in income-generating employment.<sup>247</sup> This is a challenge since the economic system does not seem to favour job seekers.

##### **b) Poor management of youth interventions**

The management of funds aimed at assisting youth has been constrained by the lack of structures to oversee the implementation of the various programmes. Some of the programmes encountered challenges of unclear or unrealistic procedures for acquisition of funds. In the end, the funds did not reach some of the intended beneficiaries but were accessed by others who are not even youth but fulfilled the stringent requirement.

##### **c) Courses irrelevant to the job market**

Some academic institutions offer courses that are not related to the job market. This could be attributed to the splitting of courses in tertiary institutions. For instance, a degree course in Small Business could have been split from the Bachelor of Business Administration. Consequently the available skills do not match the needs of the job market thereby rendering such youth unemployable.

As observed by the Commissioner for Youth and Children Affairs, there is need for a purposeful, focused and targeted education system for youth to avoid being duped into undertaking courses that are not relevant to the job market.<sup>248</sup>

##### **d) Lack of comprehensive youth policies**

Youth policies are influenced by politicisation of youth unemployment rather than the need to tackle the root causes. In addition, there is lack of involvement of the youth in the determination of programmes targeting them. Further, where funds have been released to support the various youth projects, there has been little or no monitoring and evaluation of such projects to determine the impact that government assistance may have had on youth livelihood.

##### **e) Underemployment**

Underemployment remains a challenge. An unemployed youth would feel compelled to take on any job in a bid to ensure survival.

However, with time, such youth begin to prefer to be unemployed since the job would not only be less than their qualifications or 'demeaning' but in some instances have unfavourable working conditions and the associated risks.

247 n 241 above.  
248 n 245 above.



**f) Poor facilitation of District Labour Officers**

District Labour Officers are mandated by the Employment Act to carry out inspections of work places.<sup>249</sup> They are, however, unable to do so due to limited or no facilitation to conduct most of their activities. The operational budget for the Labour Office is supposed to be catered for under the District Local Government budget but due to competing demands and needs in the districts, the Labour Office does not receive most of its required funds. As such, activities like investigations and inspection of work places are usually suspended.

**g) Uncoordinated interventions in addressing youth unemployment**

Despite the existence of a youth fund through which youth could access funds, there have been other interventions including cash hand-outs by the office of the President. Youth are, however, not trained to handle such sums of money and end up misusing instead of investing it. Uncoordinated interventions make it difficult to monitor performance or register any tangible positive changes to youth livelihood. The situation was made worse by the lack of monitoring mechanisms for previous interventions hence no lessons were learnt on how future interventions could be administered better.

**h) Unwillingness of foreign investors to employ locals**

The existing investment climate has attracted a number of foreign investors. However, these mostly bring in foreign manpower that takes up jobs that would ordinarily be done by Ugandans. Upon conclusion of their approved stay in Uganda, foreign workers are required to be replaced by Ugandans. However, this has largely remained in theory as the reality is different. The limited capacity of the Immigration Department to monitor the stay/work permit periods of such foreign employees has compounded the situation and frustrated employable Ugandans.

**i) Limited youth interest in agriculture**

Youth have been known to prefer white collar jobs to the labour-intensive jobs available in the agricultural sector. The level of rural-urban migration attests to this with some youth even opting to become *boda boda* (motorcycle) riders as opposed to tilling the readily available land in rural areas. According to records from KCCA, 35,006 *boda boda* riders were registered by 24<sup>th</sup> October 2013 in an exercise aimed at decongesting the city, streamlining the industry and planning for them among others.<sup>250</sup> This is a worrying trend bearing in mind that some of the riders have sold off land to enable them purchase the motorcycles.

**5.7.7 Recommendations**

**The Ministry of Gender Labour and Social Development**

1. The ministry should develop comprehensive youth policies through a rights based approach to guarantee youth participation at all levels in the determination, formulation, planning and implementation of programmes targeting them;
2. The ministry should implement affirmative action for youth-owned enterprises by setting a mandatory percentage of allocation of business from government institutions to youth-owned enterprises and granting newly established youth enterprises tax holidays;
3. The ministry in conjunction with other key stakeholders should establish decentralised youth training centres on entrepreneurship and business skills to ensure access for all youth especially vulnerable ones like Persons With Disabilities;

<sup>249</sup> sec 10(2) of the Employment Act 2006.

<sup>250</sup> Juliet Waiswa, 'Over 30,000 boda-boda registered in Kampala', The New Vision of 25th October 2013, available at <http://www.newvision.co.ug/news/648805-over-30-000-boda-boda-registered-in-kampala.html> last accessed on 10 February 2014.

4. The ministry should establish technical training institutions based at regional level to train youth in courses that guarantee self-employment as opposed to being job-seekers;
5. The ministry should set a minimum wage and better work incentives to encourage the youth to acquire the necessary skills to attain jobs and stay on;
6. The ministry in conjunction with the Local Governments should ensure District Labour Officers are recruited in all districts and adequately facilitated so that they can monitor, inspect and report on labor issues; and
7. The ministry in collaboration with the Ministry of Agriculture, Animal and Fisheries Industry and the Ministry of Works and Transport should develop a comprehensive youth policy to encourage youth to get employment in labour-intensive sectors like agriculture and roads infrastructure where demand for labour is guaranteed.

### **The Ministry of Education and Sports**

1. The ministry should review the school curriculum to ensure that the youth who complete their education are in a position to create employment opportunities for themselves; and
2. The ministry should enforce a requirement for mandatory career guidance in educational institutions to enable students obtain the necessary guidance in the application for courses that are relevant to the job market.

### **The Government**

1. The government should prioritise youth involvement in commercial agriculture and specially target youth-owned agricultural projects for support.

### **Parents and guardians**

1. Parents should pay more attention to and fulfil their role in nurturing and shaping their children to be law-abiding and responsible citizens, including instilling in them values of discipline and hard work.

## **5.8 PLIGHT OF OLDER PERSONS**

Older persons can be vulnerable to violation and abuse of their rights on account of their advanced age. The draft Protocol to the African Charter on Human and People's rights on the Rights of Older Persons in Africa defines an older person as 'any person aged sixty years and above'.<sup>251</sup> They are interchangeably referred to as 'the aged', 'older persons', 'seniors' and 'the elderly'. Their vulnerability makes the situation of older persons a human rights concern. In 2013, the UHRC focused on the plight of older persons owing to the challenges they were facing including neglect, poverty, ill health, inadequate social security, and the negative attitude towards them.

This section contextualises the situation of older persons in Uganda, gives the legal framework for their protection and expounds on the human rights concerns regarding the rights of older persons. The current government efforts in ensuring that older persons enjoy their rights are also outlined before recommendations to enhance their rights are made to different stakeholders.

### **5.8.1 The international, regional and national legal framework**

There is no specific, comprehensive and binding internationally recognised treaty or convention that promotes the rights of older persons. However other international treaties that promote and protect human rights such as the Universal Declaration, CESC protect their rights.

<sup>251</sup> Article 1(a) of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons

The Universal Declaration stipulates that all human beings are born free and equal in dignity and rights<sup>252</sup>; while the CDESCR gives generic protection of cultural economic, social rights;<sup>253</sup>. The 1982 Vienna International Plan of Action on Ageing aims to strengthen the capacities of governments and civil society to deal effectively with the ageing populations and to address the developmental potential and dependency needs of older persons;<sup>254</sup> The Madrid International Plan of Action on Ageing gives a comprehensive action plan for governments and civil society, amongst other groups, for building a society for all ages.<sup>255</sup> The major intent of these instruments is to promote and protect the rights of older persons.

At the regional level, a draft Protocol to ACHPR on the Rights of Older Persons in Africa is in the offing. In the draft Protocol states are urged to ensure that the principles of independence, dignity, self-fulfilment, participation and care of older persons are included in their national laws and are legally binding.<sup>256</sup>

The 1995 Constitution of Uganda provides for affirmative action in favor of marginalised groups. It also provides for the state to make reasonable provision for the welfare and maintenance of older persons.<sup>257</sup> Other significant national mechanisms and policies are:

The 2013 National Council for Older Persons which will co-coordinate between Government departments, other service providers in the promotion and protection of the rights of older persons; the 2009 National Policy for Older Persons that provides for equal treatment, social inclusion and provision of livelihood support of older persons. It also specifically identifies the establishment of a Senior Citizen Grant scheme as a key social protection instruments for addressing the needs of older persons.

### 5.8.2 Analysis on the rights of older persons in Uganda

The Uganda Population and Housing Census of 1991 estimated the population of older persons at 686,260 of the total population of 16,671,705. In 2002 the population of older persons increased to 1,101,039 of the total population of 23.8 million people.<sup>258</sup> The Uganda National Household Survey (UNHS) 2009/2010 indicated that the population of older persons was about 1,304,464 million (600,653 male and 703,811 female).<sup>259</sup> The report also indicated that 53% of the older persons had never been to school while 80% of the female older persons were illiterate compared to the 41% of the male.<sup>260</sup> Table: 5.5 shows population of Older Persons in Uganda.<sup>261</sup>

**Table: 5.5 Population of Older Persons in Uganda**

Census Year	1969	1991	2002
Total Population( Millions)	9.5	16.7	23.8
Older Persons (000s)	556.1	686.3	1,089.9

Source UBOS 2002

252 n 222 above, Article 1.

253 n 198 above, Article 9.

254 <http://undesadspd.org/Ageing/Resources/ArchivedResources/ViennaInternationalPlanofAction.aspx> last accessed on 30th December 2013

255 <http://www.helpage.org/what-we-do/rights/the-madrid-plan-mipaa/> last accessed on 30th December 2013

256 Article 3 of the Protocol of the African Charter on Human and People Rights on the Rights of Older Persons in Africa.

257 n 201 above, Article 32.

258 <http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/2002%20CensusGenderAnalyticalReport.pdf> last accessed on 22 January 2014

259 <http://www.ubos.org/UNHS0910/unhs200910.pdf> last accessed on 22 January 2014

260 As above 138

261 <http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/2002%20CensusGenderAnalyticalReport.pdf>, 40 last accessed on 22 January 2014.



### 5.8.2.1 Positive developments in the promotion and protection of older persons

#### a) Social protection

Uganda's Vision 2040<sup>262</sup> and the National Development Plan (NDP)<sup>263</sup> recognise social protection as one of key strategies for transforming Uganda from a peasant society to a modern and prosperous country with emphasises on diversification and provision of comprehensive social protection measures for the different categories of the population as a measure to reduce vulnerability and enhance productivity of the human resource. The plan outlines activities to "develop and implement social transfer programmes to the older persons 65 years and above, persons with disabilities and the poorest quartile of the population".<sup>264</sup>

Government made efforts to establish the Social Protection Programme including one of its core components Social Assistance Grants for Empowerment (SAGE) on a pilot basis for three years. In this programme vulnerable persons including older persons receive a monthly minimum income of UGX 25,000 in 14 districts namely: Apac, Kaberamaido, Katakwi, Kiboga, Nebbi, Kyenjojo, Moroto, Nakapiripirit, Amudat, Kyegegwa, Kyankwanzi, Zombo, Napak, and Kole.<sup>265</sup> total of 113,000 older persons have so far benefited.<sup>266</sup> UHRC had interviewed a beneficiary of the SAGE programme in Kaberamaido District, who is a PWD living with HIV and AIDS. She said: *'I commend Government for its efforts to ensure that older persons are provided with money to enable them take care of their families.'* The UHRC established that she invested the grant in farming and as a result she was able to acquire a bull out of the sales of the yields.<sup>267</sup>



Ms. Amayo Roseline UHRC staff Kaberamaido field office together with one of the beneficiaries of the SAGE project one Mr. Ogwot Juvenito of Majengo Kaberamaido and Ms. Ililo Anna of Majengo A, Kaberamaido District.

#### b) Launching a social gerontology manual

The UHRC commends Government for publishing and launching a social gerontology manual.<sup>268</sup> The manual is a training tool that provides greater awareness and better knowledge on issues affecting older persons. Social Gerontology is a specialised study on the ageing process and management of older persons.<sup>269</sup>

<sup>262</sup> npa.ug/uganda-vision-2040/last accessed on 25 February 2014.

<sup>263</sup> National Development Plan 2009/10-2014/15.

<sup>264</sup> As above, 283.

<sup>265</sup> [http://www.opml.co.uk/sites/opml/files/SAGE%20IE%20baseline%20report\\_final\\_20130815\\_0.pdf](http://www.opml.co.uk/sites/opml/files/SAGE%20IE%20baseline%20report_final_20130815_0.pdf) last accessed on 10 March 2014.

<sup>266</sup> Moses Mulondo and Moses Walubiri 'Government earmarks UGX 48 Billion for elderly', The New Vision of Thursday 6 February 2014.

<sup>267</sup> Interview with an anonymous source.

<sup>268</sup> [http://www.academia.edu/4619489/Social\\_Gerontology\\_Training\\_Manual\\_-\\_Highlights](http://www.academia.edu/4619489/Social_Gerontology_Training_Manual_-_Highlights) last accessed on 10 February 2014.

<sup>269</sup> <http://www.mglsd.go.ug/content/uploads/2013/07/policies/National%20Policy%20for%20Older%20Persons.pdf> last accessed on 10 February 2014.

### 5.8.2.2 Human rights concerns of older persons in Uganda

In 2013, the UHRC monitored the human rights situation of older persons and identified the following human rights concerns:

#### a) Poverty

According to the UNHS 2009/10, almost one-third of the older persons live in households below the poverty line. Individuals living in households with an older person are (around 25%) more likely to be poorer than those without older persons.<sup>270</sup> In addition 93% of older persons in Uganda are in the informal sector and do not receive any form of pension. Therefore they live without any form of financial security. Older persons are often denied credit by financial institutions because they are considered to be risky borrowers. The older persons interviewed by the UHRC raised the issue of hardships in paying school fees for their grandchildren as well as not being able to participate in functional adult literacy programmes.<sup>271</sup>

#### b) Social Protection

Fundamental international human rights instruments like the Universal Declaration, CESCRR recognise the need for social protection in terms of social security and insurance. At the World Summit for Social Development held in Copenhagen in 1995, governments, Uganda inclusive, committed themselves to 'develop and implement policies to ensure that all people have adequate economic and social protection during unemployment, ill health, maternity, child-rearing, widowhood, disability and old age'.<sup>272</sup>

In addition, families and communities too have a role to play in ensuring that older persons enjoy their rights especially the right to social protection. Uganda's social protection for older persons has been implemented in the form of Social Assistance Programmes and pension for the former civil servants. Although older persons above 60 years under the Social Assistance Grant for Empowerment are given UGX 25,000/= per month, this amount is considered to be little.

#### c) Pensions and retirement benefits

Provision of pensions in the public service is enshrined in Article 254 of the 1995 Constitution. The pension scheme for the civil service and local administration is administered by the Pension Act Cap 281 and the Pensions Regulations.<sup>273</sup> Pension is a regular income paid to a person, usually after retirement and under legal and/or contractual terms. In Uganda it is a payment from the Consolidated Fund or district revenue that is regularly (monthly) made to public officers who serve, retire, or die under the following pensionable circumstances:

- i. *a pension, gratuity or other allowance shall be paid to an officer who retires on the attainment of the age of forty-five years if he or she has served for a continuous period of ten years or more;*
- ii. *on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he or she belongs, by which greater efficiency or economy may be effected and;*
- iii. *on medical evidence, to the satisfaction of the pensions authority, that he or she is incapable by reason of any infirmity of mind or body of discharging the duties of his or her office and that the infirmity is likely to be permanent; to mention but a few.*<sup>274</sup>

270 <http://www.ubos.org/UNHS0910/unhs200910.pdf> accessed on 22nd January 2014.

271 Interviews done at Ministry of Public Service in January 2014.

272 <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> last accessed on 10 February 2014

273 Pension Act Cap 28

274 As above



According to the Pension Act women officers who resign on, or retire with a view to marriage are eligible for pensions if they have served for a continuous period of five years. Police and prisons officers below the ranks of Assistant Inspector and Principal Officer respectively are eligible if they have served for at least 13 years. Member of the Police Force retire on reaching 55 years of age or on completing 20 years of continuous service.<sup>275</sup>

The UHRC established that the lengthy process had been reduced to only nine action officers (MDA, Permanent Secretary, Exit, Commissioner Human Resource Manager, Commissioner Compensation, Assessment Unit, Audit, Accounts and MoFED).<sup>276</sup> It formerly used to be 38 business steps which a retiring officer had to undergo before receipt of pension.<sup>277</sup>

The UHRC noted that often there is also a time-lag between the time public officers cease to receive salary and the time they receive their gratuity, which makes them vulnerable.

It was reported that some of the pensioners died without receiving their pension whereas others found it difficult to access it owing to the high costs of transport; their immobility; and inadequate banking facilities in rural areas. To make matters worse, the pension scam had a negative impact on the rights of older persons since they could not get their pension on time. This affected their right to adequate standard of living as some struggled to find food, housing, and clothing without their pay. An older person pursuing his pension at the MoPS told UHRC: *'We are dissatisfied by the delays in receiving our pensions and the amount is so meager it needs to be revised'*.

The UHRC noted that older persons who turned 75 years of age were requested to fill in the Life Certificate at the MoPS as evidence that they were still alive so that they do not get deleted from the payroll. In as much as this could address the issues of corruption by eliminating ghosts, the UHRC noted that it is a cumbersome procedure and very costly for the older persons.<sup>278</sup>

The UHRC noted the reforms in the Pensions Sector and the introduction of Retirement Benefits Sector Liberalization Bill 2011 in Parliament but urges the Uganda Retirement Benefits Regulatory Authority (URBRA) to ensure that they conform to human rights standards. The proposed law seeks to provide for liberalisation of the retirement benefits sector; remove monopoly of a single retirement benefits scheme over mandatory contributions; fair competition among licensed retirement benefits schemes for mandatory contributions; mandatory contributions and benefits; consolidate and reform the law relating to retirement benefits and to convert the public service pension scheme into a contributory scheme.

However, the older persons were concerned that the Bill was discriminatory and it marginalises the majority of older persons whom it leaves without any retirement benefits.<sup>279</sup> This is because its focus was on workers in the formal sector and a few others in the informal sector who are able to voluntarily contribute to retirement schemes of their choice.

#### **d) The right to health**

The UHRC noted that common health problems of older persons include hypertension, stroke, diabetes, heart diseases, trachoma and blindness that often lead to complications and permanent incapacitation.<sup>280</sup> In an interview with UHRC, older persons in Masaka District said: *"When we older persons go to Government hospitals, they refer us to private clinics like Byansi Clinic; Mukwaya general clinic; and Bulamu Medical Care for drugs and yet we cannot afford the drugs there"*.

275 n174 above.

276 n 213 above.

277 As above.

278 Mr. John Charles Orach, Chairperson, Network for Older Persons Uganda presentation at the 16th Annual Report Consultative Meeting from 14-6 January 2014 at Speke Resort Munyonyo.

279 As above.

280 [http:// www.mglsd.go.ug/.../National%20Policy%20for%20Older%20Persons.pdf](http://www.mglsd.go.ug/.../National%20Policy%20for%20Older%20Persons.pdf) last accessed on 10 March 2014.



In addition, the HIV/AIDS epidemic has had a negative impact on the rights of older persons as they struggle to take care of orphans.<sup>281</sup> The UHRC was also informed that there are no Government programmes on HIV/AIDS prevention and control specifically designed for older persons and yet some of them are still sexually active.<sup>282</sup> Furthermore the UHRC was informed that there was a tendency to discriminate against older persons living with HIV/AIDS in accessing medication in the health facilities in Kaberamaido District.<sup>283</sup>

**e) Water and sanitation**

The Uganda Reach the Aged Association Report (2005) indicates that older persons who cannot travel long distances use contaminated water, which puts their health at risk.<sup>284</sup> Limited access to safe water, long distances to water sources and poor environmental sanitation are some of the root causes of ill health among older persons.

**f) Elder abuse**

The UHRC noted that older persons are abused socially, physically, sexually, economically and psychologically. They suffer abuses such as rape, theft, robbery, land grabbing, and disrespect by their children and are often accused of witchcraft. These challenges deny older persons the right to live a secure and dignified life.

**g) Right to Housing**

The General Comment 4 on the right to housing set forth requirements for adequate housing as:

- (i) *Legal security of tenure.* It entitles people to have protection against arbitrary eviction or harassment. Governments are required to pass legislature that offer legal protection to tenants.
- (ii) *Affordability.* The price and rent of housing should be at an adequate level so that they will not pose an unnecessary burden on the family income. It is the role of the government to make sure that everyone in its territory can afford adequate housing. Subsidies should be given to those that are not able to meet the expense of housing.
- (iii) *Habitability.* Adequate housing should provide its inhabitants with security from the cold, heat, precipitation and other elements of nature. It should be safe to inhabit and offer protection from health and structural hazards.
- (iv) *Accessibility.* Everybody should have access to adequate housing. Particular attention should be given to vulnerable groups such as children, women, and elderly and refugees. Housing must have appropriate facilities for the special needs of disabled persons.
- (v) *Location.* In many cases transportation can be expensive and time consuming. The location of housing must allow for easy access to employment, health and education facilities, and other social services. Houses should not be built in unsafe locations.
- (vi) *Cultural adequacy.* Housing should be in conformity with the traditions and practices of the people that are going to inhabit it. Every effort to modernize housing should take into accounts the needs and the beliefs of the people that are going to make use of it.

In view of the aforementioned, the UHRC noted that older persons live in semi-permanent, grass-thatched, mud and wattle houses. Some of the structures are dilapidated and this puts them and their dependants in grave danger, especially during rainy seasons in contravention of human rights standards as stipulated in General Comment 4.

281 <http://www.avert.org/impact-hiv-aids-africa.htm> last accessed on 10 March 2014.

282 As above.

283 Interview with an anonymous source in Kaberamaido District.

284 Uganda Reach the Aged Association Report 2005.



Ms. Aguro Mariam and  
Ms. Abulo Modesta both  
beneficiaries of the SAGE with  
the CDO of Kaberamaido  
Town Council Mr. Emenyu  
Emmanuel

### 5.8.3 Recommendations

1. The Ministry of Gender, Labour and Social Development should establish a National Council for Older Persons, which will act as a body at a national level through which the needs, problems, concerns, potentials and abilities of older persons can be communicated to Government and its agencies for action;
2. The Ministry of Gender, Labour and Social Development should roll out the Senior Citizens Grant to older persons in all districts of Uganda;
3. The Ministry of Foreign Affairs should sign and ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa once it comes into force;
4. The Ministry of Education and Sports should incorporate Social Gerontology and Geriatrics in the training curriculum up to the national level for Social and Health workers respectively;
5. The UN should adopt a UN convention to protect and promote the rights of older persons;
6. Families and communities in Uganda should embrace their obligation to protect vulnerable persons and nurture a cultural of taking care of older persons; and
7. Ministry of Finance Planning and Economic Development should ensure that the Retirement Benefits Sector Liberalization Bill 2011 complies with human rights standards.

### 5.9 HUMAN RIGHTS CONCERNS ARISING OUT OF THE SOUTH SUDAN CONFLICT

Following the conflict in South Sudan in 2013, there was spillover effect in Uganda which negatively impacted on the enjoyment of human rights of their citizens. According to the OPM, a total of 60,000 refugees from South Sudan were registered in 12 Settlement Centers in Adjumani district, majority of them being women and children.<sup>285</sup> Ugandans who were also based in South Sudan were forced to return as a result of the conflict. It was reported that over 750 Ugandans that were returned home on 23<sup>rd</sup> and 26<sup>th</sup> December 2013 and another 200 Ugandans were airlifted returned back to Uganda in an evacuation exercise by the UPDF.<sup>286</sup> This section focuses on the human rights concerns arising from this conflict such as the disruption of economic activities, the destruction and loss of property, the security situation and the influx of refugees and their impact on Uganda.

285 Refer to Chapter 8 on The Human Rights Situation in Selected the Refugee Situation in Uganda.

286 Micheal Wambi, 'Ugandans Trapped in South Sudan' [www.ugandaradionetwork.com](http://www.ugandaradionetwork.com) last accessed on 30 December 2013.



## 5.9.1 Legal Framework

Uganda has ratified various international and regional human rights instruments that lay down obligations and duties that state parties are bound to respect, protect and fulfill. Article 9 of the ICCPR provides for the right to security of person while Article 11 provides that everyone has a right to an adequate standard of living adequate for himself and or her family. The Convention relating to the status of Refugees offers protection to persons who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or unwilling to avail themselves of the protection of that country.<sup>287</sup> Regionally, Article 4 of the ACHPR provides that every human being is entitled to respect of his life and integrity while Article 6 provides for that every individual shall have a right to security of person.

Article 24 of the 1995 Constitution of Uganda provides for the respect for human dignity and protection from the torture, cruel, inhuman, degrading punishment or treatment. The protection of economic rights is enshrined under Article 40 of the said Constitution which enshrines the right for every person to practice his or her lawful occupation. The Refugee Act 2006 provides for the rights, freedoms, obligations and protection of refugees and asylum seekers in Uganda.

## 5.9.2 Human Rights Concerns

### 5.9.2.1 Hindrance to trade and disruption of economic activities

The instability in South Sudan has forced businesses and companies to scale down their operations, a move that has affected earnings and general economic growth in Uganda. According to statistics from Bank of Uganda (BoU), formal exports from Uganda to South Sudan in December 2013 declined to UGX 23.5 billion shillings a dropping by of 45.9%.<sup>288</sup> The drop has been attributed to the political crisis that halted trading and export activity. Uganda's exports to South Sudan were valued at USD \$220m per month. It earned an estimated USD \$1.3 billion from exports to South Sudan in 2012, mainly in the form of informal exports which was nearly double the exports worth USD \$630 million recorded in 2010.<sup>289</sup> MoFPED, Bank of Uganda, Ministry of Trade and other government agencies are yet to come up with a full report on how much Uganda has lost due to the South Sudan crisis.<sup>290</sup>

It was reported that more than 1,000 Ugandan traders that conducted business in South Sudan were stuck with their merchandise at Elegu border post in Adjumani district, in Kampala and at the Nimule border post.<sup>291</sup> According to the Uganda Revenue Authority (URA) Officer in Charge, the daily average revenue which Uganda used to earn from the revenue collected of about UGX 5 million from temporary road users at Elegu border post in Amuru district reduced to about UGX 1.5 million during the conflict in South Sudan.<sup>292</sup> Before the conflict, URA would register a total of 200 transit trucks in a day, with 70 trucks exporting goods and incoming traffic (empty vessels back from South Sudan) was approximately at 100. However during the war there were no vehicles moving from Uganda to Sudan and in January 2014, the number of transit trucks had reduced to 100.

The Adjumani Taxi Operators Association complained about the increased charges by the URA for commodities such as sugar and rice and the increased security checks at Elegu and Nimule border posts which caused business delays. The reports received from the Arua business community were that majority of car dealership businesses were grounded because of the conflict in South Sudan.<sup>293</sup>

287 Article 1(2) of the 1951 Refugee Convention.

288 Mark Keith Muhumuza, [www.ugandaradionetwork.org](http://www.ugandaradionetwork.org). In November 2013, exports were valued at UGX 43.4 billion last accessed on 6 January 2014.

289 Adam Mugume, Executive Director for research at the Central Bank of Uganda Daily Monitor 14th December 2013 during the release of the January 2014 monetary policy statement at BOU.

290 n 288 above.

291 Felix Waron Okello, Clement Aluma, Martin Okudi and Scovin Iceta, The Daily Monitor of 14December 2013.

292 Interview with a Uganda Revenue Authority Officer in Charge Elegu Border Post.

293 Interview with Adjumani Tax collectors in Adjumani Town.



### 5.9.2.2 Loss and Destruction of Property

The South Sudan conflict not only disrupted trade and business opportunities, it caused financial loss to Ugandan traders and companies that dealt in the sale or produced perishable goods with a major focus on the Juba market. In the first week of the war, about 350 vehicles were stuck with perishable goods at Elegu border. The traders that dealt in these goods had to dispose of these commodities by looking for an alternative market on short notice and most times had to sell them at a loss or to destroy them. Perishable goods like tomatoes and matooke were dumped at the trading centre in Elegu. It was reported that one business man from Bibia in Amuru District, who had acquired a loan and invested it in business; committed suicide after his goods namely tomatoes, Irish potatoes and cabbages got damaged when vehicles were stopped from entering Sudan.<sup>294</sup>

### 5.9.2.3 Ethnic tensions

At Dzaipi Refugee reception centre in Adjumani District, it was reported that in the beginning when refugees were being received from South Sudan, inter ethnic conflicts erupted as a result of the non separation of different warring tribes. In order to avert further conflict among the refugees Boroli, Nyumanzi and Alere camps were established for the Morolem, Dinka and Nuer ethnic groups respectively.<sup>295</sup> Most of the officials interviewed at Elegu Reception Centre informed the UHRC that though they were no fights witnessed between the Dinkas, Nuer and Morole, their hostility was evident in that the Morolem and Dinkas refused to share the same truck ferrying refugees from Elegu to the reception centre. At the Reception centre, some Dinkas lamented about sharing the same camp with the other tribes because *'they were in a foreign land and they had no choice'*

### 5.9.2.4 Security threats

The political instability in South Sudan raised security concerns over the entry of refugees through the existing porous and ungazetted borders and the reports of illegal entry and possession of firearms by refugees. Security organs such as the UPF have been engaged in recovering small arms such as pistols, guns, bullets, communication gadgets such as walkie talkies and security uniforms for Sudan Police, Prisons and the Army from mainly women refugees who claimed the items belonged to their husbands who were back home fighting. In Elegu Police Station, 216 live ammunitions were collected from the refugees by 15<sup>th</sup> January 2014 including a pistol from a Ugandan.<sup>296</sup> In Adjumani, at least 200 pieces of military uniforms were recovered during this period but the UHRC was informed that number reduced and currently there have been no reports of recovery of such ammunitions from the refugees at the border post or Dzaipi reception centre.<sup>297</sup>

### 5.9.2.5 Unemployment

The UHRC was informed that unemployment rate also increased due to the return of Ugandans from South Sudan and the influx of refugees especially in Oli Division in Arua Municipality and Awindiri cell who lived amongst the local people. There were reports of increased thefts of food stuffs and motorcycles in Arua.<sup>298</sup>

294 Interview of Public Relations Officer Uganda Police Force, Aswa Region.

295 Interview with Mr. Ajusi Pascal, the Deputy Refugee Desk Officer based in Adjumani District.

296 Interview with Public Relations Officer, Uganda Police Force Elegu Police station.

297 200 South Sudanese military uniforms were recovered by Adjumani Police. Interview with Detective Denis Aguku, Criminal Investigation Department Officer Adjumani District.

298 Interview with Okulega Isaac, Vice Chairperson of Arua Business Community, Arua

#### 5.9.2.6 Adequate standard of living

The influx of South Sudan refugees within some towns in Northern Uganda contributed to the rising costs of living in order to meet the increased demand for goods and services. Business boomed from December 2013 – January 2014 especially for those involved in money exchange, hotel services and trading in small businesses such as food items.<sup>299</sup> It was reported that in Elegu in Adjumani District, the expenditure on meals doubled from UGX 15,000 to UGX 30,000 and the price of milk shot up from UGX 300 to UGX 1,000 per litre.<sup>300</sup>

At Dzaipi reception centre, the UHRC was informed that the host community was involved in trading of food items like occra, cabbages, beans, and sweet potatoes. The UHRC also noted that the host community also benefitted from the services the Development Partners put in place for the refugees for instance the drilling of more boreholes for easy access to water.

There were some concerns raised by officials from the Office of the Prime Minister over the rate at which the host community was selling their food stuff to the refugees could cause food insecurity issues. Similar concerns were also raised by the host communities in Adjumani District over the increasing number of refugees and their lifestyle of non cultivation which could lead to food shortages.

#### 5.9.3 Recommendations

1. Ministry of Internal Affairs should provide adequate security personnel and equipment to ensure the proper supervision and monitoring of the Uganda– South Sudan border posts and to prevent smuggling of small arms by refugees in Uganda;
2. Ministry of Trade, Investment and Cooperatives should dialogue with and provide support to Ugandan businesses and traders that were based in South Sudan to make use of alternative markets in the East African region to generate income; and
3. Office of the Prime Minister and other humanitarian stakeholders should ensure that the rights of refugees are protected by separating warring ethnic groups in separate refugee settlements in order to prevent inter ethnic conflicts.

299 n 298 above..  
300 As above .

## CHAPTER 6

# RECURRENT HUMAN RIGHTS CONCERNS ARISING OUT OF FLOODS, LANDSLIDES, PROLONGED DRY SPELLS AND ROAD TRAFFIC ACCIDENTS

### 6 INTRODUCTION

Uganda is facing recurrent disasters, both natural and man-made. In 2013, the natural disasters that hit the county included: Floods in the Rwenzori region which affected the districts of Kasese and Ntoroko; landslides in Bududa district; and prolonged dry spells in the districts of Kaabong, Napak, Moroto and Kotido in Karamoja. The man-made disasters included road traffic accidents. These caused human rights concerns over the loss of lives, displacement of persons, destruction of property, and disruption of services such as education, health and housing among others.

This chapter analyses the human rights concerns arising out of floods, landslides, prolonged dry spells and road accidents in 2013. It discusses the positive developments that the UHRC noted in disaster management as well as the challenges. In view of this, recommendations are made on effective measures to promote awareness about the disaster discussed, how to prevent and mitigate them in order to safeguard human rights.

### 6.1 LEGAL FRAMEWORK

#### 6.1.1 International legal framework

Uganda is a state party to a number of international and regional instruments that relate to the management of disasters. Article 3 of the Universal Declaration provides for the right to life and security of person while Article 25 provides for the right to an adequate standard of living including food, clothing, housing and medical care and security in the event of circumstances beyond people's control. This is also re-affirmed in Article 11 of the CESC. The CEDAW provides for special protection of women against non-discrimination while the CRPD provides for the protection and safety of PWDs in situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.<sup>301</sup>

The Sphere Humanitarian Charter and Minimum Standards in Disaster Response provide guidelines on how to effectively respond to disasters to ensure minimum loss of lives and livelihoods.<sup>302</sup> The 2006 IASC Operational Guidelines on Human Rights and Natural Disasters provide guidance to national and international actors in implementing a human rights-based approach in disaster situations. The guiding principle is that victims of disasters should enjoy the same rights as any other person.<sup>303</sup>

#### 6.1.2 Regional legal framework

At the regional level, the ACHPR provides for the right to health and education and the Africa Charter on the Rights and Welfare of the Child provides for the protection and development of a child.<sup>304</sup>

301 n 112 above, Article 2 and Article 17.

302 The Sphere Humanitarian Charter.

303 The 2006 IASC Operational Guidelines on Human Rights and Natural Disasters.

304 n 120 above, Article 5.



### 6.1.3 National legal framework

In 2010, the Government of Uganda adopted the National Disaster Preparedness and Management Policy which is aimed at guiding vulnerability assessment, disaster risk management and mitigation. Objective XXIII of the 1995 Constitution provides for the instituting of an effective machinery to deal with hazards or disasters arising from calamities or any other situations. Article 249 (1) of the 1995 Constitution provides for the establishment of a National Disaster Preparedness and Management Commission to deal with all disasters.

## 6.2 NATURAL DISASTERS

### 6.2.1 Floods

In 2013, floods affected the western, northern and eastern regions. The regions that were affected by floods had a history of flooding. Kasese district usually experiences floods annually in the May and October while Ntoroko and Amuru districts experience floods in the rainy season. The floods in Kasese, Ntoroko and Amuru districts were due to the increased volumes of water that caused the rivers to burst their banks.

In Kasese, the months of March to June 2013 were characterised by heavy rains which were also experienced across the country. The heavy rains triggered off floods in various regions of the country which led to loss of life, property, displacement of people and disruption of social services. The Western region particularly the districts of Kasese, Kabarole and Ntoroko were affected. On 1<sup>st</sup> May 2013, in Kasese district, floods devastated nine sub-counties namely: Bulembia, Kilembe, Nyamwamba, Karusandara, Kitwamba, Kyabarugira, Bugoye, Maliba, and Kyalhumba.

In April and May 2013, Ntoroko district experienced floods which affected Butungama, Bweramule and Rwebisengo sub-counties while some parts in Kanara and Wasa were affected due to heavy rains that caused River Semuliki to burst its banks. The UHRC found out that floods usually affected these areas in the rainy seasons and the May 2013 flooding was similar to the floods of August 2012 which were also devastating.<sup>305</sup>

In Northern Uganda in Amuru district, the local leaders informed the UHRC that floods had previously occurred in August 2012. On 23<sup>rd</sup> August 2013, River Unyama burst its banks due to heavy rains which caused floods in Elegu.



Huts submerged in water at Elegu

305 UHRC, 15th Annual Report, 25.

### 6.2.1.1. Human Rights Concerns

#### a) Loss of life

Following the floods, 8 people in Kasese district were confirmed dead while 4 were reported to have died in the floods in Ntoroko district having drowned in flooded compounds and water channels. In addition, 1,433 households were affected by the floods while 4683 households were affected by the floods in Elegu.

#### b) Destruction of property

The floods destroyed property, homesteads, crops, livelihood and livestock. In Kasese, the floods disrupted road networks and 25 bridges including Katiri – Kanyaruboga, Bulembia – Bukangama, Compressor, Mburakasaka, Rwenzori High – Rwakingi bridges were destroyed. Some roads were washed away or became impassable. For instance, Kabaka Lower Road in Karusandara Sub County was washed away while Katiri – Bulembi – Kyanjuki Road in Bulembia Sub County became impassable. Following the floods in Ntoroko, Bweramule, Butungama and Kanara sub-counties were inaccessible due to impassable roads.

In Elegu, property especially houses of mud and wattle structures; food crops and roads were destroyed. Vehicles plying the Gulu-Juba route were stuck on the road for days. In addition, economic activities were disrupted as shops were closed and roads cut off. The Elegu Police Station became inaccessible due to the floods.



Elegu Police Station, affected by the floods in Amuru District

#### c) Access to health facilities and services

Kilembe Mines Hospital in Kasese suffered extensive damage caused by floods that destroyed the transformer at the hospital as well as the electric poles supplying electricity to the hospital. The 195 in-patients at the time had to be evacuated and relocated to St. Paul Hospital and Kaganda Health Centre which had functional services. Though the nearby Kilembe Health Centre II remained open it lacked enough drugs to handle the large number of persons seeking medical services.

The UHRC also noted that accessing medical services was a challenge. At Bugoye Primary School, four expectant mothers on ARVs could not access them because drugs had been washed away by the floods. The nearby health facility Bugoye Health Centre II was not well stocked to adequately cater for their needs.



#### **d) Access to water and sanitation services**

In Nyamwamba Sub-County in Kasese District, some pit latrines were submerged and this caused human waste to flow into the water sources. In some areas, for instance at Kilembe Mines, the only available relatively clean water was from old rusty pipes installed in the 1950s. The displaced persons were still drawing water for cooking, drinking and washing from these contaminated sources which posed a potential health hazard like a Cholera break out. This was also the case in Ntoroko District and Elegu where water sources were contaminated.

#### **6.2.1.2 Response to the floods**

##### **a) Disaster preparedness**

The UHRC noted that measures were taken in Elegu to ensure protection of life and security. The LC 3 Chairperson in close collaboration with the UPF and Uganda Chamber of Commerce/ Cross Border Trade sensitised the affected population against the danger of secondary and other disasters; the possible risk mitigation that could entail evacuation and opening of water channels.

##### **b) Emergency response**

###### **(i) Provision of food and non food items**

The UHRC noted that there was immediate and coordinated response to the floods in Kasese from the Office of the OPM through the office of the Chief Administrative Officer (CAO), Non-governmental organisations (NGOs), civil society organisations, humanitarian organisations and individuals who donated both food and non-food items. In addition, the UHRC monitored the camps at Kasese, Bugoye and Nkaiga primary schools and noted that they were manned by volunteers from the Uganda Red Cross Society (URCS) and Saint John's Ambulance.

On 2<sup>nd</sup> May 2013, the OPM donated maize flour, beans and non-food items including firewood, jerry-cans, saucepans, blankets and mosquito nets. In addition, the National Water and Sewage Cooperation (NWSC) helped to provide safe drinking water through extension of water lines to Kasese Primary School, where a temporary camp had been established for displaced persons.

The UPDF on the other assisted in the evacuation, search and rescue of the displaced persons. Other stakeholders including private entities also stepped in. Stanbic Bank Uganda and Centenary Bank donated items like sanitary pads, drugs, blankets and saucepans worth UGX 46 million, while NGOs such as Save the Children, ADRA and Oxfam donated food and non-food items like blankets, balls for the children, tarpaulins and portable water cans. The UHRC noted that camps at Bugoye and Nkaiga primary schools received donations mainly from ADRA.

The UHRC was informed by the authorities in Ntoroko District that the OPM delivered some relief items on 17<sup>th</sup> May 2013, which included 100 sacks of posho, 50 sacks of beans, 60 bags of ATMIT food for children's porridge, 300 tarpaulins, 200 basins and 200 jerry cans. On the other hand the police in Elegu (through the integrated highway patrol) swiftly alerted the people of the impending disaster and advised them to seek temporary shelter on higher grounds at the Parking Yard. According to the LC 3 Chairperson, Atiak Sub-County, the emergency response by the URCS and the OPM was generally quick as it arrived within 2 to 3 days of the occurrence of the disaster. The UPF took the lead in the search and rescue efforts which saw a very ill woman rescued. The OPM and URCS provided food and non-food items including 10 kg of posho (maize flour) and beans, portable water and tents. The UPF offered their only medical personnel to attend to the health issues of the affected persons.



## **(ii) Establishment of a complaints management system**

The UHRC noted that a complaints management system had been established in Elegu to deal with complaints that arose from the survivors.

## **(iii) Right to information**

The affected population in Elegu had been provided with information in their local dialect on issues such as the nature and the scale of the disaster. Through sensitisation by the district leaders the affected population and the host communities were all able to participate in the decision making process.

### **6.2.1.3 Challenges in response to the floods**

Though there was an improvement in emergency response in Elegu and Kasese districts, the UHRC noted that there were still a number of challenges with regard to effective disaster mitigation and provision of basic services.

#### **a) Inadequate disaster risk mitigation**

The occurrence of disasters has been worsened by human activity mainly through encroachment on river banks for settlement and cultivation. However, the measures to mitigate disasters in low lying areas were inadequate. In Ntoroko District the 3 sub-counties that experienced floods are located near River Semuliki which bursts its banks when it rains heavily. In addition, the district is also affected by floods because it is a low-lying landscape such that heavy rains in the neighbouring regions cause flooding in Ntoroko.

In Kasese, whereas the affected area lies on the slope of Mt. Rwenzori, River Nyamwamba which acts as a freeway for the water from the mountains burst its banks because of the increased volume of water from the heavy rains and failure to de-silt. The river which was usually de-silted in January, February and March by Kilembe Mines Factory was not, since the factory had closed its operations.



A house which was completely destroyed by floods and boulders rolling down from Mt. Rwenzori

River Unyama in Elegu meanders approximately 2 km from the road in an area that is relatively low-lying. The other contributory factor was the over exploitation of the river banks causing silting of the river and the various tributaries draining into the river.

## **b) Inadequate emergency response**

In Kasese, cooking utensils such as saucepans, plates, and other supplies like cooking oil, sugar had not yet been provided at the time the UHRC monitored.

### **(i) Insufficient provision of shelter**

At the time of monitoring the camps in Kasese District, there were 500 displaced persons at Bugoye Primary School and 492 at Nkaiga Primary School. However, the beddings provided were not adequate and most of the displaced persons lacked blankets, mosquito nets and tarpaulins for temporary shelter.

### **(ii) Insufficient provision of water and sanitation services**

The displaced persons in Kasese faced a problem of lack of fresh drinking water. At Bugoye Primary School only five kg of soap had been provided for a population of 500 people which was used up in three days. Likewise, in the case of Elegu, provision of safe and potable water was inadequate.

### **(iii) Constrained access to health services**

The UHRC noted that in provision of emergency services in Kasese there was no consideration for a special diet for children, expectant mothers and breastfeeding children. In Elegu, essential health services were not provided and health services could only be accessed from a health centre in Bibia town which is about 10 km away.

### **(iv) Inadequate safety and security measures**

In Kasese, displaced persons were accommodated in classrooms which lacked lighting and security. Although Kasese Police Station provided two guards at Kasese Primary School, they were not adequate. Bugoye and Nkaiga camps did not have security guards. At Nkaiga Primary School, district authorities had promised to avail security officers to guard the camp but this had not been implemented by the time the UHRC arrived at the school.

In Elegu, though measures were put in place to ensure safety and security of all members of the affected population through community policing, there was still tension between the displaced persons and the host population over the assistance extended to the affected population.

## **c) Inadequate government interventions**

Due to the increased volumes of water, River Nyamwamba in Kasese changed its course causing flooding. However, several months later, no major works had been undertaken to address the devastation caused by the floods and to revert River Nyamwamba to its original course. As a result, residents lived in fear of a possible re-occurrence of the floods should the rains increase.<sup>306</sup>

## **d) Inadequate capacity of the District Disaster Management Committee**

The UHRC noted that in Elegu the District Disaster Management Committee was not on the ground and efforts by the UHRC to contact the district leadership were futile. In addition, the UHRC noted that there were no special funds allocated for relief and management of disasters. The UHRC noted that it was the UPF and Uganda Police Highway Integrated Patrol (which is made up of 138 officers) that took the lead in providing assistance to the local population.

## **6.2.2 Landslides**

Bududa District has been affected repeatedly by landslides over the years. In 2010, landslides occurred in Bulucheke and Nametsi causing loss of life, property and displacement of survivors. In 2011, landslides reoccurred in three villages of Kubehwo, Namangasa and Nametsi located in Bukalasi sub-county, causing loss of life, property and displacement of survivors.

<sup>306</sup> Wilson Asiimwe, Kasese Yet to Recover From Floods, New Vision of 21<sup>st</sup> December, 2013.



In 2012, another land slide reoccurred in Bunakasala Parish, destroying four villages and causing similar effect. On 10 August 2013, landslides triggered by two days of heavy rain with hailstones affected the parishes of Buneboshe, Matuwa, Namirumba and Bushiyi in Bushiyi Sub-County and some areas of Bumayoka Sub County in Bududa District. Following the landslides, a four year old boy was reported killed, over 11 people injured and approximately 1500 people displaced. In Bushiyi Sub County, approximately 1,845 households were displaced and an estimated population of 9,468 in 35 villages and 117 households were left in need of urgent assistance.

#### **6.2.2.1 Response to the landslides**

##### **a) Emergency response**

The UHRC was informed that a team from the URCS, the Bududa District Disaster Management Committee and the OPM had visited the scene to assess the situation of the victims for immediate intervention. The 11 injured people had been rushed to Bushiyi Health Centre II before they were transferred to Bududa Hospital.

During the District Disaster Management Committee meeting in Bushiyi Sub County, in which the UHRC participated, it was noted that the immediate relief that the victims required was provision of tarpaulins for temporary shelter, blankets, cups, saucepans, jerrycans and food items to enable them start a new life. URCS gave out 20 tarpaulins to some of the most affected persons and 100 tents were to be distributed to the victims. The UHRC was informed that a consignment of 100 bags of beans and 300 bags of maize flour was on the way.

However, no camp for displaced persons had been set up and the district authorities were encouraging those displaced to stay with relatives or friends where the relief items would be delivered.

In addition, the UHRC noted a slow response from government and other humanitarian agencies, a concern that was echoed by an LC Official.

#### **6.2.2.2 Challenges**

##### **a) Inadequate disaster risk mitigation interventions**

The Bududa landslides have been mainly attributed to the nature of the terrain with communities settling at the base of Mount Elgon. This has been worsened by man-made activities like encroachment on the forest reserve and deforestation. However, there has not been an adequate response of government to address these activities.

##### **b) Unclear resettlement plan of displaced persons**

The displaced persons were still waiting for the government to provide a solution to their plight. They informed the UHRC that although they had been promised to be resettled, consultations were still ongoing amongst authorities. They further informed the UHRC that they were ready to be relocated to a safer place within the district.

##### **c) Protection of vulnerable persons from secondary disasters**

The UHRC was informed that the children faced the risk of repeated traumatising from the reoccurrence of landslides. The authorities were yet to establish the number of child-headed families, but the UHRC noted that this could be a concern in future. In addition, the UHRC noted that the health, nutrition and education needs of the children remained largely unmet. Consequently, several children who lacked basic needs were forced out of their homes which exposed them to risks of contracting diseases as well as sexual harassment. The UHRC was also informed that the number of extremely vulnerable individuals had not been established which made it difficult to assess their needs and how these would be addressed.



#### **d) Non-functionality of the District Disaster Management Committees**

All district local governments are required to have committees responsible for responding to disasters in their localities. While these committees have been set up in most districts across the country, their capacity to respond to disasters largely remains minimal or non-existent. The UHRC was informed that one of reasons for their inaction was financial constraints and as a result, every time a disaster struck any part of the country, it was the OPM, through its Directorate of Disaster Preparedness and the humanitarian agencies that responded. This response whenever the situation warranted was commendable; however, it was noted that sometimes it was not timely and sufficient to address the situation of persons affected by disasters.

#### **6.2.3 Prolonged dry spells**

Prolonged dry spells affected agricultural productivity and caused loss of property especially livestock.<sup>307</sup> These dry spells usually occur in the cattle corridor that covers approximately 84,000 sq km (stretching from the Karamoja Region in North- Eastern Uganda through the Central region to South-Western Uganda).<sup>308</sup>

In 2011, prolonged dry spells affected Namutumba and Bulambuli districts in Bugisu Region. Farmers lost their harvest and about 13,500 people in Bulambuli were left in need of aid. The Karamoja Region experienced drought in 2006; and dry spells in 2007, 2008 and 2009.<sup>309</sup> In 2013, the prolonged dry spells affected the districts in the cattle corridor including Kaabong, Moroto, Napak and Kotido in Karamoja, Mbarara, Sembabule, Mubende, Nakasongola, Kiboga and Soroti. This resulted in reduction in food production which raised human rights concerns such as access to adequate food, violation of the right to life and access to health.

##### **6.2.3.1 Human Rights concerns**

###### **a) Access to adequate food**

During the prolonged dry spells the affected communities did not have physical access to food while others that could previously purchase it could not afford what was available due to increased prices. It was noted that the long dry spell in May and June affected yields of crops that were flowering in the central area while in the case of Kaabong, Moroto and Kotido districts sorghum and maize had to be replanted. In addition, it was noted that due to food insecurity access to food markets by poor households was limited by their low purchasing power with the food needs of poor households mostly met through food assistance.<sup>310</sup>

###### **b) Violation of the right to life**

During the prolonged dry spells in Karamoja, the UHRC noted that the District Information Officer in Napak District reported the death of four people including a child due to starvation.<sup>311</sup> In addition, it had been reported that some residents were bed ridden because they had gone without food for days.<sup>312</sup>

307 Comprehensive Food Security And Vulnerability Analysis; World Food Programme and Uganda Bureau of Statistics and World Food Program, 31.

308 <http://reliefweb.int/report/uganda/drought-hunger-strike-karamoja%E2%80%99%E2%80%98cattle-corridor%E2%80%99> accessed on 23rd January 2014.

309 'Uganda: Weaning Karamoja Off food aid' available at: <http://www.irinnews.org/report/96065/uganda-weaning-karamoja-off-food-aid> accessed on 26th January 2014.

310 <http://www.fao.org/giews/countrybrief/country.jsp?code=UGA> accessed on 23rd January 2014.

311 Eddie Ssejjoba, 'Uganda Dry Spell- Napak District Residents Starving' The New Vision of 22 July 2013 last accessed on 26 January 2014.

312 As above.

### **c) Violation of the right to property**

The UHRC was informed that during the peak of the long dry spells (January to February) in areas such as Mbarara, Sembabule, Mubende and Nakasongola, the cattle herds were depleted due to lack of pasture for grazing. In addition, the UHRC was informed that this resulted into trespassing on land to access water sources that had been fenced off.<sup>313</sup>

### **d) Violation of the right to health**

It has been noted that 'inadequate food intake either in quantity or quality is an important cause of malnutrition'.<sup>314</sup> The prolonged dry spell did not only affect the quantity it also affected the quality of the food that people could access. It was noted that milk prices had increased from UGX 1,200 to UGX 2,000 a litre for fresh milk and from UGX 2,200 to UGX 3,000 for pasteurised milk because of the prolonged spell that had affected the main milk producing areas.<sup>315</sup> The increase in food prices therefore had a direct impact on the access to foods with high nutrient value. The UHRC was also informed that the cattle keeping communities had to reduce the number of meals they had and mixed the residue from ghee with their porridge.<sup>316</sup>

### **e) Access to water**

The UHRC was informed that that due to fencing of the land, pastoralists were not able to access government water reservoirs.<sup>317</sup> The UHRC was further informed that this led to conflict between the pastoralists and cultivators. In the event that they accessed private dams, this caused silting which also spurred conflict between the owners and users. In addition, the UHRC was informed that access to water and pastures was one of the causes of migration and encroachment of government ranches and forest reserves.<sup>318</sup>

## **6.2.3.2 Response to the dry spells**

### **a) Emergency Response**

It was reported that in Napak the OPM provided food items focusing on vulnerable members including the elderly and sick. However, it was alleged that the food rations were inadequate to cater for the needs of the community.<sup>319</sup>

### **b) Disaster risk mitigation**

Following recurrent prolonged dry spells in Karamoja, focus has shifted from providing food aid (with the exception of vulnerable households such as the elderly and sick) to focusing on strengthening the agricultural sector and putting in place systems that regulate water supply such as irrigation systems. If these interventions are effectively implemented they could address the issue of the erratic water supply that is needed for irrigation and live stock.

## **6.2.3.3 Challenges**

### **a) Inadequate measures to address climate change**

The UHRC noted that there were plans to regulate the water supply through irrigation and to integrate disaster management programmes into the National Water Action Plan to provide water to disaster prone areas. However, the UHRC further noted that efforts to comprehensively address issues of climate change are still inadequate.

313 Interview with anonymous source from Reline in Kampala.

314 n 306, above.

315 Eriosi Nantaba, Dry Spell Sends Milk Prices Up' East African Business Week of 29th July 2013.

316 As above..

317 n 313 above..

318 As above.

319 Eddie Sseejjoba, 'Uganda Dry Spell- Napak District Residents Starving' New Vision of 22nd July 2013.

Climate change will have adverse effects on drought susceptible areas which lie mainly within the cattle corridor by affecting household agricultural production and reducing pasture for livestock.

#### **b) Inadequate consultations of the affected communities**

Communities in the cattle corridor like the Karimojong own cattle both as a means of livelihood and for cultural identification. As there is a shift to introduce agricultural production to compliment live stock keeping, there are concerns that adequate consultations during this transition have not been conducted to address issues of cultural identity and heritage.

#### **c) Inadequate disaster risk mitigation measures**

The UHRC noted that though the prolonged dry spells usually occur in the cattle corridor, adequate disaster risk mitigation measures have not been put in place to address the creation of water reservoirs; over grazing; and to gazette areas for ranching.

### **6.2.4 Recommendations**

1. As recommended concerning natural disasters in the previous Annual Reports:
  - Government should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1) of the 1995 Constitution of Uganda;
  - The Office of the Prime Minister and the Ministry of Local Government should strengthen coordination of disaster preparedness and management institutions at the national and Local Governments levels respectively by ensuring that they have sufficient human, logistical and financial resources for effective response and management;
  - Interventions by Government and other stakeholders in disaster preparedness and management should apply the Human Rights Based Approach which emphasises the principle of non-discrimination with special attention to vulnerable groups such as women, children, Persons with Disabilities and the elderly and
  - The Office of the Prime Minister should strengthen interventions such as resettlement of survivors in landslide prone areas in order to achieve durable solutions.
2. The Ministry of Water and Environment should develop and implement a flood management strategy for all districts prone to floods with focus on de-silting of rivers;
3. The Office of the Prime Minister should specifically address effects of climate change on the communities within the Cattle Corridor and conduct further consultations to address issues of cultural identity and heritage;
4. The Office of the Prime Minister should establish a separate budget for disaster preparedness and management; and
5. Communities that have been relocated from disaster prone areas should refrain from returning to these areas.

## **6.3 MAN MADE DISASTERS**

### **6.3.1 Road traffic accidents**

The UPF has introduced a number of interventions to address road accidents including the Express Traffic Scheme, the introduction of the Express Penalties defaulters tracking system, speed guns and the Galaxy Tabs to check the authenticity of riding/driving permits. However, road traffic accidents are still a common occurrence and as a result, many people have lost their lives, a significant number have been left with lifetime injuries and property has been lost often times in avoidable circumstances. UHRC analysed the road traffic accidents that occurred in 2013, noting the human rights concerns arising out of accidents as well as stakeholders' intervention in addressing the human rights concerns.



### 6.3.2 Legal framework

The Universal Declaration provides for the right to life, property, and freedom of movement which rights are also reiterated in the ICCPR<sup>320</sup> and the CRPD.<sup>321</sup> General Assembly Resolution 64/255 culminated into the development of the Global Plan for the Decade of Action for Road Safety 2011-2020.<sup>322</sup> The Plan has five pillars which are: Road safety management; safer roads and mobility; safer vehicles; safer road users; and post-crash response.

At the regional level, the ACHPR reiterates these rights. The African Action Plan for the Decade of Action for Road Safety in 2011 which aims at a reduction of road traffic accidents by 50 percent by 2020 was adopted. At the national level, these standards are provided for in the Constitution of Uganda.<sup>323</sup> These standards recognize the inherent right to life that should only be deprived of an individual in strictly defined circumstances.

### 6.3.3 Overview of road traffic accidents in Uganda

Road transport is the widely used mode of transport in the country responsible for 97% of freight cargos and 99% of the passenger traffics.<sup>324</sup> The high number of accidents has been attributed to this mode of transport. It is feared that if the trends of road traffic accidents in the country are not checked, the health losses from traffic injuries may be ranked as the second to HIV/AIDS by 2020.<sup>325</sup>

### 6.3.4 Incidents of accidents

The UPF preliminary statistics for January – October 2013 indicated that 13,310 casualties from crashes had been recorded. Of these, 2,354 were killed, 10,189 suffered serious injuries while 767 were slightly injured. Table 6.1 shows the nature of fatalities in 2013 while Table 6.2 shows the trend of fatalities by Road User Group over the last four years. Table 6.3 shows the trend of fatalities seriously injured by Road User Group over the last four years.

**Table 6.1: Casualties during the period January – October 2013**

Nature	2013	Percent
Killed	2,354	17.7
Seriously injured	10,189	76.6
Slightly injured	767	5.7
<b>Total</b>	<b>13,310</b>	<b>100</b>

Source: Uganda Police Force

**Table 6.2: Fatalities by Road User Group**

Casualties	2010	2011	2012	2013
Passengers	799	1006	938	592
Pedestrians	1,217	1307	1,243	954
Motor cyclists and passengers on motorcycles	512	570	839	717

Source: Extracted from the Uganda Police Force Traffic Reports 2010, 2011, 2012 and 2013.<sup>326</sup>

<sup>320</sup> n 111 above Article 6.

<sup>321</sup> Articles 10-11 of the Convention of the Rights of Persons with Disabilities.

<sup>322</sup> A/ Res/ 66/ 260 Improving global road safety adopted by the General Assembly on 2nd March 2010: Available at <http://www.unece.org/fileadmin/DAM/trans/roadsafe/docs/A-RES-66-260e.pdf> last accessed on 23/1/2024

<sup>323</sup> Article 22; Article 26 and Article 29.

<sup>324</sup> <http://www.ugandaroadsector.org/reports/Road%20Safety%20Issues%20in%20Uganda.doc>, last accessed 7th February 2014.

<sup>325</sup> <http://www.ugandaroadsector.org/reports/Road%20Safety%20Issues%20in%20Uganda.doc>, last accessed 7th February 2014.

<sup>326</sup> In 2011 and 2012 the police captured statistics as motorcyclists; from 2012 this was disaggregated as motorcyclists and passengers on motor cycles.

**Table 6.3: Persons seriously injured by Road User Group**

Casualties	2010	2011	2012	2013
Passengers	5,568	5,401	5,145	3,938
Pedestrians	3,908	3,831	3,401	2,692
Motor cyclists and passengers on motor cycles	2,642	3,279	4,905	3,800

Source: Extracted from the Uganda Police Force Traffic Reports 2010, 2011, 2012, 2013<sup>327</sup>

In the 2011 Uganda Police and Crime Safety Report, it was indicated that 22,272 casualties had been recorded of which 2,843 were fatal, 10,153 serious and 9,276 minor accidents.<sup>328</sup> The 2012 Annual Traffic Report concluded that human factors accounted for 80.1% of the total causes of road accidents. This was followed by unknown causes at 14.4%; road conditions 3%; vehicle condition 2.2%; and weather condition 0.4%.<sup>329</sup> The 2012 report further disaggregated the human factor causes to include reckless driving, over-speeding, dangerous loading, driving under influence of alcohol, careless pedestrians, careless driving, passenger falling from vehicle and driver dazzled by lights.<sup>330</sup> Although these relate to the causes in 2012, they still provide an insight in understanding the causes of road accidents in the country especially related to the human factor.

### 6.3.5 Human Rights Concerns

#### a) Violation of the right to life

Following road accidents, a number of people have lost their lives. In 2011, 3,343 people died, in 2012, another 3,124 died while in 2013 (January – October), 2,354 people had died due to road accidents.<sup>331</sup>

#### b) Vulnerability of road users

According to the Uganda Police Traffic Reports, passengers and pedestrians constituted the highest number of persons killed in road accidents and those that sustained serious injuries (which could lead to various forms of disabilities).<sup>332</sup>

#### c) Loss of a productive section of the population

While in 2011, it was noted that the highest deaths in fatal accidents was among adults (2706), in 2012 with further disaggregation of data it was noted that the highest deaths were amongst the youth (25-34 years) 5477.<sup>333</sup>

### 6.3.6 Challenges

Though a number of interventions were introduced by the UPF there were still persistent challenges including:

- a) Careless driving which accounted for 42.1% of all accidents in 2012.<sup>334</sup> This was due to undisciplined drivers, incompetent drivers, incompetent driving schools, inadequate road signs and police complacency where they had been bribed;

327 The 2013 Annual Traffic Report had statistics from January to October 2013.

328 Annual Crime and Traffic /Road Safety Report, 29.

329 Annual Accident Traffic Report, 11.

330 As above.

331 n 326 above.

332 The Uganda Police Force has defined a fatal accident as one in which death occurs at the scene of the accident and/or within one year and one day as a result of injuries sustained in the accident and serious injury as an accident in which a person is admitted in the hospital as an "in-patient" or where one of the following injuries occur whether or not one is admitted in the hospital: fractures, concussion, internal injuries, crashing, severe cuts and lacerations.

333 Uganda Police Force Annual Crime and Traffic Report 2011, 39; Annual Traffic Accident, 6.

334 Uganda Police Force Annual Traffic Accident Report 2012, iv.

- b) Inadequate pre-license and on spot inspection of motor vehicles. Of the 19,076 accident vehicles inspected in 2012, 1,348 were in dangerous mechanical conditions while 735 were unfit for road users. Of the 8,964 vehicles randomly inspected in 2012 to ascertain their road worthiness 7,492 (83.6%) were in dangerous mechanical condition while 4% were unfit for road use and 0.3% were written off.<sup>335</sup>
- c) Delays in improving road networks including providing walk ways for pedestrians and appropriate road designs with clear road signs. This has remained a contributory factor to road accidents.

### 6.3.7 Recommendations

#### Recommendations on Road Traffic Accidents

1. As recommended in the previous Annual Report:

- The Uganda Police Force and the Uganda Licensing Board should strengthen the implementation of the Traffic and Road Safety Act Cap 361. Specifically in regard to Sections 59(a) and (i) of the Act which provides for testing drivers/ instructors and regulating driving schools. In addition, Section 103 and 106 on inspection of all vehicles should be enforced;
- The National Road Safety Council should be adequately facilitated to undertake preventive measures including road safety campaigns; and
- The Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct them to remove black spots, seal pot holes, place traffic signs and lighting in order to ensure safety of all road users.

2. The Uganda Police Force should diligently perform their duties in line with the Traffic and Road Safety Act Cap 361.

### 6.4 CONCLUSION

Though there were improvements in emergency response, mainly through a more coordinated approach by the OPM and other stakeholders, instituting preventive measures for disaster risk mitigation and for reduction of road accidents remained a challenge. A lot more still needs to be done to promote awareness of flood prone areas; address protection and restoration of flood prone areas; resettle persons in landslide-prone areas; address the specific effects of climate change on communities in the Cattle Corridor; and address pre-license and on-spot inspections and careless driving.

335 As above.



## CHAPTER 7

# THE RIGHT TO AN EFFECTIVE REMEDY: A PRECONDITION WITHIN THE JUSTICE SYSTEM

### 7 INTRODUCTION

The right to an effective remedy is an indispensable component of human rights. A remedy is anything a court can do for a litigant (a party to a court process) who has been wronged or is about to be wronged. The two most common remedies are judgments directing that the plaintiff (the party who lodges a complaint or lawsuit) is entitled to collect sums of money from the defendant (the party against whom a complaint or lawsuit is lodged) as well as orders for defendants to refrain from their wrongful conduct or to undo its consequences.<sup>336</sup> The remedies granted by courts of laws/tribunals or administrative bodies vary according to the harm suffered and the aggrieved party's prayers (requests to court).

Effective remedies in providing actual recourse to anyone who alleges that his/her rights have been violated are essential for justice and the rule of law. Without such recourse, justice cannot be served. This chapter highlights the right to an effective remedy and the legal framework that protects it. It presents an assessment of the enjoyment of this right in Uganda; the challenges in realising it; and recommendations aimed at enhancing protection of the right in Uganda.

### 7.1 LEGAL FRAMEWORK

#### 7.1.1 International legal framework

The right to an effective remedy is guaranteed under the Universal Declaration that provides that everyone has the right to effective remedy by competent national tribunals for acts violating the fundamental rights granted him by the constitution or by the law.<sup>337</sup> The right to an effective remedy enunciated in the Universal Declaration has been reinforced and expanded by several and subsequent binding treaties. The ICCPR obliges States to ensure: Victims of human rights violations have an effective remedy; have the right to have their claims determined by competent judicial, administrative or legislative authorities, or any other competent authority; and that competent authorities enforce such remedies.<sup>338</sup>

The UN CAT provides for the right to 'redress' and to 'an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible'<sup>339</sup>. The CRC also obliges states to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.<sup>340</sup> The Convention on Elimination of Racial Discrimination (CERD) equally obliges states to ensure 'effective protection and remedies, through competent national tribunals and other State institutions', as well as 'the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered' as a result of racial discrimination.<sup>341</sup>

336 D. Laycock 'Modern American Remedies' (3rd ed.) 2002.

337 n 252 above, Article 8.

338 n 111 above, Article 2(3).

339 n 16, Article 14(1).

340 n 113 above, Article 39.

341 Article 6 of the International Convention on the Elimination of Racial Discrimination.

### 7.1.2 Regional framework

Article 7 of the ACHPR provides that every individual shall have the right to have his cause heard. This comprises of the right to an appeal to competent national organs against acts of violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force.

### 7.1.3 National framework

In the 1995 Constitution of Uganda, Article 50(1) guarantees the right of any person who claims that a fundamental or other right or freedom guaranteed under the constitution has been infringed or threatened, to apply to a competent court for redress which shall include compensation. In addition, any person or organisation can bring action against the violation of another person's or group's human rights.<sup>342</sup>

This right is further reinforced by Article 23(7) which entitles any person unlawfully arrested, restricted or detained to compensation from any person or authority. Article 129(2)(c) obliges courts, subject to the law to award adequate compensation to victims of wrongs. Other subsidiary legislation such as the UHRC Act Cap 24, Civil Procedure Act Cap 71 and the Civil Procedure and Limitation (Miscellaneous Provisions) Act Cap 72 among others provide an enabling environment for the dispensation of justice in Uganda.

Other soft law instruments include the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985. The principles focus on victims of domestic crimes committed by individuals and affirm the rights to: access to justice and fair treatment; restitution; compensation; necessary material, medical, psychological and social assistance. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law 2005 also affirms the victim's rights to: Equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; access to relevant information concerning violations; and reparation mechanisms.

## 7.2 COMPONENTS OF AN EFFECTIVE REMEDY

Human rights law imposes an obligation on states to provide remedies and reparation for victims of human rights violations. The right to an effective remedy begins with the recognition of equality before the law. This is clearly laid out in Article 2 of the Universal Declaration and the ICCPR which provide that in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.<sup>343</sup> These provisions are reflected in Articles 21(1) and (2), Article 28(1) and 126(2)(a) of the 1995 Constitution of Uganda.

In expounding on what constitutes the right to an effective remedy, the Human Rights Committee stated that in addition to effective protection of covenant rights, states parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. Such remedies should be appropriately adapted so as to take account of the special vulnerability of certain categories of person, including in particular children.<sup>344</sup>

It is also important to establish under domestic law appropriate judicial and administrative mechanisms for addressing claims of rights violations. Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.<sup>345</sup>

<sup>342</sup> n 257 above, Article 50(2)

<sup>343</sup> As above, Article 14(1).

<sup>344</sup> General Comment No 31, para 80 adopted on 29 March 2004.

<sup>345</sup> As above.

The Committee further notes that States Parties are required to make reparation to individuals whose rights have been violated. Without reparation the obligation to provide an effective remedy is not discharged. In addition to the explicit reparation, the Committee considers that the Covenant generally entails appropriate compensation. The Committee notes that, where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.<sup>346</sup>

### 7.3 SITUATIONAL ANALYSIS OF THE RIGHT TO AN EFFECTIVE REMEDY IN UGANDA

Mechanisms to protect and promote access to justice do exist in Uganda. The 1995 Constitution of Uganda clearly lays out the establishment of courts of law. It provides that judicial power in Uganda is exercised by courts of judicature which consist of the Supreme Court, Court of Appeal, High Court and other subordinate courts established by parliament.<sup>347</sup> Justice is also dispensed by other specialised tribunals established by the Constitution and other subsidiary legislation.<sup>348</sup>

The recognition of the right to an effective remedy has seen numerous court cases instituted against the Attorney General. Article 250 (2) of the 1995 Constitution provides that civil proceedings by or against the Government shall be instituted by or against the Attorney General. It is pertinent to note that the biggest number of court cases handled by the Attorney General's Chambers are cases instituted by private individuals or companies against the Government, rather than the other way round. However, cases instituted by the private sector constitute 98% of all civil suits against Government. In this regard, the court awards have been increasing since the early 1990s and this has been a major concern for the Government, the public and the donor community.<sup>349</sup>

#### 7.3.1 Access to justice

Rights do not hold meaning without the means to seek redress when they are breached. Access to justice is fundamental in itself and existence of enabling laws, location of institutions in the administration of justice, physical access for the vulnerable, and availability of judicial and other officers is paramount to the realisation of the right to effective remedy. Currently, Uganda has 1 Supreme Court, 1 Court of Appeal/Constitutional Court, 13 High Court Circuits, 39 Chief Magistrates' Courts and 63 Grade I courts.<sup>350</sup> The existence of the High Court with unlimited jurisdiction greatly contributes to access to justice for parties who require the courts to determine their grievances.

Access to justice in the JLOS sector was also improved with the opening and staffing of 9 new Grade One magistrates' courts and construction of 5 mini-JLOS Stations in Kayunga, Lamwo, Isingiro, Kanungu and Bundibugyo.<sup>351</sup> This coupled with the appointment of 11 Grade One Magistrates, 17 Judges and 11 Justices of Appeal ensured functionality of Courts with all High Court circuits having a resident judge and all courts now have coram.<sup>352</sup>

The UHRC with its ten regional offices and additional field offices in 8 districts is yet another mechanism through which victims of human rights violations can access justice. The UHRC has over the years been at the forefront of deciding cases of human rights violations. Trends indicate that the state is at the forefront of these violations by virtue of its vicarious liability. In 2012 for example, 80.81% of complaints decided by the UHRC Tribunal were against the Attorney General.<sup>353</sup>

346 n 345.

347 n 343 Article 129(1).

348 Such as the Uganda Human Rights Commission Tribunal and the Tax Appeals Tribunal.

349 Elisha Bafirawala Ministry of Justice and Constitutional Affairs 'Achievements and Challenges in the payment of Court and Tribunal awards and Compensation Issues within the Uganda Justice System in 2013', a presentation made the at the UHRC 16th Annual Report Consultative meeting held from 13 -15 January 2014 at Speke Resort Munyonyo.

350 JLOS Annual Performance Report 2012/13.

351 A JLOS Mini Stations is a one-stop JLOS service point where the public can access JLOS services.

352 n 350 above.

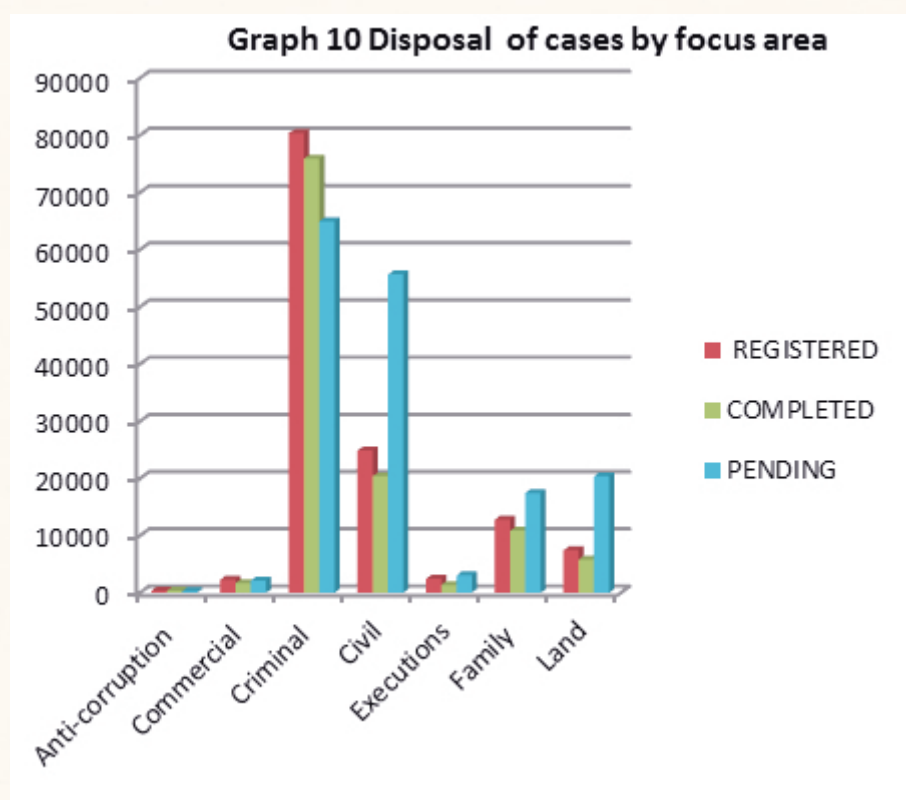
353 UHRC 15th Annual Report to the Parliament of Uganda.



It is commendable that Uganda as a country has progressed in ensuring access to justice for all. The recent appointment of 27 judges is a positive development in case backlog reduction. Gaps however still exist and these have made realisation of the right to an effective remedy unattainable by some. In 2012/13, all courts registered an increase in the rate of registration of cases which grew by over 56% compared to 2011/12.<sup>354</sup> This increase in case registration and complaints received translates into an increased caseload that requires attendant human resource to clear. According to the Principal Judge, Hon. Justice Yorokamu Bamwine, compared to the rate at which cases are filed, the number of judges at the High Court should be between 130 and 150 judges. Currently, the High Court has 54 judges. He said 82 judges, including the Principal Judge, were presumed adequate since 2009 to perform at optimum level but there was still case backlog.<sup>355</sup>

The appointment of one of the members of UHRC as Deputy Inspector General of Government also affected case backlog disposal. The remaining 5 members of the UHRC have to take on extra cases in a bid to reduce backlog at the UHRC Tribunal that stood at 336 complaints as at 31<sup>st</sup> December 2013.

**Figure 7.1: Disposal of cases by courts of law in 2012/13**



Source: JLOS Annual Report 2012/13

### 7.3.2 Access for vulnerable persons

One way through which vulnerability can be addressed and people determine their destiny is to empower the vulnerable to access justice. Access to justice therefore must be just, equitable and sensitive to the needs of the poor and marginalised. Improving the availability and accessibility of services particularly for the vulnerable was the focus of JLOS in 2012/13.<sup>356</sup> Particular emphasis was on making JLOS service points more accessible for PWDs, the elderly and other vulnerable groups.

<sup>354</sup> n 352 above.

<sup>355</sup> The Hon. Principle Judge Commends Government' [www.judicature.go.ug](http://www.judicature.go.ug) last accessed at 12 January 2014.

<sup>356</sup> JLOS SIP III Outcome 2.

Whereas it is commendable that vulnerability issues are taken into consideration during policy formulation, this should also be reflected in implementation. Specific data on access to justice for the vulnerable should be recorded. It is currently difficult to access data on the number of vulnerable persons who accessed different institutions in the administration of justice, the time frame within which their complaints were handled and whether they were able to have their complaints resolved.

### **7.3.3 Appropriateness of remedies**

When a violation of human rights has been found, the victim should in principle receive reparation which places him/her as far as possible, in the position he/she would have been had the violation not taken place. The extent of such reparation depends on the circumstances of each case and may include: Award of compensation for pecuniary damage; award of compensation for costs of the proceedings; award for non-pecuniary damage; prevention of repetition or reoccurrence; non compensation measures such as the obligation to investigate; the obligation to punish those responsible; the finding of a violation as constituting sufficient reparation.

It is worth noting though that in most complaints it is mainly compensation and not other remedies that are sought and awarded. The Penal Code Amendment Act<sup>357</sup> sought to address this through provision of compensation in addition to incarceration in cases of defilement although this is rarely awarded. The Prevention and Prohibition of Torture Act is the other legislation that provides a wide array of remedies to a victim of torture. Its implementation is yet to show how effective it can be in addressing the right to an effective remedy.

### **7.3.4 Effectiveness of justice**

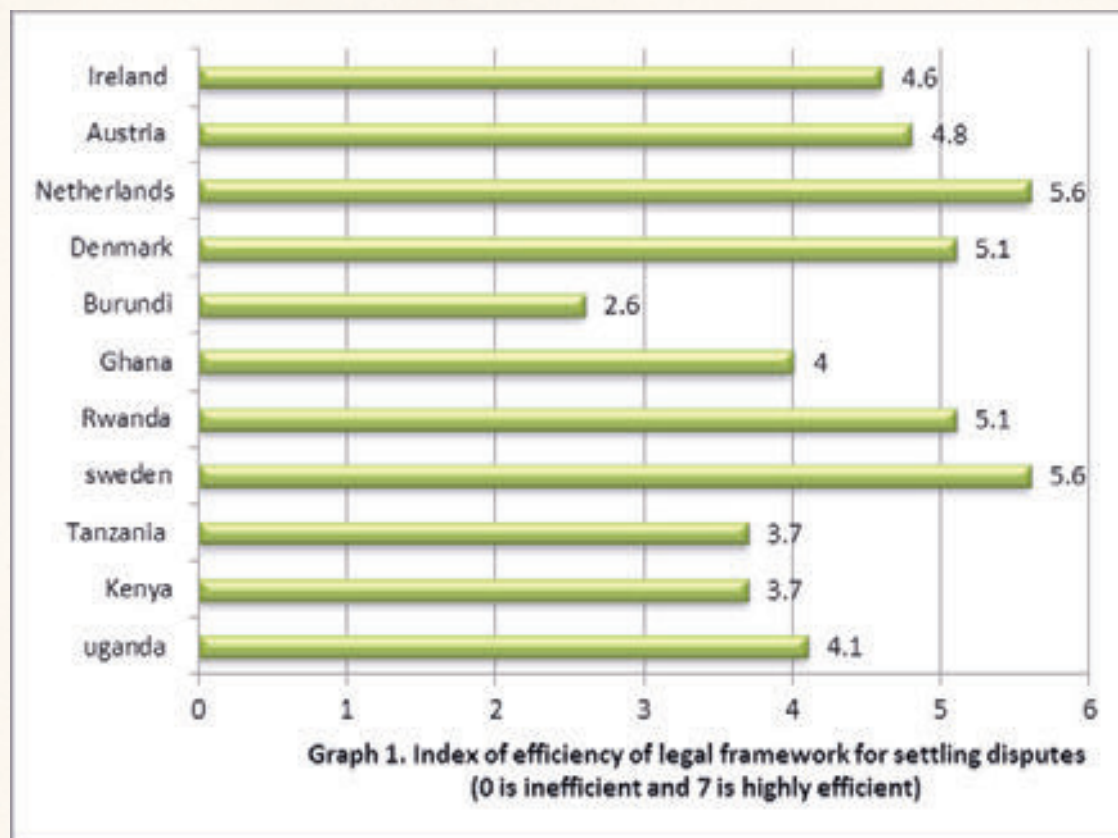
The ability to access court remains an illusion if the state's legal system is not able to allow a final binding decision to be implemented. It takes an average of 26.7 months to dispose a land matter in the High Court, five months in the Chief Magistrates Court and 21.5 months in the Magistrates Court. On the other hand, it takes an average of 24 months to dispose a human rights complaint at UHRC.<sup>358</sup>

According to the Global Competitiveness Report 2012/2013, Uganda is now ranked 49<sup>th</sup> out of 144 countries with a score of 4.1 out of 7, from the 54<sup>th</sup> position in 2011/12 in terms of the efficiency of the legal framework for settling disputes. Whereas it is commendable to register such progress in as far as the efficiency of the legal framework is concerned, the same needs to be reflected or matched in realising the final remedy sought by an aggrieved party. The time frame within which awards are paid therefore require equal attention as the efficiency of the legal framework.

357 Sections 129 B (1)-(2) of Penal Code Amendment Act 8 of 2007.

358 JLOS Annual Performance Report 2012/2013.

**Figure 7.2: Index of efficiency of legal framework for settling disputes**



Source: Global Competitiveness Report 2012/13

### 7.3.5 Enforceability of remedies

The ICCPR obliges states to ensure that competent authorities enforce remedies when granted.<sup>359</sup> It is worth noting that non enforcement of a remedy within the shortest time possible defeats the purpose for which one seeks recourse in courts of law.

Statistics from UHRC's annual reports indicate that payment of tribunal awards is still a major challenge and leaves a lot to be desired. Trends of tribunal awards against the Attorney General have shown a rise from UGX 67,112,967 in 2003 to UGX 705,231,550 in 2011 with cases decided as far back as 2004 of awards as low as 200,000/- yet to be paid<sup>360</sup>. In some cases victims of torture have passed on before payment of compensation. Unfortunately, these are indigent persons who cannot access quality treatment for acts of torture committed against them by state agents who have a duty to protect them. The funds released by the MoFPED are too minimal to clear the outstanding court/tribunal awards. Out of UGX 888,398,000 that was released by MoFPED for compensation of court awards, human rights and compensation cases for the 2<sup>nd</sup> quarter in the FY 2012/13, only UGX 109,607,270 was allocated to compensation of human rights complaints.<sup>361</sup>

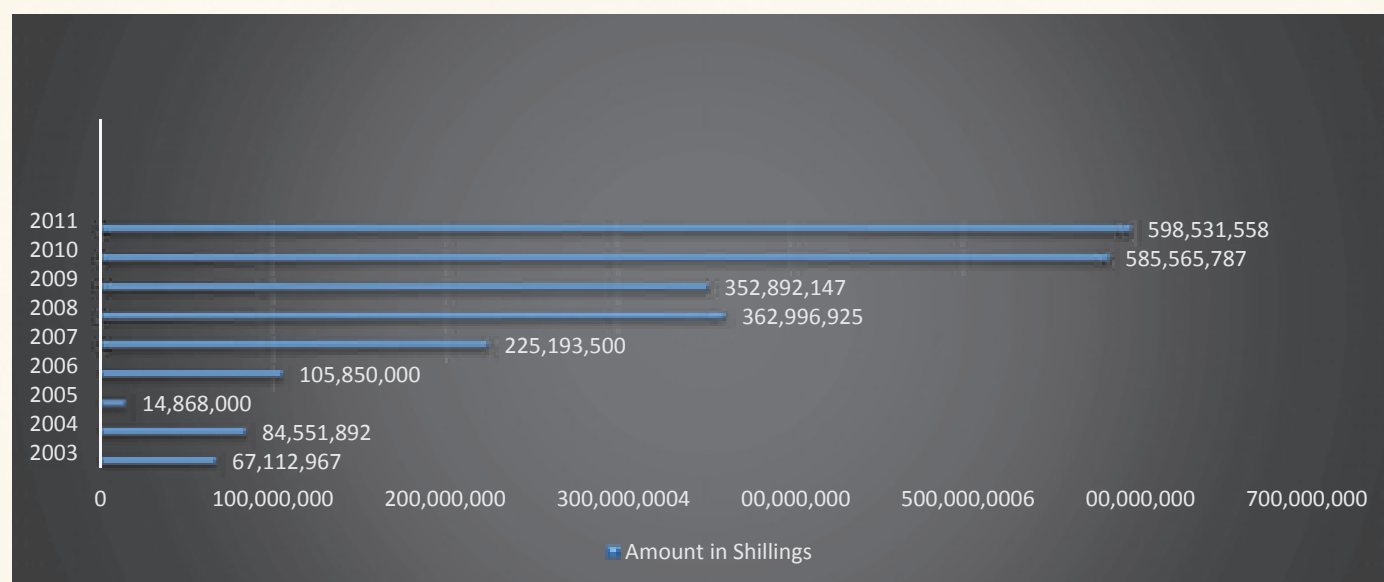
<sup>359</sup> Article 2(3)(c) of the ICCPR

<sup>360</sup> Ajuro Teresa verses Attorney General UHRC Complaint No SRT/180/2003.

<sup>361</sup> n 349 above.



**Figure 7.3: UHRC Tribunal awards from 2003 to 2011**



Source: UHRC

The insurgency in Northern Uganda from 1986-2006 caused widespread human rights violations ranging from loss of life, forced displacement, torture and deprivation of torture among others. In 2006, more than 20,000 Acholi war debt claimants dragged the government to court demanding compensation for animals lost as a result of the insurgency in the region. However, in 2007 the government opted for out-of-court negotiations, and UGX 629 million was paid in 2007, UGX 750 million between 2008 and 2009, UGX 750 million in 2010 and UGX 5 billion in 2013.<sup>362</sup> In June 2013, the Daily Monitor reported about Mr. Kilama James who fainted after being paid UGX 211,800 as compensation for 20 cows he lost during the insurgency.<sup>363</sup>

Only UGX 12.1 billion had been paid out of the estimated total of UGX 35trillion.<sup>364</sup> This is only one of the many cases for which awards are not paid amidst allegations of negligence, failure to defend and mismanagement of cases against government.<sup>365</sup> This delay in payment is not helped by the accruing interest rates imposed by the courts. According to the Auditor General, the interest rates charged on unpaid court awards range from 6 to 30 per cent, which is far above the market rate of about 11 per cent. A case in point is No. HCCS 31/2002 which shows that while Uganda Development Bank was entitled to only UGX 91.2 million as of May 2003, the interest rate of 10 per cent, had increased the banks entitlement to UGX 270.4 million. The government has only paid UGX 24 million.<sup>366</sup> According to UHRC's records from 2003 to 2013, Government had paid an estimated amount of UGX 1,742,483,115 and UGX 2,370,284,538 was still outstanding.<sup>367</sup> In 2013 Government had paid UGX 384,225,019 of the UHRC's tribunal awards.

362 Interview with Pius Opiyo, Spokesperson Acholi War Debt Claimants Association, Gulu conducted on 13 January 2014.

363 <http://www.monitor.co.ug> last accessed on 16 December 2013.

364 R Layoo & C Makumbi 'War debt claimant faints over cash compensation', available at <http://www.monitor.co.ug> last accessed on 18 December 2013).

365 Y. Mugerwa 'Government loses UGX 200 billion in dubious court awards' Daily Monitor <http://www.monitor.co.ug> last accessed on 3 April 2013.

366 As above.

367 Statistics from Ministry of Justice on unpaid awards from all Courts was not available at the time of compiling the report.



Good Samaritans help Mr James Kilama after he fainted at the Acholi War Debt Claimants Association office in Gulu.  
Source: Daily Monitor

#### **7.4 CHALLENGES IN THE REALISATION OF THE RIGHT TO AN EFFECTIVE REMEDY**

The right to an effective remedy is claimed when an allegation of a violation is made; all tenets of a fair hearing have been fulfilled; and whatever remedy passed by the courts has been effected in a prompt manner. Whereas this is the ideal, there are challenges in the administration of justice that have invariably affected the realisation of the right to an effective remedy. These include:

- a) Limited access to public services, which are often expensive, cumbersome and with inadequate resources, personnel and facilities. In some remote areas, police stations and courts are not easily accessible and the cost of legal processes (such as legal fees) is often unaffordable to the very poor. UHRC's Annual reports have over the years highlighted challenges such as limited police manpower and presence; long distances to court with some districts having no courts; and few judicial officers. In some cases, suspects and inmates have to walk distances as long as 10km to access court.
- b) Complicated court procedures effectively deny access to court for the illiterate and poor. These technicalities effectively hinder access to justice for litigants who cannot afford the services of a lawyer; and this is unfortunately the case with the majority of Ugandans.
- c) Few state attorneys to effectively defend government in proceedings before court. Currently there are 34 State Attorneys to defend government in proceedings before all courts where government is a party.
- d) Increased disposal rates by courts which are not matched by release of sufficient funds to pay judgment debtors contributes to a huge awards backlog.
- e) The lack of a national legal aid policy to address provision of legal aid limits access to justice for the indigent.
- f) The huge backlog in courts and tribunals which affects the timeframe within which lawsuits are heard and concluded. These delays negatively affect the realisation of the right to an effective remedy.
- g) Real and perceived bias of the public against the judiciary for acts of corruption. This has translated into some members of the public taking the law into their hands.



## 7.5 RECOMMENDATIONS

The right to an effective remedy cannot be realised without holistically addressing the challenges and impediments within institutions that contribute to the administration of justice and ensuring long term investment in the justice system. In light of the above, the UHRC reiterates the following recommendations that have been made in previous annual reports:

1. As recommended in the previous Annual Reports:
  - Ministry of Justice and Constitutional Affairs and Ministry of Finance, Planning and Economic Development should establish a Victims Compensation Fund so as to enable timely compensation of victims of human rights violations;
  - Ministry of Finance, Planning and Economic Development should sufficiently fund and adequately facilitate institutions such as Ministry of Justice and Constitutional Affairs, Uganda Police Force and Uganda Human Rights Commission among others whose mandate is within the administration of justice with the necessary tools to enable them effectively execute their mandates;
2. Institutional liability should be promoted through the decentralisation of compensation payment to individual ministries, departments and agencies as a mechanism of deterring negligence and non-compliance with human rights standards. These payments would be paid to the victim compensation fund through which victims of human rights violations would be paid;
3. Ministry of Justice and Constitutional Affairs should request for appropriation of funds from Ministry of Finance, Planning and Economic Development for a one off clearance of the current outstanding Uganda Human Rights Commission Tribunal awards;
4. Justice, Law and Order Sector needs to develop a strategy of addressing physical access for vulnerable persons such as Persons With Disabilities in already existing Justice, Law and Order Sector structures that are inaccessible;
5. The Judicial Service Commission should intensify the dissemination of the Prevention and Prohibition of Torture Act 2012 and the Justice, Law and Order Sector institutions including Uganda Prisons Services, Uganda Police Force, Uganda Law Society, Ministry of Internal Affairs, Judiciary and the Law Reform Commission responsible should ensure its effective implementation so as to reduce the State's liability for acts of torture;
6. The Judiciary should strengthen the inspection function in the judiciary so as to ensure that performance of judicial officers is enhanced;
7. The Judiciary is urged to implement the Penal Code Amendment Act Cap 2007 that provides for payment by the offender of compensation to victims of sexual and gender based violence; and
8. Justice, Law and Order Sector should develop indicators for access to justice for vulnerable persons, Persons with Disabilities in particular, against which all Justice, Law and Order Sector institutions should report.

## 7.6 CONCLUSION

The Government of Uganda has made progress through JLOS in striving to make access to justice a reality for those who seek redress through various mechanisms. Progress has been registered through opening of courts, increased case disposal and payment of compensation for some victims of human rights violations. Significant challenges however still exist and these hinder access to justice in general and enjoyment of the right to an effective remedy in particular. Therefore, it is important that mechanisms of clearing the existing awards backlog and ensuring prompt payments are instituted in order to match the increasing case registration over the years.



## CHAPTER 8

# HUMAN RIGHTS SITUATION IN SELECTED REFUGEE CENTRES

### 8 Introduction

In 2013 over 66,000 Congolese refugees entered Uganda because of the insurgency in the Eastern Democratic Republic of Congo (DRC), especially in North Kivu and Province Orientale.<sup>368</sup> At the end of 2013 fighting broke out in South Sudan which resulted into loss of lives and displacement of many South Sudanese. It was estimated that over 487,300 people were displaced by the fighting; 413,000 of whom were displaced internally and 74,300 sought refuge in neighbouring countries, Uganda inclusive.<sup>369</sup> Information from the OPM indicated that Uganda received majority of the refugees fleeing from violence. A total of 60,000 refugees were registered in 12 Settlement Centres, in Adjumani district, comprising 22,000 in the old refugee centres and 38,000 in the new ones. In addition, approximately 42,000 South Sudanese were registered.<sup>370</sup>

The 1951 United Nations Convention relating to the Status of Refugees (the Refugee Convention) defines a refugee as a 'persons who "owing to a well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion", is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country or return there because there is a fear of persecution...'<sup>371</sup> The reasons for persecution must be because of any of the five grounds listed in the Refugee Convention which include: race, religion, nationality, membership of a particular social group or political opinion. Persecution based on any other grounds like economic persecution cannot be considered.

An asylum seeker is a person who has applied for asylum under the 1951 Refugee Convention on the Status of Refugees on the ground that if he is returned to his country of origin he has a well-founded fear of persecution on account of similar grounds as stated for refugees. He remains an asylum seeker for as long as his application or an appeal against refusal of his application is pending.<sup>372</sup> Until a request for refugee has been accepted, the person is referred to as an *asylum seeker*.<sup>373</sup>

It has been noted that refugees, especially the children, elderly and women are often vulnerable to violence, rape, in particular, is a common element in the pattern of persecution that drives refugee families from their homes, as civilians increasingly become the deliberate targets of sectarian warfare.

In 2013 the UHRC specifically monitored refugees in Bubukwanga Transit Centre in Bundibugyo District, Kyangwali Refugee Settlement in Hoima and Midia Transit Centre in Koboko District to assess the human rights situation.

### 8.1 LEGAL FRAMEWORK

Uganda has ratified a number of international and regional treaties that provide the standards for the protection of refugees.

368 Interview Uganda Human Rights Commission had with the Mr. Okema, Public Relations Officer Uganda Police Aswa Region.

369 <http://www.unicef.org> last accessed on 5 February 2014.

370 Office of the Prime Minister statistics status on refugees disaggregated according to location, refugee status, country of origin and age as at 9 January 2014.

371 Article 1(a)(2) of the UN Convention relating to the Status of Refugees.

372 <http://www.migrationwatchuk.org> last accessed on 5 February 2014.

373 As above.

### 8.1.1 International legal framework

The Universal Declaration recognises the right to seek and enjoy asylum from persecution.<sup>374</sup> The 1949 Geneva Convention relating to the protection of civilian persons in time of war also protects refugees during war and provides that they cannot be treated as enemy aliens.<sup>375</sup>

The 1977 Additional Protocol I to the 1949 Geneva Conventions relating to the protection of Victims of International Armed Conflict also provides for protection and refugees.<sup>376</sup> It stipulates that 'persons who, before the beginning of hostilities, were considered as stateless persons or refugees shall be protected person in all circumstance and without any adverse distinction'.

The Refugee Convention was the first international agreement covering the most fundamental aspects of a refugee's life. It sets out a set of human rights that should be at least equivalent to freedoms enjoyed by foreign nationals living legally in a given country and in many cases those of citizens of that state. It recognises the international scope of refugee crises and necessity of international cooperation including burden-sharing among states in tackling the problem.

The ICCPR stipulates that states should ensure the civil and political rights of all individuals within its territory and subject to its jurisdiction. The Covenant also guarantees freedom of movement and prohibits forced expulsion.<sup>377</sup> The CAT states that a consistent pattern of gross and massive violations of human rights are circumstances which a state should take into account when deciding on expulsion. The monitoring body of this convention, the Committee against Torture, has established some fundamental principles relating to the expulsion of refused asylum seekers. It offers important protection to refugees and their right not to be returned to a place where they fear persecution.

The CRC stipulates that states parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance in the enjoyment of rights. It further provides for cooperation in efforts to protect and assist such a child and to trace the parents or other members of the family of any refugee child for reunification with his or her family. In cases where no parents or other members of the family can be found, that the child shall be accorded the same protection as any other child deprived of his or her family environment.<sup>378</sup> The Declaration on the Elimination of Violence against Women specifically recognises the vulnerability of refugee women.

### 8.1.2 Regional Legal Framework

Article 23 of the ACRWC provides for state parties to provide appropriate measures for protection and humanitarian assistance to refugee children or children seeking refugee status.

The AU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) adopted the definition of refugees in the 1951 Refugee Convention and expanded it to include people who were compelled to leave their country not only as a result of persecution but also owing to: external aggression, occupation, foreign domination or events seriously disturbing public order.<sup>379</sup> This convention adapts the definition to the reality of Africa and recognises non-state groups as perpetrators of persecution. It does not demand that a refugee shows a direct link between herself or himself and the future danger. It is sufficient that the refugee considers the harm sufficient to force her/him to abandon home. In a nut shell one important distinction is that the said AU Convention recognises group refugees while the UN Convention individual rights.

374 n 337 above, Article 14.

375 Article 44 & 70 of the 1977 Protocol Additional I to the 1949 Geneva Conventions on the Protection of Victims of International Armed Conflicts (Protocol I).

376 Article 73 of the 1977 Additional Protocol 1 of the Geneva Conventions.

377 n 338 above, Articles 2, 12-13.

378 n 340 above, Article 22.

379 <http://www1.umn.edu/humanrts/edumat/studyguides/refugees.htm> last accessed on 5 January 2014).

### 8.1.3 National Legal Framework

The 2006 Refugee Act and the Refugee Regulations of 2010 provide for rights of refugees as well as their obligations. The law outlines the process to be used in determining refugee status and sets forth how a refugee situation can cease, once durable solutions have been attained.<sup>380</sup> In a nut shell it provides for the rights, freedoms, obligations and protection of refugees and asylum seekers in Uganda.

## 8.2 SITUATIONAL ANALYSIS OF THE RIGHTS OF REFUGEES IN SELECTED CENTRES

It is estimated that approximately 16% of refugees and asylum seekers in Uganda live in Kampala and the rest in the eight settlements. These settlements are: Adjumani clusters in Adjumani District; Rhino Camp in Arua District; Kiryandongo in Kiryandongo District; Kyangwali in Hoima District; Kyaka 2 in Kyegegwa District; Rwamwanja in Kamwenge District; and Nakivaale and Oruchinga in Isingiro District. On average Uganda hosts 161,000 refugees per year.<sup>381</sup>

Nonetheless, in 2013, the UHRC monitored the human rights situation of refugees in selected centres. The UHRC assessed a number of refugees' rights as provided for in human rights instruments. Refugees are entitled to be treated in the same way like other nationals and must be granted identity papers and travel documents that allow them to travel outside the country. Refugees are also free to exercise their religion; access the courts including legal assistance; access elementary education, humanitarian assistance and social security; free to join trade unions; and to enjoy equal treatment by taxing authorities. In addition, refugees are entitled to engage in wage-earning employment in that states are required to accord those lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances.<sup>382</sup>

One of the fundamental principles that should be upheld is that of *non-refoulement*. Article 33 of the Convention Relating to the Status of Refugees stipulates that no state "shall expel or return (*refouler* in French) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."<sup>383</sup>

The UHRC established that most of these Congolese refugees that fled from North Kivu and Province Orientale were first put in a refugee transit site at Bubukwanga before being settled in Rwamwanja and Kyangwali Refugee Settlements. At Bubukwanga the UHRC established that there were 18,599<sup>384</sup> refugees registered at the site.

The Kyangwali Refugee Settlement received the largest number of refugees and as a result a total of 729 locals were internally displaced from Bukinda Kasunga Parish, Kyangwali Sub-county, where they had been illegally occupying the refugee settlement land. These internally displaced people told the UHRC that they did not have access to sufficient food. The OPM was reported to have supplied food to them only once at Kyangwali Sub County Head Quarters where they took refuge after they had been violently evicted. They also complained about the poor water and sanitation situation at the sub county where all the 729 people were using only one pit latrine and one bore hole for safe and clean water.

380 <http://www.unhcr.org/4a3f9e076.html> last accessed on 5 February 2014.

381 <http://www.unhcr.org/524d880a9.html> last accessed on 5 February 2014.

382 Article 17 of the Refugee Convention.

383 [http://www.hrea.org/index.php?base\\_id=153#rights](http://www.hrea.org/index.php?base_id=153#rights) last accessed on 4 February 2014.

384 Uganda Human Rights Commission monitoring visits in August 2013.



**Table 8.2: Number of refugees established by UHRC at Kyangwali Refugee Settlement as at 25<sup>th</sup> November 2013**

No	Country of Origin	Population
1	DRC	30,728
2	Rwanda	261
3	Burundi	18
4	South Sudan	2,789
5	Sudan	26
6	Kenya	10
7	Somalia	6
<b>TOTAL</b>		<b>33,838</b>

Source: UHRC

**Table 8.3: Refugees at Kyangwali Refugee Settlement by gender**

Female	17,029
Male	16,809
<b>Total</b>	<b>33,838</b>

Source: UHRC

Furthermore, the UHRC noted that the right to education was affected when Primary Seven candidates from some schools were unable to do their final exams because refugees had occupied the schools. These were Bukindi Primary School, Badenya Primary School, Nyamigasa Primary School, Nyamiyaga Primary School, Buzibwera Primary School, Kavule Primary School and Nyamiganda Primary School. The UHRC found that the IDPs resided in makeshift tents made of grass, rags, polythene papers and other old temporary materials, contrary to human rights standards.

### **8.2.1 Positive developments in the enjoyment of the rights of refugees**

UHRC noted that there were efforts to ensure that the rights of refugees are respected. Some of the positive developments that the UHRC noted were as follows:

#### **8.2.2.1 Emergency response**

The UHRC noted that Government and other organisations (national, international and UN agencies) responded positively by providing essential non-food items such as soap, blankets, cups, plates and saucepans, creation of child friendly spaces, reuniting unaccompanied children with their family members, ensuring water flow, setting up water flow, provision of blankets and delivery of essential drugs to mention but a few. Some of these organisations included the following: United Nations High Commissioner for Refugees (UNHCR), Medecins' Sans Frontieres (MSF), World Health Organisation (WHO), URCS, World Food Programme (WFP), FAO Danish Refugee Council, Finish Refugee Council, UNICEF, Save the Children, OXFAM, ICRC, Medical Teams International (MTI), Samaritan Purse, Lutheran World Federation, Adventist Development and Relief Agency (ADRA), Agency for Cooperation and Research in Development (ACORD), African Initiative for Relief and Development (AIRD), FIDA and World Vision.

#### **8.2.2.2 Provision of land to refugees**

Government made an effort to provide the refugees with land for housing and farming and also to oversee their physical and legal security in the settlements.

The UHRC noted the role of UNHCR in providing technical, financial and material support to Government in maintaining life-saving and life sustaining protection and essential services for refugees. At Kyangwali Refugee Settlement refugees owned, kept and accessed their property. They were given chunks of land where they were able to grow food and rear animals, seedlings and digging tools.

#### 8.2.2.3 Registering refugees using the Biometric System

Government registered refugees using the biometric system and as a result a total of 291,909 refugees were registered as at January 2014.<sup>385</sup> After registration, the refugees were issued with identity cards, asylum identification documents and attestation documents showing their identities and respective families.



The Biometric Registration of refugees by OPM and UNHCR in Kyangwali Refugee Settlement, Hoima District. Source: OPM

#### 8.2.2.4 Infrastructure development

The UHRC commends Government and UNHCR for constructing a two floor office block for the Department of Refugees along Sir Apollo Kaggwa Road in Kampala city. Furthermore the Government with support from European Union constructed a new refugee status determination centre in Kyaka 2 and Nakivaale Refugee Settlements.

#### 8.2.2.5 Provision of psychosocial support

UHRC noted that Save the Children and World Vision were providing education in form of psychosocial support in Bubukwanga Transit site where children expressed themselves in form of drawings at the two Child Friendly Spaces. In addition child care givers were available for children under age of 5 years.

### 8.3 Challenges refugees faced in the realisation of their rights.

UHRC noted some challenges that prevented refugees to realize their rights. These challenges are discussed below:

#### 8.3.1 Right to food

General Comment 12 (6) on the right to adequate food stipulates that the right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.<sup>386</sup>

385 n 370 above.

386 CESCR General Comment No 12.



In Bubukwanga Transit Site, the UHRC noted that though there was sufficient food for the refugees, there was lack of manpower and cooking utensils especially saucepans to enable the camp administration prepare enough food for the refugees. UHRC established that there were only 70 saucepans available out of the 108 required to prepare sufficient food for 16,577 refugees. The UHRC noted that this was a violation of the right to food for these refugees.

### 8.3.2 Unaccompanied children and older persons

The UHRC noted a number of cases of unaccompanied children and older persons. The UHRC also noted that Government and UNHCR worked with other agencies such as the International Committee of the Red Cross, United Nations International Children's Emergency Fund (UNICEF) and Save the Children, to ensure that unaccompanied children were identified and registered and their families traced. By July 2013 at Bubukwanga Transit Site, the URCS had registered 16,577 Congolese refugees (9,087 female and 7,490 male). From among these, Save the Children had registered 61 children who had been separated from their families and 118 unaccompanied children.

However, at Midia Transit Site the UHRC was unable to establish the total number of unaccompanied children and older persons because no such data was available. However, there were reports of cases of children that had been separated from their families in the process of getting into Uganda. Unaccompanied children are at a great risk as they are vulnerable to human rights violations and abuses such as rape and defilement.



Congolese refugees with their belongings at the Bubukwanga Transit Centre in Bundibugyo District.  
Source: UNHCR

The UHRC was concerned that even elderly refugees were unaccompanied yet they were in new environments requiring physical, financial and social adjustment. There was a challenge of lack of data on older persons. This hindered mainstreaming of the needs of the older persons in planning, budgeting and implementation processes.

### 8.3.3 Right to education

Education is a fundamental human right and essential for the exercise of all other human rights.<sup>387</sup> It promotes individual freedom and empowerment and yields important development benefits. Refugees need to enjoy this right to be able to realise their other rights such as the right to health, culture, work and freedom of expression. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour, promoting human rights and democracy, protecting the environment, and controlling population growth.<sup>388</sup>

The UHRC noted that the refugees in transit sites of Bubukwanga and Midia were not attending school because they had to wait to be relocated to the already established refugee camps. At Midia transit site there were no schools within or near the site. Furthermore, the refugees had arrived in the middle of the term which made it impossible for the children to start school.

387 <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/> last accessed on 5th February 2014.  
388 CESCR General Comment No 13



At Kyangwali Refugee Settlement where children had access to education in the available six primary UPE schools and one secondary school, the challenge was the long distance to these schools.

#### 8.3.4 Right to adequate housing

General Comment No.4 on the right to housing sets forth requirements for the right to housing which include: Legal security of tenure; affordability; Habitability; Accessibility; Location; and Cultural Adequacy. (Refer to Chapter 5, section on the plight of older persons for an explanation on each requirement).

The UHRC noted that due to the overwhelming number of refugees and limited manpower to construct accommodation facilities many refugees ended up sleeping either in makeshift or communal tents. The available space was not sufficient to cater for all refugees.

In addition the tents were damp because water was seeping through from underground owing to the very high water table and the porous soils in Bundibugyo district. It was hard for the refugees to enjoy the right to shelter. Evident dampness according to World Health Organisations (WHO) is associated with a number of diseases including: development of new or exacerbation of existing asthma; respiratory infections; bronchitis; allergic rhinitis ;inflammation of nasal passages with runny nose or congestion, and eczema.<sup>389</sup>



Makeshift tents set up by the refugees in Bubukwanga Transit Site.

The UHRC established that at Midia Transit Site there were only two structures for 4,407 refugees.<sup>390</sup> These were not adequate to accommodate the refugees. They also had a very poor lighting system and were very congested. This exposed them to a great risk of contracting contagious diseases thus putting their rights in jeopardy. This contravened the Pinheiro Principles which call upon States to adopt positive measures aimed at alleviating the situation of refugees and displaced persons living in inadequate housing.<sup>391</sup>

389 <http://www.iaqscience.lbl.gov/dampness-risks-house.html> last accessed on 5 February 2014.

390 Uganda Human Rights Commission monitoring visit at November 2013.

391 Principle 8 of the Pinheiro Principles.



Blocks where refugees were being accommodated in Midia Transit Centre

### 8.3.5 Water and sanitation

On 28 July 2010, the United Nations General Assembly passed a Resolution 64/292, explicitly recognising the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights.<sup>392</sup>

Comment No. 15 defines the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.<sup>393</sup> It further interprets the right as “indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights”.

The UHRC noted with concern that in all the transit sites and refugee settlements visited in 2013 had a challenge of poor water and sanitation. At Bubukwanga Transit Site few temporary latrines had been constructed. This was because the high water table caused the latrines to fill-up very quickly. There was fear of outbreak of diseases like dysentery and diarrhoea.

At Nyakabande Transit Site most refugees did not have hygiene and sanitation facilities. They had to move very far to find water sources. Facilities at the camp were stretched, with refugees getting less than 5 litres of water a person daily, risking an outbreak of water borne diseases.<sup>394</sup> At Kyangwali Refugee Settlement UNHCR provided poles, slabs and digging materials for pit latrines and followed up to ensure that at least each household had a pit latrine.

### 8.3.6 Security threats

The UHRC interacted with security forces at the border who pointed out that Uganda has porous borders and as a result there were many security threats. The security agents said they faced challenges in monitoring refugee movements, and in searching all refugees coming into the country for weapons. Furthermore UHRC was informed that some refugees especially those coming from South Sudan crossed the border with guns.

392 <http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E> last accessed on 5 January 2014.

393 CESCR General Comment No 15 (2002). [http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf) last accessed on 5 January 2014.

394 <http://www.globalgiving.org/projects/water-hygiene-and-sanitation-for-congolese-refugees/> last accessed on 5 January 2014.



### 8.3.7 Right to Health

The UHRC monitored Bubukwanga Health Centre III in Bundibugyo District to find out whether the right to health of refugees was promoted and protected. It was established that the health workers were overwhelmed by the large numbers of refugees seeking medical treatment. The health centre had a total of 27 staff but had been beefed up with an additional 30 medical personnel from Bundibugyo hospital and various international agencies and organisations. These agencies were: Medical Teams International (MTI), MSF, UNICEF and UNHCR who stepped in to help in dealing with the large numbers of refugees seeking medical treatment. The UHRC established during the monitoring visits that the common diseases reported were malaria, Respiratory Tract Infections, skin diseases, diarrhoea, malnutrition, worms, abdominal infections and Sexually Transmitted Diseases (STDs).

On accessibility of drugs by HIV/AIDS patients, the UHRC was informed that peer groups had been sent to the camp to help identify HIV-positive refugees to enable them access drugs that were available at the health centre. However, the UHRC was informed that there were four cases of death of refugees in the camp due to different ailments. The refugees expressed a need for sufficient land on which to bury their dead in a decent way.

The UHRC noted that there were few health centres in Kyangwali Refugee Settlement where the refugees were being relocated yet there were large numbers of refugees that needed medical care.

At Koboko Pijoke Health Centre II 93 outpatient consultations were carried out with malaria, respiratory tract infections, diarrhoea, intestinal worms and eye and ear infections remaining the primary ailments<sup>395</sup>.

### 8.3.8 Access to Justice

Equal Access to Justice for all is not only a fundamental human right but a pre-requisite for the protection and promotion of civil, political, economic, cultural and social rights.<sup>396</sup>

In 2012 it was reported that a total number of refugees that was able to access justice in the formal justice system were 565 of whom 220 were female and 345 male.<sup>397</sup> Some of the challenges refugees face in accessing justice include the long distances to court; long procedures in the formal justice system; inadequate legal aid services; language barrier and poor interpretation services; as well as denial of bail.<sup>398</sup>

The UHRC established that at Bundibugyo Police Station two refugees had been detained on allegations of being Allied Democratic Forces (ADF) collaborators. UHRC found that these suspects had spent one week in detention waiting to be produced before court. The UHRC noted that the suspects had been deprived of their right to personal liberty in contravention of Article 23 of the 1995 Constitution of Uganda. It stipulates that 'upon reasonable suspicion of his or her having committed or being about to commit a criminal offence under the laws of Uganda, shall, if not earlier released, be brought to court as soon as possible but in any case not later than forty-eight hours from the time of his or her arrest'.<sup>399</sup>

## 8.4 RECOMMENDATIONS

1. The Office of the Prime Minister and all stakeholders should apply the human rights based approach to refugee humanitarian assistance and ensure that the rights of refugees are promoted and protected;
2. The Ministry of Health and the Ministry of Education and Sports should construct more health centres and schools respectively in refugee settlements to cater for the overwhelming numbers of refugees;

395 <http://www.unhcr.org/5269326d9.pdf> last accessed on 10 February 2014.

396 <http://www.ohchr.org/Documents/Issues/Poverty/SubmissionRuleOfLaw.pdf>. last accessed on 5 February 2014).

397 UHRC 15th Annual Report to the Parliament of Uganda 147.

398 As above.

399 n 347 above, Article 23(4)(b).



3. Refugees are required to respect the laws and regulations of Uganda; they should know that rights go hand in hand with responsibilities. Therefore they should avoid any form of illegal actions such as deforestation; and
4. In times of emergencies, the Office of the Prime Minister should construct shelters for unaccompanied children and undertake family tracing expeditiously.

## **8.5 CONCLUSION**

Government's effort to promote and protect the rights of refugees is commendable. However there were noticeable human rights concerns that need to be addressed. Government should therefore pay greater attention to its obligation to protect, respect and fulfill human rights and ensure that all refugees in Uganda enjoy their rights.

## CHAPTER 9

# HUMAN RIGHTS IMPLICATIONS OF OIL EXPLORATION ACTIVITIES IN THE ALBERTINE REGION

### 9 INTRODUCTION

The existence of commercial oil reserves was confirmed by Hardman Resources Company at Mputa Oil Field in Hoima District on 6<sup>th</sup> January 2006<sup>400</sup>. This was followed by the official announcement on 8<sup>th</sup> October 2006 by the President of Uganda, His Excellency Yoweri Kaguta Museveni of the existence of even more oil reserves in Uganda<sup>401</sup>, particularly in the Albertine Graben, stretching from South Western Uganda, straddling Lake Albert up to West Nile in North Western Uganda.<sup>402</sup>

Ever since the exploration work started, there have been mixed reactions from various stakeholders regarding the likely consequences of the oil industry to the country. On its part, government views the discovery of oil as an avenue to contribute to early achievement of poverty eradication and create lasting value to society. On the other hand, sceptics believe Uganda's oil industry could as well be a source of conflict with negative consequences of violations of a wide range of human rights. These base their argument on the experiences of some of the oil producing African countries such as Nigeria, Chad and Sudan where oil has only worsened the poverty and caused unending conflicts and a myriad of human rights violations. Even before commercial extraction of oil begins, activities related to oil exploration such as road construction and the planned oil refinery are already generating critical human rights concerns.

In the months of May and July 2013, the UHRC was petitioned to intervene and ensure that the rights of the affected communities were respected in the ongoing exploration and preparations for commercial extraction of oil. Specifically, the complaints raised were in respect of what was perceived as an unfair process in handling compensation of people to be displaced from the area earmarked for the oil refinery and those affected by the construction of the Kayiso-Tonya road. The UHRC received a copy of a petition that had been addressed to the Minister of Energy and Mineral Development alleging violations of human rights in the resettlement exercise.

In fulfilment of its constitutional mandate and in response to the allegations of human rights violations that had been raised, the UHRC monitored the human rights situation in the oil exploration areas in selected districts of Hoima, Buliisa, Nebbi, Nwoya and Amuru in August 2013. The monitoring exercise was to specifically verify the allegations that had been raised and also examine other relevant areas pertaining to respect, protection and promotion of human rights in the oil industry.

UHRC has already issued a special report on the findings of the monitoring exercise. This chapter therefore presents highlights of the findings in the report: *'Oil in Uganda: Emerging human rights concerns - Special focus on selected districts in the Albertine Graben'*. It focuses on Uganda's obligations to ensure a human rights compliant oil industry, human rights issues at stake and UHRC findings. Critical recommendations are also highlighted to enhance respect for human rights as the country prepares for fully fledged extraction of oil.

400 'Oil in Uganda' available at <http://www.oilnuganda.org/categories/oil-timeline> last accessed on 10 January 2014.

401 'Uganda announces oil discovery,' available at <http://www.iol.co.za/newsafrica-uganda> last accessed on 10 January 2014.

402 As above.



UHRC staff at the Mputa 1 area in the Albertine Graben during the monitoring exercise.

## 9.1 LEGAL FRAMEWORK

The human rights legal framework obliges the government of Uganda to respect, protect and fulfil citizens' rights in general and those engaged in the oil industry exploitation processes in particular.

### 9.1.1 International Legal framework

Uganda is a state party to several core international human rights instruments which provide human rights standards that can be used to ensure a human rights compliant oil industry. These instruments include the Universal Declaration on Human Rights, ICCPR, CESCR, CEDAW, CRC and its Optional Protocols, CERD and CRPD. Uganda is also a party to the core International Labour Organization (ILO) conventions. Other human rights instruments include the UN Guiding Principles on Business and Human Rights ('Protect, Respect and Remedy Framework'); the Rio Declaration on Environment and Development; the UN Global Compact; the International Finance Corporation Sustainability Framework; the Natural Resource Charter; and the Voluntary Principles on Security and Human Rights, among others. As a member of the UN, Uganda assumed obligations from the commitment it made in being party to these conventions, principles and frameworks.

### 9.1.2 Regional legal framework

At the regional level Uganda has ratified the ACHPR and its Protocol on the rights of women in Africa; the ACRWC; and the Kampala Convention on Internally Displaced Persons (IDPs).

### 9.1.3 National legal framework

The 1995 Constitution of Uganda provides for human rights in several articles. In particular, provides for the protection and promotion of fundamental and other human rights and freedoms, Article 244 of the 1995 Constitution provides that all minerals and petroleum in, on or under any land or waters in Uganda are vested in the government on behalf of the people of Uganda.



The constitution further states that Parliament shall enact laws regulating the exploitation and development of minerals and petroleum. Other laws include the Petroleum (Exploration, Development and Production) Act; the Petroleum (Refining, Gas Processing and Conversion, Transportation and Storage) Act, 2013; the Land Act Cap 227, Land Acquisition Act Cap 227, the National Environment Act Cap 153 and the Mining Act 2003.

Uganda has a National Oil and Gas Policy, 2008, to comprehensively address the entire spectrum of exploration, development and production of the oil and gas resources and promote the country's oil potential. The policy highlights the need for a long-term national strategy to ensure optimal impacts from oil and gas exploitation by maximising benefits to Ugandans. It further aims at making oil and gas development in Uganda contribute to early achievement of poverty eradication and create lasting value to society. In addition, it explicitly recognises the critical importance of transparency and accountability in handling all aspects of natural-resource management.

## 9.2 STATE OBLIGATIONS ON HUMAN RIGHTS

The instruments that constitute the international, regional and national legal framework places on states parties obligations for which they are accountable. The duty to respect obliges the state to ensure that the state does not or its agents do not violate people's human rights while the duty to protect requires that the state party ensures that third parties do not violate people's human rights. The obligation to fulfil human rights means facilitating a conducive atmosphere for the full realisation of human rights through appropriate legislative, administrative, budgetary, judicial, promotional, and other measures. In addition, it entails the duty to provide where due to circumstances beyond their control, people are unable to provide for themselves to enjoy given rights.

States are obliged to protect their citizens against human rights abuses by third parties, including business enterprises engaged in the extraction, production and sale of oil. In this regard, states parties are required to institute appropriate policies, regulation, and adjudication (effective judicial and non-judicial remedies). Business enterprises are required to act with due diligence to avoid infringing on the rights of others and to address adverse impacts on the environment.<sup>403</sup>

## 9.3 HUMAN RIGHTS ISSUES, CONCERNS AND FINDINGS BY THE UHRC

The oil industry is expected to play a critical role in contributing to Uganda's development efforts.<sup>404</sup> This is expected to be achieved through among others the provision of energy and increased revenue thereby enhancing the performance of other sectors of the economy and by implication contribute to poverty reduction and realisation of a broad range of human rights such as the right to development, the right to work, the right to an adequate standard of living, right to health and right to education.

The right to development is an inalienable human right by virtue of which every human 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 realised.<sup>405</sup> In this regard, the human person should be seen to be the central subject of any development process. In his report to the UN World summit in 2005, the former UN Secretary General, Kofi Anan noted that: *"We will not enjoy development without security, we will not enjoy security without development and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed"*.<sup>406</sup> This therefore calls for strategies to ensure respect for, protection and promotion of fundamental human rights and freedoms.

403 2011 UN Guiding Principles on Business and Human Rights.

404 B. Shepherd (2013) 'Oil in Uganda: International lessons for success' available at [http://www.chathamhouse.org/sites/default/files/public/research/africa/0113pr\\_ugandaoil.pdf](http://www.chathamhouse.org/sites/default/files/public/research/africa/0113pr_ugandaoil.pdf). The oil industry is estimated that base on a price of USD 75 a barrel the oil sector could potentially contribute USD 2 billion per year to Uganda's economy for more than twenty years.

405 Article 1 of the 1986 UN Declaration on the Right to Development.

406 UN Secretary General's Address at the UN World Summit in 2005, 5.

*none will succeed*".<sup>406</sup> This therefore calls for strategies to ensure respect for, protection and promotion of fundamental human rights and freedoms.

The desired development expected to accrue from the oil industry is bound to remain illusory if development is not considered to be a human right and equal attention and urgent consideration is not given to the implementation, promotion and protection of all categories of human rights. The promotion of, respect for and enjoyment of a given human right should not be a basis for the denial of other human rights and fundamental freedoms.<sup>407</sup> This is a critical requirement for key actors in the development discourse to consider the human rights implication for every single investment that a country embarks on.

The discovery of the oil and the subsequent activities related to exploration, production and the refinery have impacted on the different sections of the communities differently. The people have been raising various concerns, the most recent having been in relation to the planned oil refinery and the expected displacement of people in Hoima district. Even though the complaints from Hoima district regarding the proposed oil refinery area triggered a special monitoring exercise by UHRC, other concerns expressed about the ongoing construction of the Hoima – Kaiso Tonya road, as well as activities related to the oil exploration in Buliisa, Nwoya, Nebbi, Amuru districts were also considered. The human rights issues raised by the people in their individual or official capacities and their implications are highlighted.

### 9.3.1 Public perception of the oil industry

There is general euphoria pertaining to the oil industry in Uganda and the expectations are at all levels. While some speak from an informed viewpoint, others make unsubstantiated statements thereby causing unnecessary anxiety among the general public. UHRC established that the majority of the people in the Albertine Graben welcomed the exploration of oil in general and the planned construction of the oil refinery at Kabaale Parish in Buseruka Sub County. They perceived it as an investment that would uplift their lives and the status of their region through among others provisions of employment opportunities.

Besides, during the exploration period, oil companies constructed some schools, health centres, roads, boreholes and also initiated income generation activities. They have also put in place some special education programmes including provision of scholarships to Ugandan students. This gesture which is part of their corporate social responsibility has appealed to some members of the public who now support the industry.

However, some residents in Kigaaga B, viewed the project as likely to benefit other people and not themselves since the majority of them were not educated and thus did not possess the requisite knowledge to enable them benefit from the project.

### 9.3.2 The oil refinery area in Hoima district

A total of 7118 people in 13 villages were set to be displaced by the oil refinery in Kabaale Parish, Buseruka Sub County. This parish was the epicentre of complaints relating to compensation and resettlement of persons affected by the oil refinery. UHRC interacted with residents of seven out of the 13 affected villages. UHRC held discussions with residents of Kigaaga B, Kyapaloni, Nyamasoga, Nyahaira, Bukona A and B and Kitegwa villages.

UHRC established that valuation of property in the refinery-mapped area had ended in July 2012. According to the Resettlement Action Plan (RAP) majority of the residents had preferred compensation to resettlement. Only 27 households preferred to be relocated. A consultancy firm Strategic Friends International (SFI) had been awarded the contract from the Ministry of Energy and Mineral Development (MEMD) to implement the resettlement action plan

406 UN Secretary General's Address at the UN World Summit in 2005, 5.

407 n 406 above, 5-6.





UHRC monitoring team in a focus group discussion with residents of Kyapaloni village in Kabaale Parish, Buseruka Sub County, Hoima District

### 9.3.3 The right to property

Article 244 of the 1995 Constitution of Uganda provides that all minerals and petroleum are vested in the government on behalf of the people of Uganda. The said Constitution also requires Parliament to enact laws regulating the exploitation and development of minerals and petroleum; the sharing of royalties arising from mineral and petroleum exploitation; conditions for payment of indemnities arising out of exploitation of minerals and petroleum; and the conditions regarding the restoration of derelict lands. Parliament already enacted the Petroleum (Exploration, Development and Production) Act.<sup>408</sup> The Constitution requires that such exploitation of petroleum takes into account the interests of individual land owners, local governments, and the central government.<sup>409</sup>

Article 26 of the Constitution provides for the right to protection from deprivation of property and guarantees the right of everyone to own property individually or in association with others. The Constitution provides the conditions for compulsory deprivation of property or interest by government in the public interest, which must be lawful. It requires that there must be provision for prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property and the right to go to court in case one is aggrieved.

There were complaints regarding compensation and in particular allegations of irregularities in the valuation of property exercise, low compensation rates, delays in compensation and a cloud of uncertainty surrounding the issue of resettlement since those who opted for resettlement lacked information as to when and where they would be resettled.

### 9.3.4 The compensation and resettlement question

The major concerns of most residents were related to the rates used in the compensation. Majority of the people interviewed by the UHRC complained about flawed valuation of property, low compensation rates and delayed compensation. The rates ranged from UGX 3.5 million to UGX 7 million per acre of land, depending on the location. Pieces of land close to the road and trading centres were rated higher than others. The residents claimed that the amount offered of say UGX 3.5 million was too little to enable them acquire land of the same size elsewhere in the neighbouring communities. Residents also alleged that signing compensation forms was done under duress, with threats that whoever did not sign would lose out completely.

408 n 399 above, Article 244(1)(a-d).

409 As above, Article 244(2).



Others were told that although they would be allowed to lodge complaints, it would take over ten years to have their concerns addressed. Residents who refused to append their signatures on the forms did not know what was going to happen next. They said they had legitimate concerns not to sign because they were not given an adequate explanation regarding the way their properties were valued.

Some of the residents who had preferred resettlement to compensation expressed concern that no details had been provided as to when, where and how they were going to be resettled. The UHRC was informed that uncertainty of their status was causing the people sleepless nights.

UHRC was informed that some of the declaration forms after their property had been valued were missing some items owing to the errors in the valuation processes. There were also issues of undervaluing of property. A case in point was one resident who claimed he had 7 acres but the declaration form showed 5 acres instead.

The compensation forms signed by residents indicated 'paid and received' implying that they had been given the money yet they had not received any compensation. Many of them wondered who would be answerable if there were errors and delays in remittance of their compensation money to their bank accounts. In addition, they said although they had signed the compensation forms, there was no information as to when the money would be deposited on their accounts.

Some residents alleged that the valuation team was colluding with people outside the refinery-mapped area and these were the ones claiming that everything had been done transparently and that no one had any queries on the way the compensation exercise was being handled. This they said was distorting the picture and causing genuine complaints to be ignored.

Some residents wanted to switch from compensation to resettlement which was reportedly rejected by SFI. This was reportedly after people realised that the amount offered through compensation would not be enough for them to get alternative decent housing and get back to normal life. One such person was Onega Daniel of Bukona A who wished the procedures were flexible to allow people change their minds.

#### 9.3.4.1 Delay in compensation

Residents were apparently disturbed by the long period that had passed without being paid their compensation and yet the process neither factored in inflation nor the depreciation of the shilling. The valuation exercise ended in June 2012, yet signing of the compensation agreement (which was silent on any exact date when it would be affected) was done a year later. Residents said the compensation rates used in the exercise were of FY 2010/11 which could not be realistic for compensations likely to be effected in 2013. They said the valuations of some items did not take into account the current market prices. For instance cabbages were valued at UGX 200 yet the market price was at UGX 2,000.

Some residents who were displaced by the road construction said they were paid very little money that could not be useful for their resettlement. Others complained that two years later, they were yet to be paid.

UHRC found that there was a general lack of awareness and appreciation of the processes and procedures of valuations for compensation as by law established. Most of the community members did not know the process through which compensation rates are determined, nor the Land Acquisition Act that regulates the compulsory acquisition of land for public purposes.<sup>410</sup> They did not know the role of the Chief Government Valuer. It was established that in Hoima the disputed rates had been duly determined by the District Land Board in consultation with other technical officials at the district.

<sup>410</sup> The current practice of Government first acquiring the land then compensating claimants later was discussed in **Advocates for Natural Resources & 2 others vs Attorney General & Anor Constitutional Petition No 40 of 2013**. The Constitutional Court held that Section 7(1) of the Land Acquisition Act was hereby nullified to the extent of its inconsistency with Article 26(2) of the Constitution with regards to government compulsory acquisition or possession of any person's property prior to payment of compensation.

The technical officials included the entomologist (consulted on valuing bees), agriculturalist (consulted on crops and any other agricultural-related items), officer in charge forests-the District Forestry officer (consulted on valuation of trees), among others. Thereafter, the district valuer harmonised the rates and submitted them to the Chief Government Valuer who by law has the discretion to vary or maintain them in consideration of prescribed factors under the law including location and rates in the neighbouring districts.

UHRC established that valuation at the level of the district was limited to crops, trees and semi-permanent structures while land and permanent structures were valued by technical experts contracted by Strategic Friends International. The UHRC was informed that the firm made a lot of generalisations when making valuations for some items. A District Valuer said this is the practice but acknowledged that the district authorities should have been involved in the valuation of land and the permanent structures. This pointed to a lacuna in the law that allows for local authorities to be bypassed when considering or making valuations for certain properties.

The Chief Government Valuer confirmed that his office was responsible for determining values for disposal and acquisition of assets and to ensure value for money in the transactions. He emphasised that the estimated price for the transfer of an asset has to reflect the interests of all concerned parties. He added that because of insufficient resources, his office is usually unable to conduct valuations on its own. Consequently private valuers are often engaged but his office always approves their final reports.

He dismissed as baseless the allegations of undervaluing of property of the communities affected by the proposed oil refinery area and the construction of the road in Hoima District. He acknowledged the possibility of having missed some items that were raised during the disclosure exercise but ruled out any controversy with compensation rates. He confirmed that the rates for crops and livestock had been provided by the districts in line with the law and while his office approved some of the rates as provided by the districts, it also adjusted others basing on the professional expertise and the mandate vested in his office by law. The Chief Government Valuer said his office had considered the rates of the previous year, rates in the neighbourhood of the affected persons and the current market trends.

The Permanent Secretary (PS) MEMD however pointed to a likely contradiction of law in the valuation process, given that the 1995 Constitution provides for willing buyer and willing seller on the one hand, but then goes ahead to provide for compulsory acquisition where the chief government valuer determines the rates. He was concerned that this could result in conflict over fairness in compensation. Nevertheless, it should be noted that the law gives a guarantee based on human rights standards which are also entrenched in Article 26 of the 1995 Constitution of Uganda. It is a requirement that compulsory taking of possession or acquisition of property must be done after prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property, and that the affected person retains the right to go to court in case they are aggrieved.

Elsewhere outside the refinery area, UHRC established that in Omuka Exploration Pad Area while most of the affected land owners with clear records had been paid by August 2013, two people Mr. Opar Nicholas and Mr. Obomba Donasiano through whose land the access road to Omuka Exploration Pad passed had not yet been paid. Correspondences availed to UHRC indicated that this was because there was a pending case between National Forest Authority (NFA) and the two men over ownership of parts of their land through which the road passed. It was established that Total E&P policy does not allow payment of compensation where there are disputes on the land in question. It was also established that restoration of land in areas where exploration was complete was ongoing. Total E&P restoration plan was with NEMA pending approval so that the process could start in September 2013.

UHRC confirmed that the pertinent issue regarding compensation was the time frame between when valuation was done in 2012 and when actual compensation would actually take place. The delay in compensation or relocation of the people was causing anxiety. Many respondents also expressed concern that the MEMD, MOFPED and UNRA were taking long to compensate the affected people. The UHRC learnt from the MEMD that the delay was an issue of bureaucracy in government, a risk which would remain in place. The MEMD confirmed that delays in disbursement of funds were bound to remain and government might not consider the issue of inflation in the short term.



UHRC established from SFI that the implementation of the RAP was moving on smoothly and the entire exercise had been conducted using RAP committees which were democratically elected by the affected people themselves at the village levels. The SFI official denied reports that the organisation was forcing some affected people to sign compensation disclosure agreements but said the people who were unhappy with the exercise had been given an opportunity to lodge complaints which SFI and MEMD were handling. By the time of producing this report, 810 people had been compensated and only 46 people were still contesting the compensation rates approved by the Chief Government Valuer.

The MEMD together with SFI were handling this matter to ensure that complaints raised by the 46 people would be amicably addressed in a non confrontational manner to ensure project success. It was also established that arrangements were underway to acquire land in the neighbouring communities for people who had opted for resettlement. By the time of producing this report, people who had land in Buseruka had responded to the advertisement by government to provide land on which to resettle the people.

According to the project manager, Refinery Development Project, Assistant Commissioner Geology, PEPD, MEMD, the price of land per acre that government was due to acquire for resettlement of the people was lower than the amount of money given to those who had opted for compensation. This implied that complaints about low compensation rates were not justified. These would be given four months notice to vacate their land after being paid. This was also confirmed by the PS MEMD while discussing the issue of uncertainty over when the people in the oil refinery area would be resettled or those compensated would vacate. He said people would be given a period of four months to vacate after being paid, therefore there was no need for them to worry as nobody would be pushed out without adequate notice. SFI and MEMD were also planning another phase of livelihood restoration programmes to help people on how to use their compensation money and establish small businesses.

UHRC established from MEMD that the issue of royalties being demanded by Bunyoro Kitara Kingdom was a challenge as the kingdom is not properly catered for as a governance structure in the legal framework. The proposal already is that 80% would go to the Central Government, 10% to the districts, 7% to the sub-counties and 3% to the land owners but this did not include the kingdom.

Regarding the water sources and other amenities of the people in the neighbourhood of the proposed oil refinery area if they are affected, UHRC established from MEMD that the area earmarked for the refinery has a buffer zone. By implication, those in the neighbourhood had already been catered for in the RAP. On the issue of physical planning, the PS said it was too early to speculate on how the infrastructural design would be. He implored people to be patient.

### **9.3.5 Access to information**

Article 41 of the 1995 Constitution of Uganda provides for the right of every citizen to access information in the hands of the state. The Access to Information Act 2005 and their Regulations further provide the framework of how to access the information and the limitations on the kind of information that can be accessed. There was apparent excitement surrounding the discovery of oil but there was evident lack of information as majority of the people interviewed seemed to be ignorant of what was actually happening.

The residents expressed concern that they had no information regarding the direction the oil pipeline was likely to take. They had a fear of further displacement as construction of the oil refinery progresses. They claimed that due to lack of information they could not prepare in advance for displacement in case it happened. It was equally apparent that complaints related to the resettlement and compensation of people in the area earmarked for the construction of the oil refinery were largely based on lack of information or distortion of the available information by some elements within the civil society fraternity.



However there was a glaring lack of information and widespread misinformation which was due to the information vacuum created by the absence of the MEMD on the ground. Most of the issues raised as concerns were majorly due to the lack of information about what happened or was happening and the processes involved. There were only minimal efforts and in some aspects none, to enable all the community members understand the legal requirements, the procedures and the entire management framework of the oil industry. UHRC established that some CSOs and some local politicians took advantage of this vacuum in pursuit of their vested interests to misinform and mislead the unsuspecting and vulnerable community members. The PS MEMD decried the high level of dishonesty, speculation and lack of good will by people who do not want the refinery who fund some NGOs to disorganise and fail the whole exercise. He said the MEMD had developed a communication strategy to deal with all communication matters but they were still facing challenges from hostile audiences. He appealed to the UHRC to sensitise the people with the correct messages.

What was evident to UHRC was the inability of government officials especially the technical officers based at the districts to adequately counter and respond in equal measure to the amplified voices of CSOs filling in the information gap. The LC5 Chairperson of Hoima district cited the lack of capacity to counter the damage caused by some of the CSOs within the affected communities and as a result, community members accused him of having been compromised. He explained that the intermittent opportunities for him to sensitise people could not match those of the CSOs who were almost full time within the communities. The UHRC found that the allegations that the community members had labelled against the LC5 chairperson were based on lack of information or misinformation yet he had no capacity as often as the said CSOs had to reach out to the communities to provide information and clarify on misinformation.

It was commendable that Total E&P has established a Community Liaison Office (CLO) to ease communication and access to information between the oil companies and the community members. However, UHRC established that access to the CLO was a challenge thus affecting communication and information flow. For instance in Panyimur, Nebbi district, access to the CLO for the grass roots communities was impossible. However, in Hoima Tullow was being accessed through the stakeholders' engagement officer without any challenges.

UHRC also found that there was fear and anxiety among some of the communities in whose areas no oil activity was ongoing especially in Amuru district. This is because there was lack of information on where the oil exploration was to be carried out and the likely implications should the oil wells be found.

The UHRC established that there were very high expectations of the oil industry in terms of benefits to the community members as a result of the excitement that has presented the oil industry as the panacea for all the problems of Ugandans. This came out very clearly from all communities where oil exploration activities were ongoing as well as those in areas where no prospecting had been done. Many of the community members looked up to the industry as the answer to their pursuit of employment, investment returns, quick and unlimited income, business prospects and wealth. This is why for example, some community members expected to be paid more compensation than what they were forfeiting in terms of property and could not appreciate the proportionality of the compensation to the loss. Some community members could not appreciate that the amount of compensation was proportional to the location and size of land that one was forfeiting. For example a community member in Kabaale parish, Buseruka sub-county expected to be paid the same amount for his quarter an acre of land as the ones that were forfeiting the whole acre.

#### **9.3.6 The right to participation**

Article 21(1) of the Universal Declaration is about peoples' right to participation. It states: 'Everyone has the right to take part in the government of his country directly or through freely chosen representatives'. Article 25 of the ICCPR states that 'Every citizen shall have the rights and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives'. Article 13 (1) ACHPR reaffirms this. Article 38(1) of the 1995 Constitution of Uganda provides

that 'Every Ugandan citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with the law'. Meaningful participation enhances transparency and information sharing which are key vital requirements in the management of the oil industry.

In view of the primary duty of the state to ensure meaningful participation in the exercise of the right to participation, UHRC established that there were still gaps in access to information which is crucial for informed participation. Consequently, CSOs have stepped in to fill the information vacuum by facilitating the right of the people to participate and empowering them to participate in their governance. However, when CSOs do not effectively play this role, it can also be detrimental to enjoyment of the right.

UHRC found that there were longstanding suspicions, accusations and counter-accusations between the government officials and members of the CSOs. Government was accusing CSOs of sabotage while CSOs in turn accused the government of failing to listen to concerns of the people in the exploration of oil. Both the Hoima RDC and the NGO Forum confirmed that since the beginning of oil exploration there had been proliferation of NGOs in the region, some of which their mandate and sources of funding were not known. The NGO Forum acknowledged that there were indeed 'briefcase' NGOs whose work was not clearly defined and did not have known addresses. However the district NGO Forum has no mandate to veto NGOs working in the district which is the mandate of the National NGO Registration Board. It would be ideal for CSOs to mobilise communities for socio-economic development instead of confusing or misleading them.

### **9.3.7 Influx of outsiders into the oil area and its impacts on the local people**

Majority of the local leaders interviewed complained about the influx of foreigners from within and outside Uganda resulting from the oil exploration activities. Not only did it pose a security threat but it was also putting enormous pressure on service delivery and overstressing the district facilities. They complained about increasing cases of land grabbing by some powerful people whose origin *'was not clear'* to the native communities.

UHRC established that the MIA was aware of the huge influx of people both from the Democratic Republic of Congo and from within Uganda to the oil region. According to the Permanent Secretary, MIA, Dr. Stephen Kagoda, the ministry had established a special police unit in charge of oil; had revitalised the registration of all deaths and births in Uganda; intensified immigration inspection by establishing mobile immigration units as well as a rapid response mechanism.

The reported increase in cases of land grabbing was confirmed by district leaders as well as some officials of the MEMD which they said could be connected to the oil exploration. According to the mapping of the RAP, 70.7 % of the people in the area earmarked for the oil refinery were Alur while the Banyoro comprised of 7.3 %.<sup>411</sup> However, the unconfirmed reports of a moratorium on acquisition of land titles in the Albertine region was refuted by the Hoima Lands Officer as well as the RDC who clarified that no official communication had been received by the district stopping them from issuing land documents. The only area in the district where such a ban was being formally enforced was Kyangwali Sub County.

### **9.3.8 Rights of vulnerable people.**

It has been acknowledged on impact assessment of the oil and gas sector that different kinds of negative impacts can fall on different groups and even on individuals within certain groups. Impacts can be more severe when individuals or groups are vulnerable or marginalised. Human rights of some categories of vulnerable people such as young women in search of employment and widows among others were reported to be under threat. There were allegations of sexual harassment within the oil camps. The RDC Hoima confirmed to have received such reports and was handling them.

411 Refer to the sec 9.3.4 of this chapter on delayed payment of compensation, para 2 & 3, 50.



UHRC was not able to visit the oil camps. UHRC also repeatedly encountered allegations of sexual abuse and exploitation of girls in Hoima, most especially sex workers allegedly by the moneyed foreigners constructing the Kaiso-Tonya road. It was alleged that some of the Turks constructing the Kaiso-Tonya Road would procure prostitutes and end up inviting a number of their colleagues to gang rape them. Most of the officials UHRC talked to had heard about the allegations although there was no concrete evidence to support it.

District officials in Nebbi were concerned that the settling of oil workers in the area resulted in an increase in the population of sex workers. They expressed worry over the likely increase in the spread of HIV.

It was reported that family disputes were on the rise due to much money in circulation from compensation and the sale of murram for the oil roads. Domestic violence was said to be escalating because the men were not sharing the money with their wives.

Some women raised a concern that only men were signing on compensation forms yet it was a requirement that both husband and wife should be signatories to the forms. They expressed fears of being sidelined by their husbands when compensation money finally comes through. In one case in Hoima, a widow complained about being disenfranchised since she could not sign the compensation agreement as the owner of the property that was due for compensation. Her father in law has signed as the rightful owner of the property of his deceased son. The widow wondered what her fate and that of her orphaned children would be since they had not been consulted.

### **9.3.9 Right to a clean and healthy environment**

Article 39 of the 1995 Constitution of Uganda guarantees the right to every person to a clean and healthy environment. Some of the people interviewed complained of environmental pollution as a result of the ongoing exploratory work.

Total E&P Uganda which was operating in the districts of Nwoya, Nebbi and Bulisa said that waste substances were being dumped in a consolidated site by a subcontractor approved by NEMA. UHRC learnt that as an oil company Total E&P was very keen on ensuring that exploration and extraction of oil activities do not harm the environment and lead to violations of human rights. Total E&P explained that where vehicles of the subcontractors were spilling wastes in the road because of overloading, they had come up with a policy of loading at 75% for dry substances and 50 % for liquid substances to avoid spills.

In Nwoya district, it was reported that dumping was done on private land with the consent of the owner, one Olwoch. However, the community members alleged that the victim had consented in ignorance of the content of the waste and the likely side effects. Members claimed that the man on whose land waste was dumped was now desperate to have it removed because society was isolating him and his produce. It was reported that two of his wives had deserted him for fear of producing children with deformities. Olwoch Denis alleges that he had reported this case to authorities but nothing had been done yet.

UHRC established that Total E&P had inherited this issue from from Heritage but explained that studies had been conducted and the results indicated that the substances dumped in Mr. Olwoch's land were not harmful. Contrary to allegations by the people that Total E&P was not willing to do anything on the issue of Mr. Olwoch, Total E&P explained that they were only waiting for a report from the MEMD and was ready to implement any recommendations the government would come up with.

UHRC established from NEMA that it had approved everything done by the oil companies regarding the environment, therefore, there was nothing being done outside the provisions of the existing legal framework. It was also established that in order to deal with environmental issues NEMA had drafted guidelines for waste management to guide oil companies in the interim period; prepared a sensitivity Atlas for the Albertine Graben; was developing an oil spill contingency plan; and was reviewing the waste management guidelines. NEMA had established a regional office in Masindi. It was also building capacity for staff on oil issues. UHRC established that the NEMA Act will soon be reviewed to take care of the emerging environmental issues relating to the oil industry.



The chairperson of the Natural Resources Committee of Parliament told UHRC that it was critical to ensure that a high level of precaution is taken to ensure all environmental issues are well addressed, ensure safety of the underground water, handle the issue of compensation in a professional manner, implement the RAP in a realistic way and ensure that all people affected by the oil exploration exercise are handled in a manner that does not infringe on their fundamental rights and freedoms. He called for massive sensitisation about the entire oil exploration and extraction exercise for all stakeholders to do what is expected of them.

#### **9.3.10 Labour issues**

A District Labour officer was concerned that the terms of employment of the oil companies were not very clear to the employees. He said the communication gap between employee and the oil company employers was compounded by the language barrier as the locals could hardly understand Chinese and depended on gestures which sometimes were not well understood. This was one of the causes of misunderstandings between the oil companies and their employees leading to termination of contracts. It was also pointed out that the four-day prior notice required before visiting the oil company was a hindrance to effective monitoring by the labour officer. However, the PS, MEMD clarified that prior notice was required for both security of the oil installations and coordination purposes but not to hinder anybody with genuine concerns regarding the performance of the sector.

#### **9.3.11 Human-animal conflict**

The communities alleged that noise and the movement of cars in the national park due to oil exploration and the construction of the Tangi dumping site within the elephant corridor caused the animals to flee to the villages. The increased animal population in the areas resulted into loss of life and destruction of crops by elephants. The affected persons claimed that despite their complaints to the Uganda Wildlife Authority (UWA) about the elephants nothing had been done. They expressed fear that they would suffer famine since the elephants had destroyed their crops.

A similar complaint was raised by community of Joga village in Latoro parish who said in the past, the elephants would stray once or twice a month and return to the park but since oil exploration activities began, they were permanently within the community. The people said elephants destroyed crops, houses and even killed a one Grace Akello in January 2012. Their January 2013 formal complaint lodged with the UWA Rangers Office in Tangi Camp had resulted in a detach set up in Joga although it was later moved to AringoKec a neighbouring village. The communities said the National Park officials had given them posho and beans for the burial of Akello but had also informed them that the UWA does not give compensation.

The UHRC was informed that Total E&P was using high level technology of 3-Dimensions seismic survey instead of the 2-dimension one which is usually used because majority of the exploration work was taking place in the wild life area. It was said that the 3-dimension seismic survey is cables and does not damage the environment. The people of Nwoya district had confirmed that Total E&P was using more friendly technology that does not cause a lot of noise. However, they were already suffering the damages caused by elephants which had invaded the community attributed to the technology which was applied by CNOC and Tullow in the beginning where a lot of noise from blasts scared of animals from the park into communities. UHRC established that although peoples' crops were destroyed by elephants the UWA would not pay for damages and deaths.

When the issue of damages and deaths caused by elephants was put to officials from UWA, they informed the UHRC that the decision not to compensate individuals because of damages caused by animals was based on international best practices because of the complexity of the definition of wild life which includes every animal that is not domesticated including rats. They said it would also be very difficult to monitor that crops existed and were actually destroyed.

However the UWA official explained that they had not completely ignored people's concerns as mitigation measures had been put in place to reduce on the damage caused by wild life to the neighbouring communities. He said the law provides for sharing of 20% of the revenue generated from the national park which is shared with the community surrounding the area. This money is shared using established procedures and is therefore not given to individuals as handouts. Besides, trenches are dug around the park, bee keeping along the borders which also double as an economic activity and planting of red pepper along the boundaries. He appealed to those who needed compensation to petition government through the Attorney General.

### **9.3.12 Inadequate multi-sectoral coordination**

The National Oil and Gas Policy recognises the important roles different stakeholders have to play in the oil activities. It recognised the oil industry as multi-sectoral; details the roles of other government ministries, departments and agencies as well as non-state actors besides the MEMD and requires that management of the industry should be done through multi-sectoral coordination. However, this requirement by the policy was not being fully implemented.

UHRC established that the management of the oil sector had been over-centralised in the ambit of the MEMD and this had resulted not only in information gaps as all information was to be sought from MEMD, but also the inadequate involvement of the district authorities. The MEMD was responsible for everything yet it was entirely Kampala-based. As such, most district technical officers were merely observers yet they could have been playing an active role. District officials, especially technical staff pointed out some critical matters that they could be addressing if they were given an opportunity to play an active role. UHRC also found out that much of the knowledge pertaining to activities and operations of the oil sector was held by ministers and parliamentarians and district authorities had not been considered as much in building their capacities to be able to have a meaningful contribution to the processes currently underway.

UHRC further established that the requirement for the multi-sectoral coordination of the industry was still largely unmet. The failure of government to ensure a multi-sectoral approach to the management of the oil industry was in contravention of the requirements of the National Oil and Gas policy. Consequently, the oil industry seems to have remained a preserve of the MEMD yet the emerging issues needed the multi-sectoral approach. A case in point was the significant gender issues of concern which the Ministry of Gender, Labour and Social Development (MoGLSD) was best placed to manage as well as health and environmental issues that could be handled by the Ministry of Health and Ministry of Water and Environment respectively. UHRC confirmed that the gender issues raised by the community members were pertinent. However, UHRC established that it took long for the MoGLSD to get on board inspite of its role as stipulated in the National Oil and Gas Policy

When UHRC interacted with the PS MoGLSD, it was established that the ministry had participated in the development of the oil policy but lacked funds to do anything. As a result, its roles in the policy remained unimplemented until funds were secured in the FY 2013/14. By the time of producing this report, the Ministry was beginning to execute its role.

The PS MEMD Mr. Kabagambe Kaliisa attributed the over centralisation of oil exploration activities and limited involvement of other government ministries, departments and agencies to the nature of the ministry. It was established that the MEMD having largely dealt with rocks in their mining function in the past with only minimal interaction with people, it was learning and gradually adapting to the emerging requirements of the oil activities.

The PS acknowledged that human rights, local content and communication were emerging issues which the ministry was now taking seriously. He further admitted that due to the concentration on geological survey, the ministry had limited manpower to deal with the emerging issues. He said the demand to bring on board other disciplines had compelled the ministry to put in place a new structure to cater for recruitment of additional staff to handle the functions that were not originally within the ministry. In view of this, the planning process to open a Ministry Desk



in Hoima district was in advanced stages. The PS said the national oil and gas policy clearly outlines the role of all stakeholders and they were expected to play their respective roles. He revealed that a cabinet subcommittee on petroleum, roads, lands and resettlement had been formed.

### **9.3.13 Lack of /inadequate involvement of district local governments**

In the five districts monitored, UHRC found that there was hardly any involvement of the district local governments, yet by their mandate districts would have enhanced the information flow and facilitated mobilisation of the communities. The majority of the local stakeholders felt that they were being sidelined by the officials from Kampala.

The Chairman District Land Board Hoima acknowledged that much of the work regarding compensation of the affected people in Buseruka sub-county was done by technical people from the MEMD with district officials having little input in the entire compensation process. The district was financially handicapped to even monitor the ongoing processes let alone sensitise the affected residents on what was going on. It was further established that the financial constraints were a consequence of the decentralisation policy that places certain offices such as labour offices and community development among others under the district local governments, many of which cannot effectively finance them.

The district politicians and technical officers did not have any facilitation to enable them monitor the oil-related activities especially implementation and compliance with standards and requirements of the industry in particular, those related to the environment, safety and security, third party contractual obligations, among others.

In Nebbi, UHRC established that the communities were raising their concerns directly with Total E&P and only copied in the district leaders making it hard for them to intervene. Sometimes the oil company would delay to or not respond to the issues raised by the community members directly. Yet the leaders had the capacity to intervene more effectively like when communities complained of pollution as a result of dust from grading roads and the LC 5 chairperson engaged Total E&P who started sprinkling water to control the dust.

### **9.3.14 Inadequate capacity of district local governments**

There was evident inadequate capacity of most of the district officials in oil management issues, information, technical knowhow, and even lack of interest in keeping up to date with the developments in the industry and indifference to the industry. UHRC established that even where a district office needed to make an intervention like mobilisation and sensitisation it could not due to lack of facilitation. A case in point is the Community Development and Production departments of Hoima district who hardly implemented any programmes in the oil processes, yet they were key structures especially in community mobilisation and empowerment.

## **9.4 RECOMMENDATIONS**

In view of the aforementioned, the following recommendations are made to improve the observance of human rights in the implementation of the oil industry activities. The recommendations are addressed to specific centres for quick and unequivocal action as indicated below:

### **The Ministry of Energy and Mineral Development**

1. The ministry should, without any delay enhance information flow and awareness about oil activities to communities and Ugandans at large in order to address the many challenges and concerns that were raised due to lack of or inadequate information. The Ministry should ensure that it effectively implements its Communication Strategy;



2. The ministry should expedite payment of compensation to all project affected persons so that it is not devalued by delays and also to calm down the anxiety of the affected people;
3. The ministry and its contracted service provider, Strategic Friends International, should in the compensation and resettlement of the residents of Kabaale, embrace the human rights-based approach in dealing with the affected communities;
4. The ministry should organise regular forums for Government, CSOs, oil companies and other stakeholders to come together to discuss their differences, map out strategies of addressing mutual suspicion and engendering cordial working relationships amongst all parties in the oil sector;
5. The ministry should urgently establish Liaison Desks in the Albertine Graben to enhance access to information as well as quick responses to concerns on a case by case basis;
6. The ministry should establish clear complaints resolution mechanisms within the oil exploration areas and sensitise the communities to utilise them;
7. The ministry should sensitise the community members on the dangers of xenophobia; particularly labelling people "foreigners" based on lack of information and with a motive of denying them equal access to the opportunities in the oil sector;
8. Subject to the delicate balance between the requirements of the decentralisation policy and the constitutional provision of oil as a national resource, the ministry should delegate or share some of its roles with district local governments to enhance effectiveness since the local governments are on the ground and close to the communities. A memorandum of understanding between the ministry and all District Local Governments in the Albertine Graben would go a long way in streamlining the relationship;
9. The ministry should empower the district officials (both politicians and technical staff) with adequate knowledge on the oil industry in order for them to be able to effectively monitor how the sector is affecting the people; respond to their issues resulting from the oil industry and also empower them with information. In addition, the ministry should strengthen, empower and facilitate already existing structures like the Task Force on Oil in Buliisa district; and
10. The ministry in partnership with human rights organisations should undertake capacity building for oil companies in the human rights based approach so that they mainstream it in their exploration and production processes as well as activities.

#### **The Ministry Gender, Labour and Social Development**

1. The ministry should expeditiously investigate allegations of sexual harassment among the workers in the oil camps; the alleged discrimination between local and expatriate workers; and any other related labour issues so that the rights of workers are safeguarded;
2. The ministry should enhance programmes to empower people with financial literacy to prepare them to properly manage their compensation money as well as increased income expected from oil activities; and
3. The ministry should specifically address the issue of exploitation of workers by Chinese National Offshore Oil Company Chinese employees on the basis of language. The ministry should ensure that Chinese employers do not employ Ugandans on unfair and unfavourable terms due to language barrier just because they do not understand the Chinese language.

#### **The Ministry of Lands, Housing and Urban Development**

1. The Ministry of Lands, Housing and Urban Development should expeditiously issue the special plan for developing the Albertine region in order to manage the prevailing uncertainty, speculation and misinformation among the people.

### **National Environmental Management Agency**

1. National Environmental Management Agency should take the lead in conducting the Environmental Impact Assessment (EIAs) and not leave them to the oil companies. The EIA reports should be shared with the general public.
2. National Environmental Management Agency should expedite the process of amendment of the NEMA Act to take care of the emerging environmental concerns within the oil sector; and.
3. National Environmental Management Agency should take the responsibility of identifying where toxic substances should be dumped instead of leaving it for oil companies and the individuals who own land in the respective places.

### **Uganda Investment Authority**

1. Uganda Investment Authority should incorporate a human rights based approach and human rights mitigation guidelines in its investment code and policies.

### **The Oil Companies**

1. The oil companies should put in place a well developed human rights policy and effectively implement it during all phases of oil exploration and production to guide on how to deal with the emerging human rights issues;
2. The oil companies should conduct human rights impact assessments prior to commencement of activities; and
3. Corporate social responsibility should be demand driven. Oil companies should consult the people in order to come up with responsive programmes.

### **Civil Society Organisations**

1. Civil society organisations should endeavour to always act professionally and be accountable; they should always strive to advance the interests of the people.

## **9.5 CONCLUSION**

On the basis of the monitoring that was conducted by the UHRC, it was noted that Government in general and the MEMD in particular had put in place significant measures and safeguards in the management of the oil and gas industry. Unfortunately, district local governments and the public do not seem to be adequately informed about them, if at all. If the MEMD together with other stakeholders strengthened their role as stipulated in the National Oil and Gas Policy for Uganda and enhanced information sharing and awareness creation in a more robust and candid manner, the future of the oil industry would certainly be bright.

There is therefore urgent need for state agents and public officials in Uganda to appreciate that development is a human right and that all human rights are interdependent, indivisible, interconnected and interrelated. The need to embrace the HRBA to development is critical in the oil and gas industry now more than ever before.

## CHAPTER 10

# ASSESSMENT OF ACCESS TO ESSENTIAL HEALTH GOODS AND SERVICES

### 10 INTRODUCTION

The World Health Organisation (WHO) Constitution enshrines the highest attainable standard of health as a fundamental right of every human being and this entails access to a range of essential health goods and services necessary for delivery of quality health care. Uganda as a state party to the CESC has a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care; essential medicines; right of access to health facilities, goods and services on a non-discriminatory basis; ensure equitable distribution of all health facilities, goods and services; access to the minimum essential food; adequate supply of safe and potable water among others.<sup>412</sup> Table 10.1 provides examples of essential health goods and services that the Government is required to provide for health service delivery in Uganda.

**Table 10.1: Examples of essential goods and services required in health service delivery**

Essential health goods and services	Medicines/drugs	Health Supplies	Services	Professionals
	<ul style="list-style-type: none"> <li>- Anti-malarial drugs (Coartem)</li> <li>- Anti-retroviral drugs</li> <li>- Anaesthetics</li> <li>- Contraceptives and hormones</li> <li>- Blood products and plasma substitutes</li> <li>- ORS and solutions</li> <li>- Anti Infectionives - Pain killers (Panadol ibuprofen),</li> <li>- Anti Allergics, etc</li> </ul>	<ul style="list-style-type: none"> <li>- Gloves</li> <li>- Surgical blades</li> <li>- Laboratory supplies,</li> <li>- Delivery kits,</li> <li>- Bandages</li> <li>- Dressings,</li> <li>- Detergents</li> <li>- Disinfectants</li> <li>- Stationary &amp; stock management</li> <li>- Ward and Theatre supplies</li> <li>- Testing kits</li> <li>- Chemical reagents etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Maternity</li> <li>- Laboratory</li> <li>- ART clinic services</li> <li>- Emergency</li> <li>- Family planning</li> <li>- Immunisation</li> <li>- Outreach services</li> <li>- Antenatal and post natal services</li> <li>- Delivery</li> <li>- Malaria treatment</li> <li>- Referral services levels</li> <li>- On job training of staff in medicines management</li> <li>- HIV and malaria, support supervision etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Doctors</li> <li>- Medical officers,</li> <li>- Clinical officers</li> <li>- Nurses</li> <li>- Midwives</li> <li>- Laboratory</li> <li>- Technicians</li> <li>- Radiographers</li> <li>- Dispensers etc</li> </ul>

Source: Ministry of Health Essential Medicines and Health Supplies List 2012 and Annual Health Sector Performance Report 2012/2013

The chapter highlights the findings with regard to progress and challenges in the realisation of the right to essential health goods and services, based on the UHRC inspections of Government and health facilities in 2013, review of selected health sector reports and legal framework. The positive developments highlighted include the recruitment of health workers; infrastructural developments; improvement in access to essential medicines and supplies by Ugandans including vulnerable groups. The challenges included the inadequate access to essential utilities; inadequate budget allocation; shortages in blood supply and drug stock outs. It concludes with appropriate recommendations.

#### 10.1 LEGAL FRAMEWORK

Uganda has ratified various international as well as regional instruments and enacted laws that provide for and safeguard health rights. These are discussed below:

<sup>412</sup> CESC General Comment No 3.



### 10.1.1 International legal framework

Article 25 of the Universal Declaration recognises the right of all to an adequate standard of living including the guarantees of health and wellbeing. Article 12 of the CESC recognizes ‘the right of everyone to the enjoyment of the highest attainable standard of physical and mental health’. The underlying determinants of health which are critical for the right to health are: Access to safe and potable water; adequate sanitation; adequate supply of safe food; nutrition; and housing.<sup>413</sup>

The CRC specifically emphasises that all children should not be deprived of their right to access health care services.<sup>414</sup> Article 12 of CEDAW establishes an obligation on the state party to adopt measures to guarantee women access to health care and family planning services without facing discrimination.

Article 5 (e) (iv) of the Convention on the Elimination of all Forms of Racial Discrimination (CERD) prohibits racial discrimination and guarantees the right of everyone to enjoy the right to public health and medical care irrespective of their race. The CRPD specifies that PWDs have the right to enjoyment of the highest attainable standard of health without discrimination.<sup>415</sup>

### 10.1.2 Regional legal framework

Article 16 of the ACHPR provides for the “the best attainable standard of physical and mental health”. Article 14 of the ARWC specifically provides for the right of every child to enjoy the ‘best attainable standard of physical, mental and spiritual health’ and highlights the specific undertakings of the state. The Protocol to the ACHPR on the Rights of Women in Africa (Maputo Protocol)<sup>416</sup> guarantees the respect and promotion of the right to health for women in Africa including the right to sexual and reproductive health.

### 10.1.3 National legal framework

The 1995 Constitution of Uganda provides in Article 8 (A) that the state shall be governed by the national interest principles that are listed in the General objectives stated in the Constitution. General Objective XIV (b) provides that the state shall endeavour to ensure that all Ugandans shall enjoy the right to access health services.

Other national legislations such as the National Drug Policy and Authority Act Cap 206 and the National Medical Stores Act Cap 207 also provide for access to essential quality health goods and services. The right is also catered for in national policies such as the National Development Plan 2010/2011- 2014/15 which lists increased access to quality social services among its objectives and the Health Sector Strategic Investment Plan (HSSIP) III 2010/2011- 2014/2015 which states ‘attainment of a good standard of health for all people in Uganda in order to promote a healthy and productive life’ as one of its goals. Other policies are: The National Health Policy I and II, the National Drugs Policy, the National Pharmaceutical Sector Strategic Plan and the Ministry of Health Essential Medicines and Health Supplies List 2012.

## 10.2 MONITORING THE RIGHT TO HEALTH

In 2013, the UHRC inspected 112 Health Centres (HC) IIs, 188 HC IIIs, 54 HC IVs and 20 Hospitals. Refer to Annex J for the details of the Health facilities inspected by UHRC in 2013. The total number of health facilities in the country is 1,596 HC IIs, 906 HC IIIs, 169 HC IVs and 57 hospitals<sup>417</sup>. There has been an increase in the number of health facilities inspected by the UHRC for the past four years from 51 in 2010 to 194 in 2011 to 329 in 2012 to 374 in 2013. The number of health facilities inspected increased in 2013 by 0.88%. Table 10.1 shows the health facilities inspected by regional office.

413 n 412 above.

414 n 340 above, Article 24.

415 n 321 above, Article 25.

416 n 117 above, Article 14.

417 Annual Health Sector Performance Report (AHSPR) 2012/2013.

**Table 10.1: Health facilities inspected by UHRC by regional office**

Regional Office	HCIs	HCIIIs	HCIVs	Hospitals	Total
Arua	07	19	02	01	29
Central	14	24	06	08	52
Fort Portal	17	22	09	04	52
Gulu	17	34	06	-	57
Hoima	02	03	01	-	6
Jinja	06	17	04	01	28
Masaka	05	07	04	01	17
Mbarara	04	13	7	-	24
Moroto	32	19	01	00	52
Soroti	08	30	14	05	57
<b>Total</b>	<b>112</b>	<b>188</b>	<b>54</b>	<b>20</b>	<b>374</b>

## 10.2.1 POSITIVE DEVELOPMENTS

According to General Comment 14 on the CESCR, accessibility to essential health goods and services has four dimensions: Physical accessibility; economic accessibility, information accessibility and non-discrimination. It is also interlinked with the elements of availability, affordability, good quality, scientific and medically appropriate drugs, supplies, equipment and professionals to deliver the services.<sup>418</sup> During inspections in 2013, the UHRC observed the following efforts towards improving access to essential health goods and services in health service delivery:

### 10.2.1.1 Essential services

#### a) Recruitment of health workers

The availability of professional and trained health personnel contributes to the effective and prompt delivery of essential health services within the health facilities. In 2013, the UHRC noted an improvement in the number of approved posts filled for health workers from 58% in 2011/2012 to 63% in 2013.<sup>419</sup> The Government recruited 7,619 health workers to address the existing staff shortages within HCs operating at the district level.<sup>420</sup> Staffing levels at the district (excluding referral hospitals) improved from 55% in 2011/12 to 60.5% in 2012/13, with a significant increase in staffing levels in HCIs and HCIVs to 70% to 71% respectively.<sup>421</sup> This targeted recruitment was aimed at improving access to professional and primary health care services within the grassroots where the HC Is, HCIIIs and HCIVs are located. Table 10.3 shows the categories and number of health workers recruited in 2013.

**Table 10.3: Categories and number of health workers recruited in 2013**

Health Workers (All Categories)	Doctors	Nurses	Midwives	Clinical Officers	Anaesthetic Officers & Assistants	Dispensers	Lab Techs & Assistants	Other cadres
Number of positions advertised	371	3108	1,610	1,254	445	179	1,246	1,270
Number of positions filled	196	2,688	1,067	989	53	43	905	1,997
Percentage %	53	86	66	79	12	24	73	64

Source: Annual Health Sector Performance Report 2012/13

<sup>418</sup> CESCR General Comment 14.

<sup>419</sup> n 417 above, 23.

<sup>420</sup> This included trained health workers, administrative and support staff in public health facilities.

<sup>421</sup> As above (n 263) In addition, Ministry of Health obtained support from GFTAM and President's Emergency Plan for AIDS Relief to recruit 600 and 1220 health workers respectively.

## b) Availability of health facilities in newly created districts

Uganda currently has 112 districts and since there is a decentralized system of governance, the state has the obligation to ensure equitable distribution of health facilities that are functioning and accessible to deliver health services to the people without discrimination.<sup>422</sup> During its inspections, the UHRC assessed the availability of health facilities within selected newly created districts. It noted that 28 health facilities existed in the new districts of Bukomansimbi (Bigasa HC III, Kitanda HCIII, Butenga HC IV and Kagoggo HC II); Kalungu (Bukulula HC IV, Kyamuliibwa HC IV and Kyamuliibwa HC III); Lwengo (Kyazanga HC IV, Kiwangala HC IV, Lwengo HC IV, Kyetume HC III); Buikwe (3 health facilities including Kawolo Hospital, St. Francis Hospital-Nyenga and Najemba HC III) Kiryandongo (Panyandoli HC II; and Maracha (5 health facilities). Luuka and Buyende Districts inherited health facilities from former districts while others upgraded the health facilities at the Town Council into HCIVs. Kyegegwa and Ntoroko Districts had HCs but lacked hospitals.

## c) Infrastructural developments

UHRC also noted that construction and renovation of buildings of health facilities was undertaken in line with the basic building requirements that require health facilities to be of good quality and medically appropriate.<sup>423</sup> Of the health facilities inspected; 34 constructed new facilities, 23 were renovated while 103 were dilapidated. Below in Box 10.1 are selected health facilities inspected where constructions and renovations had been undertaken.

### Box 10.1: Selected health facilities where constructions and renovations were done

#### Construction of new health facilities

Kitanda HCIII in Bukomansimbi district, Kabayanda HC III and Bukulula HC IV in Kalungu District had a new Out Patient Department (OPD) building. Butenga HCIV in Bukomansimbi District had an operational theatre which greatly improved maternal health services with deliveries increasing from 30 to 60 per month. Aloji HC III in Alebtong District, Ali-Vuni HC III in Arua District and Omagoro HC III in Katakwi District constructed new maternity wards.

Butiaba HC III in Buliisa District and Ntandi HC III in Bundibugyo District were upgraded from level II to level III and both had general wards with partitions for males, females, paediatric and maternity wards. Kagogo HC II in Bukomansimbi district was newly constructed (by the district under PHC development in the FY 2010/2011).

Kyamuliibwa HC IV in Kalungu District constructed a new ward. A new mortuary has been constructed at Luwero HC IV in Luweero District but it was not yet operational due to lack of equipment. Mukono HC IV in Mukono District had a newly constructed laboratory although it was not yet in use due to lack of equipment. At Kyenjojo Hospital in Kyenjojo District the maternity section had been expanded with a new wing added. The theatre had been expanded by Baylor Uganda and new staff houses were under construction.

Constructions of staff accommodation were underway at Nantabulirwa HC II in Mukono District, Nakyesa HCII and Nazigo HC III in Kayunga District. Lobole HC III and Wandu HC III constructed new staff quarters. Other health facilities that underwent constructions included Laroo HC II and Punena HC II in Gulu District, Nyakadoti HC II, Agali HC III, Kaduku HC II, Panyandoli HCII, Mutunda HC II, Karuma HC II, Diima HC II in Kiryandongo District.

<sup>422</sup> n 412 above.

<sup>423</sup> Ministry of Health Primary Health Care Grant Guidelines and Transfers to Local Governments Financial Year 2012/13 and the Health Sector Strategic Plan 2010/2011-2014/15 4-5. HC IIs are expected to have an Out Patients Department, Emergency Delivery, a Placenta Pit, a Medical Waste Pit and 4 Housing Units; HC IIIs in addition to what is in HCII - Maternity Ward, General Ward, and 10 Housing Units. A HC IV in addition to what is in HCIII - drug store with a Health Sub District Office, an Operation Theatre, Mortuary and 18 Housing Units.



### Renovated health facilities

Kasagama HCII in Lyantonde District had a newly renovated OPD. In Ngai HC III, Ariba HC II, Iceme HC III, Acokara HC II, Otwal HC III, Zambia HC II and Aber HC II in Oyam District were also renovated. In Gulu District Paibona HC II, Awach HC IV, Laroo HC III, Ongako HC II, Bobi HC III were all renovated.

Kyarusozi HC IV in Kyenjojo District had caesarean and delivery sections after renovations on one of the buildings. Only Butove HC II in Budaka District had a new structure in a good shape funded by Child Fund. All the 18 other HCs need renovations and expanding. In Morulem and Orwamuge HC IIIs constructed Maternity wards).

### d) Accessibility to essential services by vulnerable groups

Essential health commodities should be accessed and available to all in a non-discriminatory manner taking into account the needs of vulnerable groups. The efforts observed by UHRC for Persons with Disabilities (PWDs), Persons living with HIV/AIDS (PLWHA), older persons, children, expectant mothers, refugees to access essential health goods and services are highlighted below.<sup>424</sup>

#### i) Older persons and PWDs

Out of the 374 health facilities inspected by the UHRC, 141 were constructed in a manner that enabled physical access by PWDs and older persons. These health facilities were either constructed with ramps or had no stairs. Health facilities such as Keizoba HC II, Kyamulibwa HC III, Butenga HC IV, Ntusi HC IV, Lwemiyaga HC III, Kagoggo HC II and Bukulula HC II in Kalungu and Sembabule Districts had ramps. There were still some challenges where persons with physical disabilities especially those using wheel chairs had difficulty in accessing some blocks which had dilapidated or no ramps. Of the total health facilities inspected 73 had no ramps. Only Lyantonde Hospital had a sign language interpreter. The older persons also found challenges in accessing some health services owing to the long distances to the facilities especially for those who do not live within the 5km radius of the facilities. Annex K shows the details of the UHRC findings on patients' accessibility to selected health facilities during 2013.



A ramp at Karuma HC II, Kiryandongo District that requires backfilling as a result of soil erosion

424 Refer to Chapter 8 on the Human Rights Situation in Selected Refugee centres in Uganda.

## ii) Persons living with HIV/AIDS

A total of 191 health facilities inspected by the UHRC provided HIV/AIDS treatment services such as the provision of Anti-Retroviral drugs (ARVs) and Voluntary Counselling and Testing (VCT) for PLWHA. It was reported to the UHRC that 75 health facilities did not avail these services and one of the reasons given was that some of these health facilities were not accredited to do so.

According to the Annual Health Sector Performance Report 2012/2013, the percentage of eligible persons receiving ARV treatment therapy increased from 59% in 2011/12 to 76% in 2012/2013 which was above the HSSIP target of 65% for 2012/13. This was a result of efforts by the AIDS Control Programme to accelerate accreditation of health facilities as ART sites; scale up of Option B+ for Elimination of Mother to Child Transmission (EMTCT); and the introduction of Web Based ARV Ordering Systems among others.<sup>425</sup> This led to improved access to a range of HIV/AIDS care services<sup>426</sup> including VCT and coverage for Early Infant Diagnosis (EID) significantly reduced unit costs (from \$22 to \$5 per EID test) and reduced results' turnaround time from over 45 days to 2 weeks. A total of 400,000 out of 1,000,000 (40%) of the males targeted received safe male circumcision as a measure to reduce HIV/AIDS transmission.<sup>427</sup>

## iii) Child immunisation coverage

According to UHRC findings, 285 out of the 374 health facilities inspected provided child immunisation services against diseases like tuberculosis, measles, tetanus, whooping cough, diphtheria, polio among others. It was also reported in the AHSPR 2012/2013 that there was an improvement in immunisation coverage for DPT3 for under-one year children from 85% in 2011/2012 to 87% in 2012/2013.<sup>428</sup> Regarding measles immunisation, 85% of one-year-old children were immunised in 2012/13; well within the HSSIP target of 85%, although it was a decline from 89% measles coverage achieved in 2011/12.<sup>429</sup> 165 of the health facilities had the DPT, polio and BCG vaccines available during inspections by the UHRC.



Mothers attending immunisation session at Rwenshama HC III in Rukungiri district

## iv) Expectant mothers

Under Millennium Development Goals (MDG) 4 and 5, access to maternal and reproductive health commodities is essential for achieving universal access to reproductive health and reducing maternal mortality in Uganda.

425 n 419 above, 11

426 As above. The number of health facilities providing ARVs increased to 1,160 excluding specialized clinics, research programmes and private clinics. The availability of trained staff for ART prescription and availability of guidelines in facilities was at 93% and 88% indicating good access to ART services.

427 EID facility coverage was 1,521 facilities including 100% of referral hospitals, 100% of General hospitals, 100% of HC IVs, 84% of HC IIIs, and 5.6% of HC IIs -AHSPR 2012/2013, 9.

428 88% were males and 85% females which was above the HSSIP target of 83%.

429 n 425 above, 11.



Of the health facilities inspected, 216 provided health services to expectant mothers including maternity services in the form of pre-natal, post-natal health care, and treatment of malaria. In the health sector, it was reported that there was improvement in the reproductive health indicators where the percentage of deliveries in health facilities rose from 38% in 2011/12 to 41% in 2012/13 though it was still below the HSSIP target of 65% for 2012/2013.<sup>430</sup> The improvement could be attributed to increased functionality of HC IVs and staffing levels at HCIVs and HCIIIs which provide interventions in cases of complications in delivery.<sup>431</sup> There was also a significant increase in funding and supply of essential reproductive health medicines and health supplies. The percentage of women completing the second intermittent preventive treatment IPT dose for malaria rose from 44% to 47% in 2012/2013.<sup>432</sup> Approximately 90% of pregnant women were tested for HIV during ante natal care and 96% of HIV+ mothers received ARVs.<sup>433</sup>

#### 10.2.1.2. Improved access to essential drugs

Access to essential health goods and services requires that essential drugs are of good quality, scientifically approved, affordable, made available at all health facilities and stored safely.<sup>434</sup> Of the 374 health facilities inspected by the UHRC, 129 reported the availability of essential drugs and a minimal improvement in drug supply to health facilities by the National Medical Stores especially among HC IVs. Essential drugs like anti-malarials (coartem, fansidar), antibiotics, ORS sachets, painkillers (such as Panadol), and some ARVs were found in these health facilities. Under AHSPR 2012/2013, it was reported that the availability of the six tracer medicines continued to improve with the percentage of facilities without stock out of any of the six indicator medicines such as Anti-malarials (Artemisinin-based Combination Therapy (ACT), Depoprovera, Sulphadoxine/pyrimethamine (fansidar), measles vaccine, oral rehydration salts (ORS) sachets and Cotrimoxazole in the last six months of the FY increasing from 21% in 2009/10 to 48% in 2011/12 and to 53% in 2012/13.



Health workers at Rukungiri HCIV in Rukungiri District displaying essential drugs to the UHRC team

### 10.3 CHALLENGES IN ACCESSING ESSENTIAL HEALTH GOODS AND SERVICES

#### 10.3.1 Access to essential utilities

According to General Comment 3 to the CESCR, the right to health extends to the underlying determinants of health, such as access to safe and potable water, adequate sanitation and environmental conditions which should be accessible, available, and acceptable and of good quality. During 2013, there were general complaints and reports about electricity and water shortages within health facilities partly resulting from then on or delayed payment of high utility bills that took a large percentage of the health facilities' expenditure affecting other administration costs.

430 n 425 above, 19.

431 As above.

432 As above.

433 As above

434 As above.



In addition, the district primary health care non-wage budget allocation reduced further from UGX 18.5 billion in FY 2011/12 to UGX15.84 billion for FY 2013/14.

#### **a) Inadequate water supply**

Although 130 out of 374 health facilities inspected had access to water (mostly collected from rain harvesting tanks, wells, boreholes, and in a few cases piped water), 61 had challenges with access to water due to the old or dilapidated, leaking rain tanks and broken down boreholes. The water shortages prevented the health personnel from providing to patients including expectant mothers essential health services and also affected the operations and sanitation in the health facilities. In July 2013, demonstrations were held at Iganga Hospital for the restoration of running water because the borehole had broken down two months before and there were no funds to repair it.<sup>435</sup> There were also serious reports of persistent water shortages in Kisoro Hospital due to unpaid water bills and power black outs which forced the closure of the maternity ward and theatre. Acute water and power shortages especially at lower health facilities increased infection risks and put pressure on referral units.<sup>436</sup>

#### **b) Power shortages**

It was reported that 111 of the inspected health facilities faced power supply problems. The facilities that had access to hydroelectricity and generators faced rising utility and fuel bills and in most cases the power supply was erratic. Other health facilities did not have functional solar power and improvised with lanterns, gas, torches and the mobile phone light to operate even during delivery of mothers.

### **Box 10.2: UHRC findings in selected health facilities on access to essential utilities**

#### **Water supply**

Kalungu HC III in Kalungu District lacked running water due to the supply problem in the district. The rain water harvesting tanks were very old and leaked, leaving the facility with no source of water. Water (fetched from a swamp) sold between UGX 500 -1000 per jerrycan and this led to immediate discharge of delivered mothers. Bukulula HC IV in Kalungu District lacked a reliable water source. The borehole broke down, and since it was a dry season, there was no rain water. There were very dirty latrines exacerbated by lack of water.

In Olilim HC III in Kileleshwa District, Awach HC IV in Gulu District and Alango HC II in Otuoke District, Barr HC III and Agali HC III in Lira District fetched water from boreholes 1 km from the HCs; Ongwako HC II in Gulu District accessed water from a school borehole located about 800m away while Kaduku HC II and Mutunda HC II in Kiryandongo district had no water source at the facility.

Nazigo HC III in Kayunga District collected water 2 kilometres away from the centre. Kapeeka HC III in Nakaseke District lacked running water and water was drawn from a community borehole. The facility's tanks for collecting rain water were non-functional and needed repair. Butuntumula HC III in Luwero District had a non-functional tank which needed repair. Water was got from the prisons borehole.

Other health facilities with no water supply included: Atutur Hospital, Kumi HC IV, Nyero HC III, Kanyum HC III and Mukongoro HC III in Kumi District; Bugobero HC IV, Manafwa HC IV in Manafwa District; Kapkoloswo HC III in Bukwo District, Bundege HC II and Sironko HC III in Sironko District; Aketa HC III and Magoro HC III in Katakwi District; Wera HC III (had access to only dirty/rusty/oily water from a borehole) Asamuk HC III also in Amuria District.

435 <http://www.monitor.co.ug> last accessed on 1 December 2013.

436 <http://www.ugandaradionetwork.com> last accessed on 31 December 2013.

### Inadequate power supply

Poor power supply was noted at Lobanya HC II in Kotido District which did not have any form of lighting. Malera HC III, Kolir HC III and Kidongole HC III in Bukedea District, Asamuk HC III, Obalanga HC III and Wera HC III in Amuria district, Kobulubulu HC III in Kaberamaido, Atar HC II and Chemwom HC III in Kween District. Kapelebyong HC IV and Amuria HC IV in Amuria District had solar panels but they were unreliable.

Bulika, Mpoma and Kasana HC IIs in Mukono District had no electricity at all. Kiruddu HC III in Kampala had no standby generator. Kikamulu HC III in Nakaseke District had no standby generator. The available solar system was also down at the time of the inspection. Luwero District HC IV had erratic power and poor solar supply.

Irimi HC III, Lorengechora HC II, Panyangara HC III, Lookoro HC III, Lokitelaebu, HC III, Lokiding HC III and Lopuyo HC II in Kotido and Napak districts all had solar power installed but majority were not functional. In Butebo HC IV in Palisa District had poor power supply and relied on solar power to run only laboratory because it was not enough to power the blood storage fridge as well. As a result caesarean births could not be conducted at the facility though it had a functional theatre.

Other health facilities with power shortage included: Atutur Hospital, Nyero HC III in Kumi District, Malera HC III, Kolir HC III and Kidongole HC III in Bukedea district; Asamuk HC III, Obalanga HC III and Wera HC III in Amuria district; Kobulubulu HC III in Kaberamaido District; Atar HC II and Chemwom HC III in Kween District, Ngora HC IV in Ngora District; Obalanga HC III, Golokwara HC II, Amusus HC II in Amuria District; Usuk HC II, Aketa HC III, Ngariam HC III and Magoro HC III, Koritok HC II all in Katakwi District; Namasale HC III, Biko HC II, Alecmeda HC II in Amolator District; Chesower HC III, Koritek HC III, Kirwot HC II, Kamet HC II, Amanang HC II in Bukwo District; Bamulisha HC III, Bundege HC II, Bubutu HC III, and Butiru HC III in Sironko District; Bukalasi HC III, Bushika HC III, Bukigai HC III and Bulucheke HC III in Bududa District.

### 10.3.2 Inadequate supply of essential health supplies

The availability of health supplies impacts on the quality of delivery of health care by health workers. For instance the provision of safe and adequate quantities of blood and blood products manages maternal haemorrhage (30% of all blood collections); childhood anaemia (60% of all blood collections) and other emergency cases. Despite the slight increase in the percentage of HCIVs providing blood transfusion services from 26% in 2011/12 to 27% in 2012/13<sup>437</sup>, the UHRC noted the persistent countrywide shortage of these services caused by interruptions in the supply of blood donor kits and testing reagents.

The UHRC got complaints on the inadequate supply of laboratory supplies like reagents, testing kits, general health supplies like gloves, syringes, cannulas, bandages, cotton wool and protective gear for health workers.<sup>438</sup> UHRC noted that Olilim HC III in Kole District, Ayago HC III in Lira District and Acokara HC II in Oyam District had no functional microscopes. Awach HC IV had an ultra sound machine but had no trained person to operate it. Loro HC II in Oyam District had no pregnancy test kits and Mutunda HC III in Kiryandongo District lacked supplies for stitching as well as circumcision kits. Manafwa HC IV in Manafwa District, Magale HC IV and Bubiru HC IV in Bududa District had low supply of gloves, ORS, mama kits and cotton wool. There was also limited access to the Ministry of Health Essential Medicines and Health Supplies List 2012 since only 1,000 copies were produced.<sup>439</sup>

437 n 434 above.

438 For instance Amuria HC IV, Wera HC III, Asamuk HC III, Amusus HC II in Amuria District, Biko HC II and Alecmeda HC II in Amolator District had no surgical gloves due to low supply. Low of supply of gloves in Bamulisha HC III hindered the work of midwives during child birth and placenta extraction.

439 n 437 above.

### 10.3.3 Inadequate funding to the health sector

In the FY 2012/13, government allocation to the health sector was UGX 852.2 billion compared to UGX 799 billion in FY 2011/12 and UGX 660 billion in FY 2010/11. UGX 525.25 billion (88%) was set aside for re-current budget and of the re-current budget, UGX 208.29 billion was for essential medicines, health supplies and other pharmaceutical products.<sup>440</sup> UGX 221.43 billion of the Government allocation was from donor funds. The Primary health care grant (wage) for local governments increased from UGX 143.43 billion to UGX 169.38 billion mainly allocated for the wage component to recruit and pay for staff while the PHC (non wage) reduced from UGX 18.5 billion to UGX 15.84 billion. Although the budget allocation for health had been increasing the past two financial years, the proportion of the GoU budget allocated to the health sector declined over the past four years from 9.6% in FY 2009/2010, to 8.9% in FY 2010/11, to 8.3% in 2011/12 to currently 7.4% in FY 2012/13.<sup>441</sup> This is inconsistent with the Government's commitment to progressively realise resource allocation to the health sector. It is also far below the Abuja Declaration target of 15% of the total budget. Table 10.5 shows the funding allocation to the health sector for the past six years.

**Table 10.4 Funding allocation to the health sector for the past six years**

Year	GoU	Donor funding	GoU allocation to health as % age of total GoU allocation
2007/2008	277.36	141.12	9
2008/2009	375.56	253	8.3
2009/2010	435.8	301.8	9.6
2010/2011	569.56	90.44	8.9
2011/2012	593.02	206.10	8.3
2012/2013	630.77	221.43	7.4

Source: Annual Health Sector Performance Report 2012/2013

### 10.3.4 Inadequate essential equipment

Inadequate transportation was a major challenge faced by health facilities especially amongst HC III and IIs in 2013. Of the 374 facilities inspected, 31 had functioning ambulances while 227 health facilities did not have, and this made referral of emergency cases difficult at times leading to loss of lives. Some of the facilities had grounded ambulances either due to mechanical problems or lack of fuel. In some instances, patients had to fuel the ambulances or used public means to reach the referral facility.<sup>442</sup>



An ambulance grounded at  
Mutunda HCIII, Kiryandongo  
District

440 As above.

441 n 440 above, 28-29.

442 In Kyegegwa and Kyenjojo Districts, an ambulance is provided for only mothers giving birth who need referral facilities. It was further reported that patients of other categories or of other diseases look for their own means to transport them to referral health facilities.



The UHRC noted that 27 of HC IVs inspected had inadequate functional theatre services or equipment needed to function effectively according to the Basic Building Requirements and this undermined the health care service delivery. It was observed for instance that though operational theatres were fully constructed at Ishongorero HC IV in Ibanda district and Kazo HC IV in Kiruhura district, they remained non-operational due to lack of equipment. This forced patients to travel to Ibanda Hospital or Mbarara Referral hospital for such services.

### 10.3.5 Drug stock outs

Although there was an improvement in the availability of essential medicines especially for the six indicator medicines, 174 health facilities inspected still experienced drug stock outs on essential drugs.<sup>443</sup> During UHRC inspections, concerns were raised especially from HCIs and IIs that the drug supply did not reflect the specific needs of health facilities. This was due to the 'push system' where drugs were delivered to the health facilities without consultation on what is consumed by patients in the surrounding community. Health facilities in Kamwenge District reported that they frequently run short of drugs and they attributed this to the push system and the delay in supply of drugs.

Another challenge was the inadequate knowledge by health personnel with regard to the proper requisition procedures of drugs from NMS leading to over prescriptions and unnecessary drug shortages.<sup>444</sup> At Katooke and Buliisa HC IV in Buliisa District, it was reported that at times drugs were supplied late and irregularly. On the other hand under the pull system, in some health facilities drugs were not supplied on time as requested. There were reports of health facilities that had expired drugs.



Koya HC II in Abim District, Karamoja was locked because of drug stock outs

### 10.3.6. Neglected Tropical Diseases

Over 11 million people suffer from Neglected Tropical Diseases (NTDs) in Uganda with two million affected by Bilharzia in 63 out of 112 districts inspected. A total of 4.8 million in 54 districts had Elephantiasis; 4 million in 37 districts had River Blindness while one million in 36 districts suffered from Trachoma.<sup>445</sup> It was observed that in 120 health facilities inspected by the UHRC, there were reported cases of patients suffering from NTDs such as Onchocerciasis (filaria)

443 Six indicator medicines are Anti-malarials (Artemisinin-based Combination Therapy (ACT), Depopovera, Sulphadoxine/pyrimethamine (fansidar), measles vaccine, oral rehydration salts (ORS) sachets and Cotrimoxazole.

444 Report of the Parliamentary Committee on Health on the Ministerial Policy Statement and the Budget Estimates for the health sector for FY 2013/2014.

445 Dr E. Tukahebwa 'Uganda's Plan to Eliminate Neglected Tropical Diseases by 2020' October 2013 available at <http://www.newvision.org> last accessed on 12 January 2014.

reported at Bubukwanga, Busaru, Kikyo, Nyamabuga in Bundibugyo District; Kyarusenzi, Karugutu and Rwebisengo HCs in Ntoroko District; hookworms at Kyarusenzi HC IV and Kikyo HC IV; Trachoma at Rwebisengo HC III and Bilharzia reported at Stella Maris and Ntoroko HCs among others.

Only 53 out of the 374 health facilities inspected by the UHRC had essential drugs for NTDs and there were reports of drug stock outs for Trachoma, Elephantiasis and Bilharzia. In Kotido and Napak Districts, drugs for NTDs were usually provided during mass immunisation programmes and any drugs that remained after that were returned to the district health office. However, it was reported that there were programmes under the MoH through the Vector Control Division that catered for such NTDs. At Buliisa HC IV in Buliisa District, a vector control programme was handling NTDs such as Histomiasis, Onchomiasis and Trachoma. UHRC also established that the MoH launched the National Plan to eliminate NTDs in Uganda by 2020.<sup>446</sup>

### 10.3.7 Inadequate storage facilities

A total of 95 health facilities inspected faced the challenge of inadequate storage facilities for storing essential medicines, supplies and equipment. Some of the stores were reported to be too small to accommodate all the things that required storage to guarantee that they remain in good condition. For instance in Oreta HC II in Abim District, drugs were kept in boxes due to lack of storage facilities and space. Other health facilities had an inadequate number or non-functioning fridges to store vaccines, test kits and blood. A case in point was Nkokonjeru HC III in Kayunga District which was unable to store test kits for brucella and typhoid as well as blood because the only available fridge stored vaccines.

### 10.3.8 Maternal and Infant Mortality

The four indicators of Maternal Mortality Ratio (MMR), Neonatal Mortality Rate (NMR), Infant Mortality Rate (IMR), and Under 5 Mortality Rate are used to assess the impact of health service delivery towards children and mothers in Uganda.<sup>447</sup> With only one year to the deadline of 2015, the assessment of Uganda's progress towards implementing the two health-related MDG targets remains crucial.

#### a) High Infant Mortality Rate

The marked progress in the reduction of less than five mortality rate from 137 to 90 deaths per 1,000 live births was still below the MDG 4 target to reducing it by two thirds per 1,000 live births.<sup>448</sup> Malaria still remained the leading cause of under-five mortality, increasing from 28% in 2011/12 to 30.7% in 2012/13; while Pneumonia was at 12.2% followed by Anaemia at 11.6%. Coverage for immunisation services declined in the proportion of less than one year immunisation with 3rd Dose of Pentavalent Vaccine (DPT3) to 85% from 90%.<sup>449</sup> Mortality due to neo-natal conditions was also high and accounted for 13.3% of all under five deaths. Whereas the under-five mortality was decreasing at a progressive 5.2% per year, the newborn mortality decreased at a much slower pace, by just over 1% per year. Therefore to achieve MDG 4, attention needed to be refocused to decelerate the newborns mortality.<sup>450</sup>

Cases of infant mortality were reported in 32 of the health facilities inspected by the UHRC. Challenges such as inadequate and delayed release of funding which affected immunisation programmes; high staff turnover in districts and health units; inadequate support to village health teams; and drug stock outs were raised as factors hindering the reduction of child mortality.

446 As above.

447 Maternal mortality rate is the number of women who die during pregnancy and childbirth per 100,000 live births. Neonatal mortality rate is the number of neonates dying before reaching 28 days of age, per 1,000 live births in a given year. Under-five mortality rate is the probability per 1,000 that a newborn baby will die before reaching age five, if subject to current age-specific mortality rates. Infant mortality rate is the number of infants dying before reaching one year of age, per 1,000 live births in a given year <http://unstats.un.org> last accessed on 12 January 2014.

448 Millenium Development Goals Report for Uganda by Ministry of Finance Planning and Economic Development September 2013, 21

449 n 441 above, 32

450 As above, 22.



## **b) High Maternal Mortality Rate**

The progress on achieving MDG 5 to reduce maternal mortality by three quarters remained stagnant while the proportion of deaths among mothers remained high at 438 deaths per 100,000 live births.<sup>451</sup> Out of the 724,806 deliveries that were reported 1,160 maternal deaths occurred in 2012/13.<sup>452</sup> Haemorrhage (42%), obstructed labour (22%), Malaria (36%), complications in abortions (11%) HIV/AIDS (7%) were the major causes of maternal deaths in 2013.<sup>453</sup>

Four in five maternal deaths in Uganda were from direct causes which were preventable through appropriate care at childbirth. All the 374 health facilities inspected faced challenges such as inadequate essential supplies (protective gear, cord clamps, suckers, cotton wool, scissors, and mask; mama /delivery kits);<sup>454</sup> inadequate number of trained health personnel especially midwives; power, electricity and blood shortages and disruptions; inaccessible health facilities; and negative traditional or cultural beliefs. All these preventable causes contributed to the increase in maternal mortality cases in 2013. In addition, only 21% of health units in the country had all tracer items to provide family planning services and contraceptive prevalence rate in Uganda from 2011 was 30% below the HSSIP target of 41%.<sup>455</sup>

### **10.3.9 Working conditions for health professionals**

Access to essential health care services also entails availability of an adequate number of skilled health personnel for all staffing norms at all levels of health facilities and who should be well facilitated to perform their duties effectively. In 2013, the health personnel faced the following challenges discussed below:

#### **a) Inadequate remuneration**

Health workers in 158 health facilities inspected complained about poor remuneration at all staffing levels, which were not commensurate to the heavy workload, increasing number of patients accessing the health facilities, poor working and living conditions and inadequate staffing norms. UHRC received reports of delayed/irregular/non-payment of salaries,<sup>456</sup> underpayments and problems of accessing the Public Service payroll system<sup>457</sup>. The staff working in hard-to-reach areas such as Bundibugyo, Ntoroko and Bulisa Districts complained that they were not given the hard-to-reach allowance. The issue of inadequate remuneration resulted into high staff turnover within the health sector with professional staff opting to work abroad or in private health facilities.

#### **b) Inadequate staff accommodation**

UHRC got complaints of inadequate staff accommodation for health workers in 194 health facilities. The housing units were few in comparison to the number of staff recruited in the health facilities and some of the houses were old or dilapidated. As a result, some health workers resorted to living a distance away from the health facilities to access better but costly accommodation. However, this affected their ability to respond quickly to emergencies and compromised their security. Accommodation challenges were faced in Oriajin Hospital and Arivu HC IV in Arua District; Koboko HC IV and Ayipe HC III in Koboko District. Ayago HC III in Lira District had three staff housing units so other staff commuted from their individual homes. At Panyadoli Hills HC II in Kiryandongo District staff commuted from Bweyale Town Council. At Butenga HC IV in Bukomansimbi District, the only available doctor's house was occupied by eight staff members.

451 It is estimated that 16 mothers die daily during child birth in Uganda.

452 n 449 above, 5.

453 Millennium Development Goals Progress Report for Uganda 2013 25.

454 n 462 above, 14 National Medical Services distributed only 454,208 mama kits compared to 555,294 deliveries in public facilities.

455 As above.

456 Staff in Butebo HC IV, Barapwo HC III and Agali HC III, Namwendwa HCIV, Bukanga HCIII, Bukoova HC III, Iganga hospital had complaints of delayed and irregular salary payments. At Ongica HC III, the laboratory technician received half pay; two staff at Dima HC II had not received their salaries while one Nursing Officer at Bobi HC III had her salary unnecessarily deducted since Feb 2013. At Morulinga HC II, 02 had not received salary for 4 month, at Lorengorwa HC, 02 nursing assistants had not received salary for 11 months.

457 Olilim HC, all staff were on the payroll except the midwife.



### c) Inadequate number of health workers

Despite the recruitment of health workers by the Government in 2013, the challenge of inadequate staff was faced within 132 health facilities inspected by the UHRC since the approved numbers for all the staffing norms had not been met. Refer to Annex K for examples of selected health facilities that had staff shortages. The total percentage of vacant positions within public health facilities stood at 59%. Table 10.5 below shows the human resource status within the health sector in 2013.

**Table 10.5: Human resource status within the health sector in 2013**

Health Facility	Number	Total Staff capacity	Filled	Vacant	%age Filled	%age Vacant
Mulago Hospital	1	2,807	2,423	378	87	13
Butabika Hospital	1	424	393	33	93	8
Regional Referrals Hospitals	13	4,331	3,121	1,210	72	28
General Hospitals	42	7,980	4,842	3,138	61	39
District Health Offices	112	1,232	703	529	57	43
HC IVs	169	8,112	5,731	2,384	71	29
HC IIIs	906	17,214	12,070	5,144	70	30
HC IIs	1,596	14,364	6,428	7,936	45	55

Source: Annual Health Sector Performance Report

It should be noted from Table 10.5 that the percentage of staffing gaps within the HCIVs, IIIs and IIs that catered for the larger percentage of Uganda's population was at 29%, 30% and 55% respectively.<sup>458</sup> The failure to attract enough applicants for certain posts in some districts was attributed to their inaccessibility and harsh working conditions. Other challenges in the recruitment of staff included the inadequate supply of professional health workers due to policy gaps as well as the limited number of specialised professionals such as theatre assistants and anaesthetic assistants graduating from training institutions.

#### 10.3.10 Affordability of health goods and services

Economic accessibility requires affordability of health goods and services whether publicly or privately provided. This should be especially by the most vulnerable or marginalised sections of the population. In the 374 health facilities inspected, it was revealed that no patients paid for services in all Government health facilities (save for the Private-Not-For-Profit facilities) and there was cost sharing. However, it was noted that 34 health facilities made patients pay for their goods and services and this was common in private health facilities. Patients interviewed during the UHRC inspection visits reported that they usually paid for health services in private clinics for specialised services; or when there were drug stock outs of essential medicines in Government health facilities or when such drugs were not supplied to the facilities. In 2013, the out of pocket expenditure on health was 54% of the overall expenditure which implied that the financial burden on households or the public increased from 42.5% in 2010/2012.<sup>459</sup>

#### 10.3.11 Accessibility to essential health facilities

As noted in the 12th UHRC Annual Report, one of the major targets for the HSSIP (2010-2015) is to improve the accessibility of health facilities by locating them within 5 km walking distance as well as having them well equipped. Though some health facilities were physically accessible within the 5 km radius and this helped decongest referral hospitals, patients still had to travel from far (even as far as 70km radius) to access health services. This was reported in 35 health facilities inspected by UHRC.

<sup>458</sup> n 455 above, 23. Only 37% districts met the Health Sector Strategic Investment Plan target of 70% for 2013 in all districts.

<sup>459</sup> As above.

Refer to Annex L on UHRC findings on patients' accessibility to selected health facilities during 2013.

#### **10.4 Outbreak of Hepatitis B and Hepatitis E**

In 2013, there were reports of outbreaks of Hepatitis B virus<sup>460</sup> in the West Nile region in North Western Uganda and Hepatitis E virus<sup>461</sup> in Napak District in the Karamoja region. The UHRC monitored the situation in those areas in line with its constitutional mandate. The magnitude of the outbreak was assessed just as was the Government response to the situation; and the challenges encountered.

##### **10.4.1 Role of the UHRC**

In addition to monitoring the overall situation, the UHRC through its Moroto Regional Office and in conjunction with the office of the District Health Officer, Napak District embarked on a community awareness campaign through radio talk-shows. The radio talk shows covered the broad theme of the right to health but with special emphasis on the duties of the community in preventing the spread of Hepatitis E. The UHRC also interacted and obtained information from the District Health Offices in Arua and Napak Districts, Municipal Health Office in Arua District and the WHO.

##### **10.4.2 Hepatitis B**

The UHRC established that the following challenges were affecting the management of the situation of Hepatitis B outbreak in Arua District:

- a) The inadequate test kits and reagents to screen for Hepatitis B in HCs;
- b) The inadequate number of Hepatitis B vaccines within the health facilities. There were only 17,000 doses for Hepatitis B in Uganda;
- c) No precise medication for Hepatitis B was available, but rather support treatment was given to patients that tested positive;
- d) Cultural superstition and religious beliefs prevented some parents from taking their children for testing or vaccination;
- e) Inadequate facilitation to carry out mass public sensitisation. Majority of the West Nile population were either not aware about the outbreak so that they could go for screening and testing; or about the dangers of the disease. Yet the funds were not enough to carry out mass sensitisation campaigns around the region. UHRC participated in various radio talk shows in the region to raise awareness about the disease outbreak. However, it should be noted that not many people in the region owned radios.
- f) After the screening test, there was need to do additional tests when a person tested positive. However, this was not possible in West Nile region except in Kampala where the tests are costly. Furthermore, other tests such as creatinine and DNA tests could only be done in Kampala and in Arua, it was strictly done for persons living with HIV/AIDS. No administration of medication could be done to a patient before these tests were done.<sup>462</sup>

<sup>460</sup> Hepatitis B (HBV, Hep B) is a virus spread through infected blood or body secretions (blood, semen, vaginal discharge, breast milk, and saliva) and it can affect the liver available at <http://www.medicinenet.com> last accessed on 13 January 2014.

<sup>461</sup> Hepatitis E is a viral disease spread through consumption of contaminated water, food, drinks, vegetables and fruits with an incubation period of 15-60 days, available at <http://www.medicinenet.com> last accessed on 13 January 2014.

<sup>462</sup> Interview with the Municipal Health Officer, Arua District held 19 to 21 November 2013.

Table 10.6 shows statistics from selected health facilities in the West Nile Region on the status of Hepatitis B.<sup>463</sup>

**Table 10.6 Statistics from selected HCs on status of Hepatitis B outbreak**

HC	Number of people tested	Number of those tested positive	Percentage of those positive
Pakwach HC IV	1021	42	4.1%
Angal Hospital	269	67	24.9%
Arua Hospital	3644	535	14%
Oli HC IV	2100	152	7.2%
Nyapea HC IV	60	13	21.7%
Maracha Hospital	366	72	19.7%
Adjumani HC IV	1521	336	22.1%

Source: Arua District Health Office November 2013<sup>464</sup>

The MoH in collaboration with its partners vaccinated children below the age of one year to protect them from the outbreak. The UHRC also received reports that in food vending places, infected persons had been stopped from working. However authorities intervened and informed owners of the food vending places to reinstate the workers since Hepatitis B was not contagious. It was recommended that MoH needed to allocate more funding to strengthen and facilitate the health facilities with test kits, reagents, Hepatitis B vaccines; as well as create public awareness on the outbreak and the measures to prevent and control it.

### 10.4.3 Hepatitis E

Cases presenting symptoms of Hepatitis E were first reported in Lokopo Sub County, Napak District around May 2013. The district health teams with support of partners such as WHO collected samples from infected people and took them to the Uganda Virus Research Institute (UVRI) for testing. However, it was not until November 2013 that the UVRI confirmed that there was an outbreak of Hepatitis E in the district. By the time of UHRC monitoring, the cumulative total of 656 cases were registered in Napak District, out of which 55% (361) were female patients while 455 (296) were male patients.<sup>465</sup> A total of 19 deaths directly attributed to Hepatitis E were confirmed 12 of whom were expectant mothers and 7 men.<sup>466</sup> Since poor personal hygiene and sanitation contributed to the spread of the virus, it was confirmed by the district authorities that the latrine coverage in Napak was very low at 22% and that 44% of the boreholes were non functional forcing the population to access water from seasonal rivers and streams.

#### 10.4.3.1 Interventions by Government and humanitarian organisations

The MoH sent a surveillance team that conducted an assessment in the affected sub counties in Napak, Moroto and Nakapiripirit districts. A national task force on Hepatitis E was formed to coordinate the response to the disease outbreak both at the national and district level.<sup>467</sup> Roadside vending of cooked food and drinking of 'Kwete' (local brew) was banned and emphasis placed on the use of pit latrines. However, by the time of UHRC monitoring visit, no financial support had been given to Napak District by the Central Government to manage the outbreak.

Napak Local Government also had a task force to coordinate all responses to the disease outbreak. The task force wanted to re-orientate the village health teams on case identification and management, produce IEC materials on Hepatitis E and train health workers on case management. The district with support from partners and the MoH developed a response plan with specific actions for stamping out the disease from the district.

<sup>463</sup> Data was not got from all the HC s and the hospitals in the West Nile Region because some of the health centers then did not readily have the statistics.

<sup>464</sup> n 462 above.

<sup>465</sup> Interview with District Health Officer, Napak district in December 2013.

<sup>466</sup> Lokopo Sub County registered the highest number of cases, followed by other sub counties of Lorengchora, Iriri and Matany in Napak District.

<sup>467</sup> It comprised of representatives from the Ministry of Health, World Health Organization, Uganda Red Cross Society and Napak district local government.



The planned actions included among others, conducting social mobilisation of the communities on matters of personal hygiene and sanitation; 'naming and shaming' of the leaders that did not have pit latrines in their homes; and mobilisation of material and financial resources to support activities aimed at controlling the spread of the disease.

The UHRC was informed that humanitarian organisations operating in Napak district provided varied support. The WHO provided technical assistance to the district health teams; the URCS distributed over 500 jerry cans 500 bars of soap, 200 bottles of disinfectants and aqua tablets and also trained over 100 volunteers that helped in case identification and referral; while Samaritan's Purse International and Action against Hunger gave material support to the victims of Hepatitis E virus.

The following challenges were faced:

- a) No funds were released to support the response. The UHRC was informed by authorities in Napak district that since confirmation of the outbreak of Hepatitis E in the district, they had not received any funding from the Government to facilitate the response.
- b) Delay in confirming the outbreak led to loss of life. The UHRC noted that the considerable delay in confirming the outbreak could have contributed to deaths especially of the pregnant mothers. It also delayed response to the disease outbreak.
- c) Limited knowledge of the health workers on case management of Hepatitis E. UHRC also learnt that most health workers in the district did not have the technical capacity to manage cases of Hepatitis E since it did not occur frequently. Consultants from Mulago National Referral Hospital trained selected staff from Matany Hospital on case management but staff in other lower health units that managed less severe cases were not been trained.
- d) Inadequate capacity of majority of the health facilities in Napak district to handle all cases of Hepatitis E. As a result, Matany missionary hospital where most cases were referred was overwhelmed.
- e) Inadequate response especially in social mobilisation of the affected communities. Most communities in the affected district were illiterate and with poor living conditions characterised by poor hygiene, low latrine coverage and limited access to clean and safe drinking water.

It was recommended that Government expedite the release of funds through the MoH to support all the activities aimed at responding to the Hepatitis E outbreak, such as scaling up social mobilisation of communities, strengthening the capacity of health workers and facilities to manage cases in addition to increased surveillance both in Napak and the neighboring districts of Moroto, Kotido, Nakapiripirit, Katakwi and Amudat to track all cases.

## 10.5 RECOMMENDATIONS

- I. As recommended in the previous Annual Reports:
  - The Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the health sector in line with the 15% target in the Abuja Declaration in order to improve on access to essential health goods and services; and
  - The Ministry of Public Service, Ministry of Health and Ministry of Local Government should recruit and fill in the existing vacancies in health facilities as per the demands of the human resource staffing norms.
2. The Ministry of Finance, Planning and Economic Development should allocate more funding to the District Primary Health Care Non Wage budget to address the challenge of inadequate essential utilities such as water and electricity in health facilities;
3. The Ministry of Health and the National Medical Stores should supply the adequate number of essential medicines,

supplies and equipment to all health facilities on time;

4. The Ministry of Health and National Medical Stores should train health workers on the procedures of proper requisition of essential drugs and supplies to avoid instances of over prescriptions and drug shortages;
5. The Ministry of Public Service and the Ministry of Health should revise and improve the salary scale and structure for health professionals as a mechanism to attract and retain health professionals; and
6. The Ministry of Health should prioritise Hepatitis B and E virus control as a development programme and allocate it adequate funding.

## **10.6 CONCLUSION**

The progressive realisation of the right to essential health goods and services is a Government obligation that has to be implemented in order for all Ugandans to attain the highest standard of physical and mental health. There were improvements in 2013 with regards to access to these essential commodities; however, the recurring key challenges identified such as the declining inadequate budgetary allocation to the health sector; poor working conditions for health professionals, drugs stock outs and inadequate supply of essential utilities should be addressed.

## CHAPTER 11

# ASSESSMENT OF WORKING CONDITIONS OF ARTISANAL MINERS AND FACTORY WORKERS

### 11 INTRODUCTION

The right to work is a fundamental human right. It is defined as the right of everyone to have an opportunity to gain his or her living by work which he or she freely chooses or accepts and will take appropriate steps to safeguard this right<sup>468</sup>. The scope of this right includes the payment of just and favourable remuneration; equal pay for work of equal value without discrimination; decent living for the workers and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted; rest, leisure and reasonable limitation of working hours.<sup>469</sup>

Uganda's economy is private sector-led with an estimated labour force of 13.4 million workers of which 5.6% are employed in the manufacturing sector while 9.8% are employed in the small sectors of the economy including mining and quarrying.<sup>470</sup> Over 50% of the labour force is female with 14% of the working population permanently employed while 86% are temporarily employed.<sup>471</sup>

This chapter is an assessment of the working conditions of artisanal miners in Moroto District and factory workers in Uganda during 2013. The Chapter discusses the status and the level of enjoyment of labour and other related human rights of these categories of workers; the challenges that inhibit the enjoyment of labour rights; and makes recommendations aimed at improving the working conditions and welfare of these workers.

#### 11.1 LEGAL FRAMEWORK

Uganda has ratified various international and regional instruments and enacted a number of laws that provide for and safeguard workers' rights. These are highlighted below:

##### 11.1.1 International legal framework

At the international level, Article 23(1) of the Universal Declaration recognises, among others, the right of every person to work, free choice of employment, just and favourable conditions of work and protection against unemployment. This is reiterated by Article 6 (1) of the CESC. The International Labour Organisation (ILO) Convention No. 87 guarantees the right of workers and employers to establish and join organisations of their own choice without previous authorisation.<sup>472</sup> Article 11 of CEDAW requires countries to protect women's rights to work; and to ensure that women have the same training and employment opportunities as men. Article 27 of the CRPD and Article 5(e) of the CERD mirror the general principles of international instruments in relation to non-discrimination in employment.

Article 32 and 36 of the CRC require that children as a vulnerable group should be protected from any form of economic and social exploitation and that the employment of children in work that is harmful to their health, morals and life be punishable by law.<sup>473</sup> ILO Convention No. 182 (1999) advocates for the prohibition and immediate action for the elimination of the worst forms of child labour.

468 n 347 above, Article 6(1).

469 n 198 above, Article 23.

470 n 230 above, 4 & 11. Other small sectors that fall under the category that provide employment to 9.8% of the labour force include utilities, posts and telecommunications insurance among others.

471 As above.

472 The Convention Concerning Freedom of Association and Protection of the Right to Organise (ILO Convention 87).

473 n 468 above, Article 10.



### 11.1.2 Regional legal framework

Article 15 of the ACHPR provides for the enjoyment of rights and freedoms without discrimination as well as the right of workers to work under equitable and satisfactory conditions and the right to receive equal pay for equal work. The Protocol to the ACHPR on the Rights of Women in Africa (the Maputo Protocol) requires states to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities.<sup>474</sup>

### 11.1.3 National legal framework

In order to ensure the protection of workers' rights and to afford workers an opportunity to work in a decent and safe environment, Uganda has enacted a number of laws and policies.

The 1995 Constitution of Uganda mandates Parliament to enact legislation that guarantees the right of persons to work under satisfactory, safe and healthy conditions<sup>475</sup> and to receive equal payment for work without discrimination<sup>476</sup>. The Constitution further recognises the right of every worker to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests; to collective bargaining and representation;<sup>477</sup> and to withdraw his or her labour according to the law.

Other legislations that have an impact on the realisation of artisanal, quarry and factory workers rights include the Employment Act, 2006; Labour Union Act, 2006; Workers Compensation Act Cap 225; Occupation Safety and Health Act, 2006; Labour Disputes (Arbitration and Settlement) Act, 2006; Mining Act 2003; Children Act Cap 59; and the Mining Regulations.

Uganda has also enacted national policies for the realisation of workers' rights, such as: the National Employment Policy, 2011; the Mineral Policy of Uganda 2000; National Industry Policy 2008; and the National Action Plan Against Child Labour 2005.

## 11.2 WORKING CONDITIONS OF ARTISANAL MINERS IN MOROTO

### DISTRICT

In 2013, the UHRC visited Rupa gold mining site in Rupa Sub County, Jan Mangal Ltd gold mining site near Nakiloro Sub County and Tororo Cement Ltd marble quarry site at Katikekile Kosiroy, Nakiloro Sub County in Moroto District to monitor the state of workers rights of the artisanal and small scale miners. Below is the situational analysis of the industry in Uganda; the associated human rights concerns and challenges faced by these workers.

### 11.2.1 SITUATIONAL ANALYSIS

Artisanal and Small-Scale Mining (hereinafter referred to as 'ASM') broadly refers to mining practised by individuals, groups or communities with minimal or no mechanisation often informally and/or illegally.<sup>478</sup> Artisanal differs from small scale mining in that the method and technology used are rudimentary. Small-scale mining is defined and determined by its size.<sup>479</sup> A common definition for this sector has not been adopted as its legal status, defining criteria, and local definitions vary from country to country.<sup>480</sup> There are approximately 200,000 artisanal and small scale miners in Uganda of whom 100,000 are involved in industrial minerals production.

474 n 416 above, Article 13.

475 n 410 above Article 40(1)(a).

476 As above Article 40(1)(b).

477 As above Article 40 (3) (a)&(b).

478 <http://www.miningfacts.org> last accessed on 10 January 2014.

479 n 478 above.

480 As above

Approximately 1,000,000 people directly benefit from ASM.<sup>481</sup> About 50% of the miners are women (some sites having 70% as women miners) and there are 30 formal associations working in strategic mining areas.<sup>482</sup>

ASM produces more than 90% of metallic, industrial and building minerals which include gold, tin, tungsten, niobium, gemstones, limestone, sand, marble, kaolin, clay, granites and rock salt.<sup>483</sup> Globally, artisanal mining contributes up to 12% or 330 tons of annual gold production. The production estimates for ASM gold mining is US \$ 680 million contributing 3.5% to the total GDP.<sup>484</sup> Table 11.1 below shows the Strategic Gold Mining Areas with the estimated number of miners and corresponding male to female ratio.

**Table 11.1 Strategic Gold Mining Areas: Estimated Number of Miners and Corresponding Male to Female Ratio**

Region	District	Area	Number of Miners (approx.)	Male:Female Ratio
East	Busia	Busitema and Buteba	600	4:1
Central	Mubende	Kisita	250	9:1
		Kamalenge	3000	9:1
North East	Moroto	Rupa	600	2:3
	Abim	Morulem and Alarek	400	3:7
	Kaabong	Lemoyne, Sokodo, Lugoto,	> 15000	2:3
		Kanguoth, Makapiril-Kekuul		
South West	Bushenyi	Mashonga	300	3:1
	Kisoro	Kigezi Gold Field	200	8:1
	Kanungu	Katerampungu, Rugyeyo	< 100	9:1
	Buhweju	Bihanga	500	5:1

Source: National Strategy for the Advancement of ASM in Uganda

### 11.2.1.1 Characteristics of ASM

There is no generally accepted definition of ASM; however, there are some characteristics by which ASM activities can be identified as described below:

#### a) Level of mechanisation

ASM is manual and highly labour intensive, using picks, shovels, basins, other rudimentary hand tools. If it is somewhat mechanised, miners use heavy machinery on a small scale. At Rupa mining site in Moroto District, for example, the mining method used was labourious in nature, characterised by manual hauling, crushing, grinding, and panning methods; with the men and boys digging the pits, shafts and tunnels using sticks (in some cases iron rods).

481 Joseph Okedi the Acting Principal Inspector of Mines Ministry of Energy Uganda 'Mineral Policy Lessons in 2013: Human Rights and Mining Sector in Uganda' a presentation made at the UHRC Annual Report Consultative Meeting 13-14 January 2014 at Speke Resort Munyonyo.

482 They were established under the Government of Uganda Sustainable Management of Mineral Resources Project (SMMRP) (2004 - 2011) funded by World Bank, African Development Bank and NDF.

483 G. Data 'Artisanal and Small Scale Mining in Uganda' 2013 5 Senior Geologist Department of Geological Surveys and Mines Ministry of Energy Uganda.

484 n 479 above.

The women and girls on the other hand fetched water and used the panning process with plastic basins to separate the gold from other waste minerals.<sup>485</sup> At the Tororo Cement Katikekile stone quarry in Kosiroi-Moroto, the locals used stone crushers and local picks. On the other hand, the Jan Mangal Ltd in Nakiloro was an established mining site that utilised specialised heavy machinery and skilled personnel.



A youth 'karacuna' manually breaking stones Katikekile Marble Quarry, Kosiroi Moroto District

#### **b) Possession of mining licences**

All minerals are held by the Government on behalf of the people of Uganda and all prospecting, exploration and mining can only be carried out under an appropriate licence.<sup>486</sup> Most ASM activities are illegal in Moroto as they are carried out without licences. None of the artisanal miners at Rupa site were in possession or aware of the need to obtain a location license from the MEMD. At the mining site, the gold miners operate as independent entities of each other with each miner having exclusive ownership rights over the excavated pit until the pit is exhausted.<sup>487</sup> On the other hand, companies like Jan Mangal Ltd in Nakiloro and Tororo Cement Ltd at Katikekile had mining licences and could lawfully operate to extract the minerals.

#### **c) Number of miners**

ASMs operate on a small scale either individually, in family groups or communities.<sup>488</sup> It is estimated that there are over 18,000 men, women and children active in the ASM sector in Karamoja.<sup>489</sup> At the time of the UHRC inspection at Rupa site, the numbers of miners present were approximately 35, mainly consisting of families including children. At Katekekile marble quarry, there were approximately 50 local miners comprising of individuals and family groups. However, at Nakiloro, the UHRC observed that there were hardly any miners present and this was attributed to the fact that it was not a mining season.

485 Human Rights Watch 'How can we survive here? The Impact of Mining on Human Rights in Karamoja, Uganda' February 2014 32.

486 sec 2 Mining Act 2003.

487 W. Ngabire, R. Tumwesigye & H. Muloopa 'Human Rights Status in the Gold Supply Chain of Uganda: A Case for Artisanal and Small Scale Mining in the Karamoja Region' Global Rights Alert 2012 2.

488 n 481 above.

489 As above.





*A young girl in an open pit at Rupa gold site*



*UHRC staff observing the panning process at Rupa gold mining site  
Moroto District*

#### **d) Level of investment**

The level of investment in ASM is minimal since most of these miners are poor. The initial investment made in this form of mining is usually less than UGX 1,000,000 on one operation.

#### **e) Degree of mine planning**

ASM is by nature predominantly organised informally or disorganised.<sup>490</sup> Individuals, families or communities work alone or together to extract the minerals. This was evidenced at Rupa site and Katikekile marble site. The level of mining planning is more organised in companies and communal organisations.

#### **f) Depth of mining;**

ASM is carried out on the surface, on river beds or through open pits and use of underground tunnels. The UHRC observed the use of open pits at Jan Mangal Ltd site at Nakiloro while the Rupa site had underground tunnels.

#### **g) Economic status of miners**

Some of the ASM miners are driven by the need to alleviate poverty. In Karamoja region, entrenched poverty and environmental variability has pushed people into ASM of the region's minerals, particularly gold and marble, for survival.<sup>491</sup> It has increasingly become a source of livelihood including for those individuals seeking the seasonal extra income.

#### **h) Low economic productivity**

The level of mechanisation also affects the economic productivity in ASM. ASM is traditionally labour intensive with the use of hands and rudimentary tools; a process that is tedious and not effective in yielding daily income for the miners.

490 n 488 above.

491 n 485 above, 32



*A truck getting loaded with marble stones*



*Woman using an iron bar at Katikekile quarry at Katikekile marble quarry, Moroto District*

### 11.3 HUMAN RIGHTS CONCERNS

Artisanal and small scale miners are part of the active labour force in Uganda and they are entitled to the same protection, rights and freedoms accorded to workers under the law. Below are human rights concerns affecting the working conditions of Artisanal and Small scale miners.

#### 11.3.1 Occupational safety risks

In most parts of Uganda, ASM is a labour intensive activity with significant occupational safety risks.<sup>492</sup> Health and safety at the work place entail the use of protective gear, safe conditions of work, as well as treatment for injured employees among others.<sup>493</sup> Furthermore, due to the informal and disorganised nature of ASM, cases of fatal accidents were often not reported and it was difficult to implement the Occupational Health and Safety Act 2006 and Workers Compensation Act Cap 225. These laws confer upon the employer the duty to ensure that the workers were employed in safe and conducive environment for their protection and payment of compensation for work related injuries.

ASM if not well managed and regulated is a hazardous livelihood activity leading to common fatalities, injuries and illnesses. At Rupa gold site and Katikekile marble quarry, all the miners including children lacked the appropriate protective equipment and a safe working environment which would guarantee their personal safety.

Examples of occupational health and safety risks in ASM include:

- Rock falls and pit wall or tunnel collapses, often leading to loss of life or debilitating injuries;
- Chronic dust exposure leading to respiratory diseases such as silicosis or pneumoconiosis;
- Flying rock fragments causing injuries to eyes (and sometimes loss of sight), feet, hands or other body parts.
- Heat stress from prolonged exposure under the sun causing severe dehydration, heart palpitations and other health effects.<sup>494</sup>

The Department of Occupational Health and Safety under the MoGLSD and the Department of Geological Survey and Mines under the MEMD are mandated to monitor and deal with occupational health and safety of ASM. However, due to financial and human resource constraints, this function has not been implemented.<sup>495</sup>

492 n 492 above.

493 secs 13 & 14 Occupational Health and Safety Act 2006 and sec 3 Workers Compensation Act Cap 225.

494 n 487 above, 3.

495 n 237 and n 491 above.





*A picture showing a poorly constructed tunnel for gold mining. Photo by Heart Beat Africa Project*



*Accidents and injuries faced by miners at Katikekile marble quarry. Photo by Heart Beat Africa Project*

### 11.3.2 Child Labour

ILO defines child labour as work that harms children's wellbeing and hinders their education, development and future livelihoods.<sup>496</sup> Child labour includes children being involved in mining, construction work and scavenging.<sup>497</sup> Child labour is as high as 30-50% at some ASM sites largely due to poverty, lack of awareness of risks, low priority for education and a perception that ASM is the best or only viable livelihood option available for children.<sup>498</sup> Most of the hazards described above are faced by children and adults but risks to children are much more severe because they are still developing. The UHRC observed that children involved in ASM did not go to school but were occupied with activities like digging in the open pits and tunnels, fetching water, panning and carrying small stones.

<sup>496</sup> Overview on child labour available at <http://www.un.org/en/globalissues/briefingpapers/childlabour/index.shtml> last accessed on 15 January 2014.

<sup>497</sup> As above.

<sup>498</sup> Stephen Turyahikyo, 'Assessment of ASM Working Conditions in Uganda during 2013' Presentation at the 16 UHRC Annual Consultative meeting held from 13-15 January at Speke Resort Munyonyo.





*Children at Katikekile quarry*

### **11.3.3 Health risks**

The nature of ASM as a labour intensive activity increases the risk of miners to occupational health related illnesses and diseases like chronic chest pains, chest infections, stunted growth and impotence. Some of these result from dependence on toxic substances such as mercury and cyanide for mineral extraction. Other ailments that plague miners include:

#### **a) HIV/AIDS**

HIV/AIDS prevalence remains high across the ASM sector. This is attributed to the fact that some miners are youth and orphans who are school drop-outs and more vulnerable to sexual exploitation at the site and in the community. Some of the miners were reported to have migrated to mine sites away from their spouses. Consequently, they obtained multiple sexual partners which exposed them to HIV/AIDS infections. It was also observed that some of the miners were single mothers or girls, whose incomes were often less than that of their male counterparts. In a bid to make extra income, some women and girls were reported to engage in the sex trade at the mine site or community.<sup>499</sup>

#### **b) Malaria**

The open flooded pits and poor garbage disposal are common to ASM sites. It is these that have become breeding grounds for mosquitoes thereby contributing to increased cases of malaria. Furthermore, due to high poverty levels, the miners are unable to afford treated mosquito nets let alone any kind of mosquito net.

#### **c) Diarrhoea**

At some ASM sites, hundreds of miners can be concentrated in a relatively small area. With little formal organisation and no clear management or responsibility for the site, attention to sanitation and hygiene is poor.

<sup>499</sup> n 498 above.

In addition, the lack of clean water, pit latrines and the limited knowledge of proper food handling could easily lead to outbreaks of diarrhoea. This situation could get worse in situations where large numbers artisanal miners rush to extract the minerals.<sup>500</sup>

#### **d) Alcoholism and substance abuse**

Alcohol and substance abuse is common within ASM sites due to the presence of disposable cash on a semi regular basis and the lack of a saving culture. During an interview with one of the miners at Rupa Mine, the UHRC was informed that on a good day, a miner could earn between UGX 50,000 to UGX 100,000 for a day's work. It was observed at Rupa gold mining site that some of the men, women and teenagers were intoxicated in the morning with local gin. Intoxication has been viewed as increasing the risk of work related injuries which could lead to fatalities.

#### **e) Health and Environmental Issues**

ASM like any other mining activity could have a negative impact on human and animal health as well as the environment. The use of toxic substances like mercury or cyanide in the course of mining is a serious danger to miners, children, pregnant mothers and the ecosystem.<sup>501</sup> It is worth noting that the use of mercury or cyanide to extract gold is not common in ASM in Uganda<sup>502</sup> and this was confirmed at Rupa gold mining area. Abandoned open gold mine pits; unfilled holes and gullies left behind by machines used to break stones; now scattered across communities are a danger to both human life and have led to environmental degradation. These open mining pits rendered livestock grazing as well as free passage of human beings impossible at ASM sites because of the risk of falling into pits.<sup>503</sup>

#### **11.3.4 Security of tenure and land ownership**

In the remote and less developed parts of Eastern and North Eastern Uganda, there were reports of use of threats, actual use of force and forced resettlement of residents without adequate consultation and compensation in order to appropriate for mining the land they occupied.<sup>504</sup> Though customary tenure is the most common form of land ownership in Karamoja, acquisition of such certificates remained elusive since the District Land Board has not issued any for the region. The lack of proof of legal ownership by ASM makes them vulnerable to exploitation and abuse, and denies them the benefits of mining, including the payment of royalties.

#### **11.3.5 Absence of ASM communal associations**

At Rupa gold mine and Katikekile stone quarry UHRC found ASM was informal, with each miner operating independently with no community-based groups. ASM grassroots groups and networks formed under Sustainable Management of Mineral Resources Project (SMMRP) project (2004-2011) were not operational and the Karamoja Artisanal and Small Scale Gold Association was equally inactive. The formation of such community associations would have been an avenue to formalise ASM, train and inform miners on labour rights and legal mining requirements; enable them apply for licences to mine legally; as well as assist them to form and operate as trade unions to advocate for workers' rights.

500 n 498 above.

501 n 492 above.

502 Use of mercury and cyanide is used in Busia gold mining areas.

503 n 501 above.

504 As above and n 500 above.



### 11.3.6 Poor living conditions

Due to the high poverty levels among artisanal and small scale miners, their living conditions are very poor. Some of these miners erect makeshift and rickety structures near the mines because they cannot afford better accommodation. The lack of organisation, inadequate privacy, poor hygiene and sanitation increases risk of disease transmission or outbreak.

## 11.4 CHALLENGES FACED BY ARTISANAL AND SMALL SCALE MINERS

- a) About 95% of ASM are unlicensed hence the lack of the required formal mining licences that permit legal ASM is a big obstacle. Majority of these miners were unaware of the legal requirements that would enable them become a formal and legal small-scale gold mining groups to apply for licences and acquire formal mining rights from the MEMD. This also affects their entitlement to royalties.<sup>505</sup>
- b) Ignorance of the relevant land, mining and labour rights legislation has made the ASM vulnerable to exploitation by mineral buyers or licensees. Under the Mineral Policy 2001, the Department of Geological Survey and Mines (DGSM) has the mandate to regularise ASM and implement awareness campaigns targeting them. The Labour Officers are also tasked with sensitising workers about labour rights and laws.<sup>506</sup>
- c) Use of inefficient mining methods and technologies by the artisanal and small scale miners has led to low economic productivity and increased the risk of occupational accidents and injuries.
- d) There is widespread use of inefficient and labour-intensive mining methods thereby resulting in low economic returns, environmental degradation and occupational health and safety risks. There are also health risks resulting from lack of protective gear; poor sanitation and hygiene conditions increasing the risk of communicable diseases in ASM communities; and prevalence of HIV/AIDS in some ASM communities.<sup>507</sup>
- e) Participation of children in ASM leads to the worst form of child labour and exposes them to occupational health and safety risks.
- f) The weak regulatory framework whereby the District Labour Office, the DGSM and the NEMA are unable to adequately monitor and enforce ASM related legislation due to challenges like resource constraints.
- g) There is lack of coordination with other Government sectors like NEMA, the Occupational Health and Safety Department and the Directorate of Labour in the MoGLSD as well as the District Health Office particularly regarding the environment, occupational health and safety and community health.<sup>508</sup>
- h) The informal nature of ASM and the lack of organisation hindered the miners from forming umbrella associations or community associations to formalise ASM, accumulate savings to apply for licences; inform and train the miners on labour rights and mining requirements and to function as a union to collectively advocate for their workers' rights.
- i) The procedures and processes for acquiring a mining licence are complex and bureaucratic for artisanal miners who lack the organisation, information and technical capacity to obtain them.<sup>509</sup>

505 n 503 above.

506 As above.

507 n 505 above.

508 As above.

509 As above.



## 11.5 RIGHTS OF FACTORY WORKERS

In 2013, the UHRC conducted systemic investigations on the state of enjoyment of rights of factory workers in Uganda. It was prompted by the increased number of labour-related complaints of alleged violation of their rights. A report on the UHRC findings was produced and follow up monitoring visits made in 2013 in some of the factories to ascertain the progress towards the improvement of the working conditions of factory workers.<sup>510</sup> Table 11.2 indicates the list of factories visited by the UHRC in 2011 and 2013.

**Table 11.2 List of factories visited by the UHRC in 2011 and 2013**

NO.	DISTRICT	FACTORIES VISITED
1.	Lira	<ul style="list-style-type: none"> <li>• Mukwano Oil Company</li> <li>• Mount Meru Oil Company</li> <li>• Lira Spinning Mills</li> </ul>
2.	Mbale	<ul style="list-style-type: none"> <li>• Sleeping Baby Factory</li> <li>• Uganda Clays</li> <li>• Bugisu Cooperative Union (BCU)</li> </ul>
3.	Tororo	<ul style="list-style-type: none"> <li>• Tororo Cement Ltd</li> <li>• Seba Foods</li> <li>• Tororo Steel Mills</li> </ul>
4.	Jinja	<ul style="list-style-type: none"> <li>• Kakira Sugar Works</li> <li>• BIDCO</li> <li>• Steel Rolling Mills Ltd</li> </ul>
5.	Bulkwe	<ul style="list-style-type: none"> <li>• Lugazi Sugar Corporation (SCOUL)</li> <li>• Kasaku Tea Estate</li> <li>• Pramukh Steel Ltd</li> </ul>
6.	Bugiri	<ul style="list-style-type: none"> <li>• Tilda Rice Scheme</li> </ul>
7.	Iganga	<ul style="list-style-type: none"> <li>• Tembo Steels (U) Ltd</li> </ul>
8.	Masindi	<ul style="list-style-type: none"> <li>• Kinyara Sugar Works</li> </ul>
9.	Kabarole	<ul style="list-style-type: none"> <li>• Mpanga Growers Tea Factory</li> <li>• Rwenzori Commodities Ltd</li> </ul>
10.	Kasese	<ul style="list-style-type: none"> <li>• Hima Cement</li> </ul>
11.	Bushenyi	<ul style="list-style-type: none"> <li>• Igara Growers Tea Factory Ltd</li> </ul>
12.	Mbarara	<ul style="list-style-type: none"> <li>• BM Group of Companies</li> </ul>
13.	Kampala	<ul style="list-style-type: none"> <li>• Darling</li> <li>• Rosebud Ltd</li> <li>• Roofings Steel Rolling Factory</li> </ul>
14.	Masaka	<ul style="list-style-type: none"> <li>• Novelty Tannery</li> </ul>
15.	Gulu	<ul style="list-style-type: none"> <li>• Opit and Sons Investment millers</li> </ul>

Source: UHRC

### 11.5.1 SUMMARY OF UHRC FINDINGS

#### a) Freedom of Association

Article 29(1) (e) of the 1995 Constitution of Uganda provides for the freedom of association and recognises the right of every worker to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests; and to collective bargaining and representation.<sup>511</sup> Further, Employers are prohibited from interfering with the formation of a labour union or with the administration of a registered organisation.<sup>512</sup>

510 'Workers' Rights: A Perspective on the enjoyment of rights of factory workers in Uganda' a Uganda Human Rights Commission systemic investigations Report 2011

511 n 475 above, Article 40 (3).

512 Section 4(b) of the Labour Unions Act.

During the UHRC's monitoring visits, some of the factory workers in Uganda Clays, Mukwano Oil Company, Tororo Cement Ltd, Hima Cement Ltd, Darling Ltd and Tembo Steels Ltd reported that they enjoyed their right to freedom of association since they were members of their respective trade unions. The existence of unionised workers was reported to be of advantage to the workers because they could raise issues thus reducing disputes and strikes. However, it was noted that some employers discouraged the operation of unions and delayed with negotiating collective bargaining agreements because of the bargaining power that would be given to their workers. At Mount Meru in Lira District for instance, the workers are affiliated to Uganda Chemical Labour Union. However, a recognition agreement had not been signed since the UHRC systemic investigations in 2011. Some factories like Sleeping Baby stated that they employed few permanent staff and majority of the staff was temporary who could not be unionised.

The UHRC established that in some companies supervisory or managerial staff were not members of the union because they held sensitive positions. Some employers regarded having managerial staff as members of the union as a conflict of interest.<sup>513</sup> The UHRC also noted that in companies where employees were not unionised, there was lack of awareness of what labour unions were or their purpose hence the lack of unionisation of labour.<sup>514</sup>

#### **b) Protection from discrimination on grounds of race and sex**

Section 6(3) of the Employment Act outlaws discrimination in employment and defines it to include any distinction, exclusion or preference on the basis of race, sex, national extraction or social origin, among others, which has the effect of nullifying or impairing the treatment of a person in employment or occupation or of preventing an employee from obtaining any benefit under a contract of service. The UHRC found that a number of the companies visited made an effort to treat both male and female employees equally. Recruitment of employees was largely based on knowledge and skill in the assigned tasks.

With regard to assignment of duties, there was some positive discrimination in the assignment of duties to protect either female staff or those that had been injured and disabled in the course of a previous assignment.<sup>515</sup>

The UHRC noted that complaints of sexual harassment of female staff were few though there were no indications of any action that had been taken by some of the management to stamp out the practice. This was further compounded by the fact that most of the female victims were temporary staff who left their jobs when such complaints were made. The UHRC was informed that there was general discrimination and segregation by Asian supervisors towards African workers.<sup>516</sup> It was reported that some workers were subjected to both verbal and physical abuse by their supervisors. At Mt. Meru Company, for instance there was a reported incident where it was alleged that an expatriate urinated on one of the workers. The conflict was resolved with the help of the labour officer and cultural leaders and the expatriate left the country. There were complaints of abusive language spoken by some of the expatriates to the workers. The UHRC also established that there was some discrimination on ethnic grounds in western Uganda and it was explained that there was a preference for locals since accommodation would not have to be provided for a local as their homes are within the district.

#### **c) Regulation of working hours**

Section 53(5) of the Employment Act provides that hours of work shall not exceed ten hours per day or fifty six hours per week. The UHRC noted that the regulation of working hours was generally respected. However, instances when workers exceeded the eight hours occurred when they were being paid at piece rate and willingly forewent days of rest in a bid to earn extra money. In one of the companies visited, the UHRC established that the company policy provided for 12 hours as the standard working hours, with no provision for payment of overtime. As a result, employees were being exploited by employers to work for long hours without rest and for very poor remuneration.

513 Interview with Employee Relations Officer HIMA Cement.

514 This was noted at Tororo Steel Mills and Mt. Meru Company.

515 Female workers usually did not have night shifts for safety purposes. In other cases female staff did not carry heavy loads or work with heavy machinery.

516 n 510 above, 27

In 2013, more than 300 workers at Riley Packaging Ltd went on strike to protest alleged poor working conditions including being forced to work for 12 hours instead of the eight stated in the contract and they were not paid for working extra time.<sup>517</sup> It is because of such mistreatment that Tilda Rice Scheme workers went on a sit-down strike due to poor conditions at work and poor pay. Due to poverty, the same workers were forced to return to work and they signed contracts yet some were illiterate.

#### **d) Maternity leave and holidays**

The Employment Act guarantees the right of female employees to a maternity leave of sixty (60) days and paternity leave of four days for male staff. Article 40(4) of the 1995 Constitution of Uganda mandates the employer of every woman worker to accord her protection during pregnancy and after childbirth in accordance with the law. In all the factories that were investigated, the technical contractual/permanent workers were found to be entitled to leave and holidays while casual workers were not. The justification for this was that they were paid for the number of days worked. As such, the absence of a casual labourer meant that no payment of wages would be made.

The UHRC noted that the number of leave days due to employees differed from one company to another. Annual leave was, however, only given to permanent or contractual employees and some workers operating under sub-contractors. In some of the companies, no or few maternity, paternity or compassionate leave days were granted to the employees.<sup>518</sup> Female workers at Sleeping Baby, Tororo Steel Ltd and Tembo Steel and Seba Foods complained of inadequate maternity leave days contrary to the Employment Act.

#### **e) Dispute resolution**

Labour officers are mandated to carry out inspections of work places as well as investigate and arbitrate disputes.<sup>519</sup> If an order has not been implemented, the labour office refers matters to the Industrial Court.<sup>520</sup> The UHRC established that dispute resolution depended on each company's policy and also on whether the employees were contracted directly by the company or sub-contractors.<sup>521</sup> Some of the companies visited had well laid-out procedures for settlement of disputes between management and employees and it involved the use of an arbitrator. In the event of a dispute or any dissatisfaction among staff, meetings were held between management and the union. In the event of failure to reach a consensus, matters would be referred to other levels.<sup>522</sup>

Generally, a number of complaints management mechanisms were used including: use of a suggestion box; through the Human Resource Manager; Health and Safety Committee and a disciplinary committee. Some of the issues affecting staff in companies with no disciplinary committees were resolved through the District Labour Officer (DLO) with whom they had a good working relationship.<sup>523</sup>

The issue of the non-functionality of the Industrial Court was raised as it greatly constrained the process of dispute resolution and denied workers access to justice. Furthermore, due to limited or no facilitation, labour officers in most cases did not carry out most of their activities.

517 <http://www.monitor.co.ug> last accessed on 3 May 2013.

518 This complaint was repeatedly raised by factory workers during both UHRC monitoring visits in 2011 and 2013

519 sec 11 Employment Act 2006.

520 sec 11 Employment Act and sec 5 Labour Disputes Act,.

521 n 516 above, 32 & 33. At factories like Tororo Cement, Mt. Meru and Kinyara Sugar Factory, the companies did not deal directly with most of the casual labourers' matters as they are subcontracted by contractors.

522 At Hima Cement Kasese and Mukwano Oil in Lira, the employees stated that there was no need for interventions by labour officers since operations run smoothly and their issues were properly managed by management.

523 Two labour strikes at Mt. Meru in the past two years had been settled with the assistance of the District Labour Officer.



## f) Occupational health and safety

Health and safety at the work place entails the use of protective gear, safe conditions of work, as well as treatment for injured employees among others.<sup>524</sup> All employers are expected to ensure that their workers are employed in a safe and conducive environment to ensure the protection of workers in the course of their duty. The Occupational Safety and Health Act Cap 2006 makes it the duty of every worker to take reasonable care for the health and safety of himself or herself and of any other person who may be affected by his or her acts or omissions.<sup>525</sup>

The UHRC established that in some companies visited, the protective gear given to labourers differed depending on the nature of their work; for instance, at a tea factory, pluckers would be given plucking capes to protect them from morning dew while a mechanic operating within the factory would be given masks, gloves, industrial boots, helmets, ear muffs and uniforms. However, some of the workers interviewed for instance at Novelty Tannery, Mt. Meru Ltd, Pramukh Steel Ltd and Sleeping Baby indicated that the protective wear given was inadequate. Consequently, some of the employees had bought their own protective gear including gumboots.<sup>526</sup>



Employees wearing protective gear.



Safety messages at one of the factory premises visited

In 20 out of 28 factories visited, the UHRC observed attempts made by management to alert staff on health and safety measures. In some cases such as Mukwano Oil Factory in Lira and Tororo Cement Ltd, awareness and warning posts in English, Swahili and Luo were displayed at the factory premises. With regard to the availability of health services

524 n 493 above.

525 As above, sec 35.

526 n 5201above, 41

within company premises, it was established that there were some resident clinical officers in most of the companies visited who would treat basic ailments and injuries.<sup>527</sup> For serious injuries, staff were taken to the main hospital within the concerned company's area of operation and the matter would be reported to the DLOs to make the necessary investigations and computation for compensation for the injured worker where necessary.<sup>528</sup> At Novelty Tannery, employees complained of not getting any treatment for work related injuries. There were also complaints of poor toilets and bathrooms for the employees who had to make do with the surrounding areas. The management, on the other hand, had toilet facilities at their disposal. This was a violation of the workers' right to health.

With regard to provision of medical insurance for employees, those interviewed indicated that it was only permanent staff that were catered for and that the insurance cover did not include their families.

#### **g) Compensation for injuries**

An employer is liable to pay compensation if personal injury by accident arises out of and in the course of a worker's employment. Furthermore under Section 3 of the Workers Compensation Act, an employer is not liable for injury which does not result in permanent incapacity or incapacitate the worker for at least three consecutive days from earning full wages at the work for which he or she was employed.

During the UHRC investigations, it was established that compensation for injury was largely done for employees permanently contracted by the companies. An assessment of the extent of the injury would be made by a doctor once the treatment was completed and the injured employee would be compensated.<sup>529</sup> In the event that the injured employee died, compensation would be given to the next of kin and the funeral costs would be incurred by the company.

#### **h) Child labour**

In the course of the systemic investigations, generally the UHRC did not receive any complaints of child labour in the factories that were visited. In most of the companies visited, the UHRC was informed that the practice of employing child labour was abolished and that potential employees had to present identification, birth certificates and letters from their Local Council leaders when applying for jobs.

#### **i) Written contracts of employment**

Section 59 of the Employment Act entitles every worker to a notice from his employer indicating, among other things, the title of the job the worker is employed to do, the date on which the employment under the contract commenced and the wages the employee is entitled to receive. The UHRC noted that majority of casual labourers in the factories visited did not have contracts of employment or letters of appointment because they were considered to be temporary staff. In companies like Mukwano Oil Mill, Tororo Cement Ltd, BIDCO, Mount Meru Millers, letters of appointment were only given to permanent staff.<sup>530</sup> The lack of written contractual terms inhibited workers from knowing the terms of employment and the ability to secure their labour rights.

#### **j) Right to equal pay for equal work done**

The Employment Act requires every employer to pay male and female employees equal remuneration for work of equal value to be paid in legal tender.<sup>531</sup> The UHRC observed that the payment for work done differed from company to company and also depended on whether an employee was a casual labourer or directly contracted by the company.

527 Factories like Tembo Steels Ltd, Tororo Cement Ltd, Hima Cement and Pramukh Steel Ltd had clinics within their work premises.

528 n 526 above, 108

529 As above. The District Labour Office also plays a role in the computation of compensation for injured employees.

530 As above above, 42.

531 secs 6(7) & 41 of the Employment Act.



For casual labourers, it was the sub contractors that determined the pay which was, in a number of instances, low; ranging from UGX 2,600 to UGX 4,500 per day in the companies visited. This is contrary to the right to just and fair remuneration under Article 6 of the CESC.

In other companies such as Mbale Clays and Kinyara Sugar Works Ltd, negotiations were held with trade unions every year to agree on the terms and conditions of service of the workers including wage increment.<sup>532</sup> Much as wages were still considered low by the workers and union representatives spoken to, it was hoped that with collective bargaining, the wages could be increased to a standard commensurate with the cost of living.

### **11.5.2 CHALLENGES FACED BY FACTORY WORKERS**

#### **a) Inadequate knowledge on the importance of Trade Unions**

Majority of the workers were not aware of the role and importance of labour unions, despite having registered to join them. Consequently, they would not be able to determine when to enlist the support and assistance of labour union when faced with a problem at the workplace.

#### **b) Poor enforcement of occupational safety and health standards**

This could be attributed to the inadequate monitoring and supervision by DLOs. The inadequacy of monitoring and supervision visits made by DLOs could be attributed to their limited numbers and lack of facilitation. In addition, some employers lacked the motivation to take preventive steps in the provision of safety gear for employees.

#### **c) Lack of awareness about employment laws and rights**

This was attributed to the lack of popularisation of the Employment Act and limited awareness about the presence and mandate of DLOs. It was further observed that the legal and policy frameworks mostly cover the 'elite' workers and not those involved in the informal sector.

#### **d) Lack of employer support for employee engagement with trade unions**

Some employers were not supportive of their employees joining labour unions. This was against the backdrop that the importance of collective bargaining is to enable the workers negotiate to improve the working conditions and quality of services. However, the employer's refusal to recognise and negotiate with trade unions remains widespread.

#### **g) Poor staff accommodation**

The housing provided for workers should be clean and of habitable quality. The houses in most of the places visited were dirty and not well maintained. Some of the complaints about the housing facilities were that they were overcrowded, had poor hygiene, leaking roofs, overfilled toilets and poor drainage facilities.

#### **h) Lack of logistical support for labour officers**

Inadequate funds (transport and logistics) were allocated to the labour officers to effectively train, sensitise and disseminate information on labour laws, rights and responsibilities. They were expected to move to all places of work at least once a year and report back to the Commissioner for Labour. However, this was not possible since DLOs lacked facilitation.<sup>533</sup>

532 This was based on findings in 2011.  
533 n 528 above, 42



### **i) Operationalisation of the Industrial Court**

Since its establishment, the Industrial Court has been non-operational. In instances where DLOs failed to mediate a dispute between workers and employers, the dispute resolution process would stall as there was no court to refer the parties to. Therefore, attempts to have magistrates assist with implementation of memoranda of understanding were futile as legal counsels would object to the jurisdiction of magistrates on labour matters.<sup>534</sup> However, at the time of compiling this report in January 2014, new judges for the Industrial Court were appointed and it is hoped that it will function accordingly.

### **k) Inadequate number of labour officers**

It is estimated that there are 44 DLOs in the country and yet there are 112 districts. Consequently, less than half the districts in Uganda have DLOs thereby leaving the rights of factory workers in peril.

### **l) Unfavourable working conditions for casual workers**

Most casual labourers working under non regularised sub contractors had unfavourable employment terms. They were subjected to low wages, no access to sick leave or any entitlement to annual leave and there was high job insecurity due to the temporary nature of their work.

### **m) Lack of wage structures**

Some of the employers did not have wage structures that graded workers in accordance with their qualifications, experience, job descriptions and pay. As a result, there was an increased likelihood of employees being paid less wages compared to their job description, qualifications and experience. Wages for casual labourers were considered to be meagre compared to the amount of work done. This could be part of the reason for high turnover of casual labourers.<sup>535</sup>

## **11.6 RECOMMENDATIONS**

1. As recommended in the previous Annual Reports:

- The Ministry of Gender, Labour and Social Development should re-centralise district labour offices as most district local governments tend not to have sufficient funding for them to operate;
  - The Ministry of Finance, Planning and Economic Development should provide funding to strengthen and provide adequate resources for the labour function in Ministry of Gender, Labour and Social Development. This would help improve facilitation of district labour officers to provide continuous monitoring and inspection of conditions of workers;
  - The Ministry of Gender, Labour and Social Development should strengthen the Industrial Court and the Medical Arbitration Board to handle labour disputes and workers' compensation respectively; and
  - The Ministry of Gender, Labour and Social Development should recruit more labour officers so that all the 112 districts of Uganda can each have a District Labour Officer to handle labour-related issues
2. The Ministry of Finance, Planning and Economic Development should allocate funding to the Ministry of Gender, Labour and Social Development to conduct training and awareness creation for artisanal and small scale miners, factory workers and employees on labour laws, rights and occupational health and safety standards;

<sup>534</sup> As above  
<sup>535</sup> As above.

3. The Ministry of Finance, Planning and Economic Development should provide funding to strengthen and provide adequate resources for the Department of Geological Survey and Mines in the Ministry of Energy and Mineral Development. This would help improve facilitation of the Department of Geological Survey and Mines to provide continuous monitoring, and to regularise and improve the artisanal and small scale miners sector;
4. The Ministry of Energy and Mineral Development should take measures to advance and formalise artisanal and small scale mining in Uganda. This can be done through training and awareness campaigns for artisanal miners on geology, mining and mineral processing; relevant mining legislation; environmental management; business development skills and the provision of long-term extension services;
5. The Ministry of Energy and Mineral Development should also take measures to review licensing and legal mining processes and procedures that are complex and bureaucratic;
6. The Ministry of Gender, Labour and Social Development and the National Organisations for Trade Unions in Uganda should promote the unionisation of labour in order for artisanal and small scale miners and factory workers to realise the freedom of association and to strengthen collectively bargaining for the workers in their respective occupations; and
7. Government should set a minimum wage for workers in accordance with the type of work done and level of qualifications of the worker. This will help curb the exploitation, oppression and underpayment of workers. Determination of minimum wage should also take into consideration the inflation and cost of living.

## 11.7 CONCLUSION

The UHRC findings illustrate that there has been some progress towards improving the rights of workers in Uganda. However, despite the existence of legal and institutional mechanisms aimed at ensuring the respect, protection and promotion of rights of workers, there are still challenge in the implementation of the progressive legal and policy framework. If action is taken on the recommendations that have been made it will go a long way in enhancing the protection, promotion and observance of the rights of artisanal and small scale miners as well as factory workers.

## CHAPTER 12

# THE UGANDA HUMAN RIGHTS COMMISSION POSITION ON SELECTED BILLS

### 12 INTRODUCTION

The mandate of the UHRC is laid out in Articles 52- 53 of the 1995 Constitution of Uganda. The mandate which is to promote and protect human rights; includes reviewing Bills before Parliament in order to ensure that they comply with the human rights standards stipulated in the Constitution and the international human rights instruments ratified by Uganda.

In line with its mandate UHRC reviewed the Anti-Pornography Bill, 2011 and The Narcotic and Psychotropic Substances (Control) Bill, 2007. The UHRC noted that though the Bills generally sought to domesticate international conventions that the government had ratified and introduce oversight mechanisms, there were still several human rights concerns that they raised. The position on the Anti-Pornography Bill, 2011 had been presented to the Legal and Parliamentary Affairs Committee and the Human Rights Committee.<sup>536</sup>

#### 12.1 UHRC POSITION ON THE ANTI PORNOGRAPHY BILL, 2011

##### 12.1.1 Summary of the contents of the Bill

The Anti Pornography Bill (Bill) sought to create the offence of pornography and address the defects in the existing law by repealing Section 166 of the Penal Code Act, Cap which only penalises trafficking in obscene publications. The Bill sought to replace it with a comprehensive legislation that includes broadcasting and expression through speech and fashion. The Bill also aimed at establishing the Anti Pornography Committee and prescribing its functions.<sup>537</sup>

##### 12.1.2. Objectives of the Bill

The UHRC welcomed the objectives of the Bill which sought to go beyond trafficking in obscene materials to encompass expression including through publication, speech and internet-based mode of expression. The Bill sought to balance freedom of expression with limitations that are intended to ensure the observance of the rights of others, public interest and public morals.<sup>538</sup> In addition, the Bill sought to prohibit child pornography in line with the Optional Protocol to the CRC (2000), which requires states to prohibit the sale of children, child prostitution and child pornography.<sup>539</sup> The Bill however did not defer much from the provisions of the Penal Code Act on intent.

#### 12.2 HUMAN RIGHTS RECOMMENDATIONS

The human rights concerns about the Bill were due to lack of clarity on what constitutes the offence of pornography in certain instances as well as child pornography. There were also overlapping functions of the oversight bodies that are supposed to ensure the delicate balance between the freedom of expression and the need to protect the public from exposure to pornography.

536 The position on the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2007 were forwarded to the Legal and Parliamentary Affairs Committee, The Human Rights Committee and the Defence and Internal Affairs Committee.

537 By the time of compiling this report the Anti-Pornography Bill 2011 had been enacted.

538 Article 29(2) of the Universal Declaration of Human Rights, Article 19(3) (b) of the International Covenant on Civil and Political Rights, Article 9(2) of the African Charter on Human and Peoples' Rights and Article 43(1) of the 1995 Constitution that provides general limitations on fundamental and other human rights and freedoms which is that in the enjoyment of rights and freedoms this should not prejudice the fundamental or other human rights and freedoms of others or the public interest.

539 Articles 1-4. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children., Child Prostitution and Child Pornography was ratified by Uganda in 2001.U.N Doc.A/54/L.84 at 5 (2000).



Another concern stemmed from the creation of penalties that were not commensurate with the provisions under the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act 2008, which could negatively affect the rights of accused persons.

### 12.2.1 Interpretation of pornography

Clause 2 of the Bill provided a definition of pornography that included cultural practices and displays. In addition, the clause provided exceptions for example, for educational purposes and any private act between spouses or couples in the performance of their conjugal rights.

Though this definition was wider than the definition in the Prevention of Trafficking in Persons Act 2009, it did not in certain instances show the intent of the exposure of parts of a body such as breasts or thighs. This clause could violate the right to culture and cultural identity by restricting participation in the cultural life of a community and further restrict freedom of expression specifically artistic freedoms which include art, dance and drama.<sup>540</sup> In addition, though the definition attempted to cover a broad spectrum of instances that could be interpreted as pornographic, it did not make a provision for other instances that have not been listed.

The UHRC therefore recommended that:

*The definition given in the Prevention of Trafficking in Persons Act which states that pornography "... means any representation, through publication, exhibition, cinematography, indecent show, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a person for primarily sexual excitement"<sup>541</sup> be adopted and included in the Penal Code Act.*

### 12.2.2 Interpretation of broadcast

The definition of what amounted to a broadcast was not specific and could therefore be prone to misunderstanding.

Therefore, the UHRC recommended that:

*The definition of broadcast should be aligned with the definition of broadcasting in the Uganda Communications Act 2013.*

### 12.2.3 Oversight bodies

Clause 3 of the Bill set up the Anti Pornography Committee with representation from the Uganda Law Society, media houses and publishing houses, just as the Media Council and Broadcasting board are constituted.<sup>542</sup> However, the UHRC noted that the functions of the Media Council and the Broadcasting Commission already include setting ethical broadcasting standards. Therefore, these functions should be strengthened to encompass the functions proposed in the Bill for the Anti-Pornography Committee.

The UHRC therefore noted that there is therefore no need for setting up a new and independent Anti- Pornographic Committee.

Clause 3 (f) of the Bill required the Anti Pornography Committee to develop or acquire effective protective software for electronic equipment, while Clause 17 (1) required the Anti Pornography Committee to recommend the means and procedures for Internet Service Providers to control pornography. The UHRC noted that these functions should be enforced and implemented by the Ministry of Information and Communications Technology.

540 Article 15 of the International Convention on Economic, Social and Cultural Rights; Article 1 of UN Declaration on the Right to Development; Article 17 of the African Charter on Human and Peoples' Rights; The right to freedom of artistic expression and creativity, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed - A/HRC/23/34 available on [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/34](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/34) accessed on 30th January 2013.

541 Section 2 (m).

542 Section 8 of the Press and Journalist Statute Cap 105 and Section 9 of the Uganda Communications Act 2013.

The UHRC therefore recommended that:

*The functions of the Media Council and the Uganda Communications Commission should be strengthened in order to allow the two bodies' greater independence and also enable them carry out the functions being suggested for the Anti-Pornographic Committee.*

*In addition, the Independent Media Council of Uganda should be supported and strengthened in order to enable it enforce high ethical and professional standards.<sup>543</sup>*

*Regulation and enforcement of ethical standards for Internet Service Providers should be done by the Ministry of Information and Communications Technology.*

#### **12.2.4 Offences**

Clause 14 of the Bill provided for the offence of child pornography but without clarifying what amounts to child pornography, or making any reference to Section 23 (4) of the Computer Misuse Act 2012. In addition, the clause provided for a fine that was higher than that provided for in the Computer Misuse Act 2011 and which was not commensurate with the ratio of fines to punishment under the Law Reform (Fines and Other Financial Amounts in Criminal matters) Act of 2008.

The UHRC therefore recommended that:

*The definition of 'child pornography' given in the Computer Misuse Act be adopted, and this together with Article 2 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography that provides for any representation of the sexual parts of a child for primarily sexual purposes, be included in the amendment to Section 166 in the Penal Code Act.*

*Section 166 of the Penal Code Act should be amended to provide for the offence of pornography.*

*In addition, Section 166 in the Penal Code Act should be amended to provide for penalties that are harmonised in accordance with the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act 2008.*

#### **12.2.5 Court to issue an arrest warrant**

Clause 15(2) made reference to an "authorised" person in possession of a warrant, while clause 15(3) provided for a penalty for blocking an "authorised" person. However, the section did not define who an "authorised" person is. The UHRC noted that the clause could lead to abuse of powers in the execution of a search warrant.

Accordingly the UHRC recommended that:

*The term "authorised" person as used in the Bill should be clearly defined and clarified and Section 166 in the Penal Code Act should be amended accordingly.*

#### **12.2.6 Authorities to issue directives**

Clause 16(1) provided for the Committee, the Court or a Police Officer not below the rank of Superintendent of Police to issue directives seeking that the relevant parties desist from dealing in pornography. This clause created an overlap in the roles of the Court to adjudicate, the Police to investigate, search and arrest, and the Anti-Pornography Committee as an oversight body which could negatively impact on the rule of law.

<sup>543</sup> The Banjul Declaration of Principles of Freedom of Expression in Africa confirms that self regulation is the best means of enforcing professionalism in the media as opposed to statutory regulation.

In addition, the UHRC noted that this clause would limit the powers of the Court provided for under Section 166 (4) of the Penal Code Act Cap 120 to order the destruction of any obscene matter once any person has been convicted in respect of the same obscene matter on the application of the Director of Public Prosecution, a State Attorney, a Public Prosecutor and a Superintendent of Police.

The UHRC recommended that:

*The powers of the Court to 'order' destruction of any obscene or pornographic materials under the Penal Act should be retained and if need be they should be strengthened.*

*The issuing of directives to desist in dealing in pornography should be restricted to the Media Council and Uganda Communications Commission council that can carry out any other functions that are incidental to the functions as laid out in the Press and Journalist Statute Cap 105, and the Uganda Communications Act 2013.*

#### **12.2.7 Use of the term Internet Service Provider**

Clause 17 (l) of the Bill referred to Internet Service Providers who are expected to control pornography in compliance with the requirements of the Bill. However, the term Internet Service Provider left out other service providers who should also be expected to control pornography in compliance with the requirements of the law.

*The UHRC recommended that:*

*In amending Section 166 of the Penal Code Act the term 'person' should be adopted and used to refer to all service providers to control pornography in accordance with the requirements of the Penal Code Act.*

#### **12.2.8. Conclusion**

UHRC recognised and agreed with the concerns that led to the formulation of the Bill and the need for the relevant legal framework to be strengthened in order to address the challenge of pornography. However, the UHRC noted that there are laws already in place that could be strengthened without having to put in place a separate law. Therefore, the UHRC recommended that the Penal Code Act be amended as suggested. In addition, the UHRC recommended strengthening of other relevant acts such as the Press and Journalist Statute Cap 105 and the Uganda Communications Act 2013.

### **12.3. UHRC POSITION ON THE NARCOTIC AND PSYCHOTROPIC SUBSTANCES (CONTROL) BILL, 2007**

The Narcotics and Psychotropic Substances (Control) Bill, 2007 seeks to strengthen the National Drug Policy and Authority Act, Cap 206 in order to adequately address cases of illicit drugs because of an increase in cases of drug trafficking and abuse.

#### **12.3.1 SUMMARY OF THE CONTENTS OF THE BILL**

The Narcotic and Psychotropic Substances (Control), Bill ( hereinafter called the Bill) seeks to adopt measures to criminalise drug related offences in accordance with Uganda's obligations under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 and other related International Conventions. The Bill seeks to: provide deterrent measures against local drug abuse; establish mechanism for rehabilitation of drug addicts; put in place measures that will endeavor to bring to an end the increased use of Uganda as a transit route for drug traffickers; and facilitate cooperation with the international community to fight against drug trafficking.



### 12.3.2 POSITIVE ASPECTS OF THE BILL

The UHRC welcomes the initiative of the Bill which intends to fill an existing gap in the laws of Uganda in regard to drug enforcement and trafficking and notes the following positive aspects.

#### 12.3.1.1 Domestication of UN Conventions

The Bill domesticates provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1998 including: possession, trafficking and cultivation of narcotic drugs and psychotropic substances; use of minors; forfeiture of narcotics and conveyance; and provisions for requesting for international assistance in investigations and proceedings. In addition, the Bill provides for obligations of government to take measures to prevent drug abuse and requires that the National Coordination Committee to ensure that the requirements of international conventions are fulfilled.<sup>544</sup>

#### 12.3.2.2 Setting up of mechanisms

The Bill establishes rehabilitation centers for the care, treatment and rehabilitation of people addicted to narcotic drugs or psychotropic substances. The Bill further provides for an establishment of a fund that will finance the rehabilitation centers.<sup>545</sup> The Bill also sets up the National Co-ordination Committee as an oversight mechanism whose functions include: the developing and implementing of a national plan of action for drug control, implementing provisions of international conventions on narcotic drugs and psychotropic substances; and updating and adopting drug control laws and regulations.

### 12.4. HUMAN RIGHTS CONCERNS ON THE BILL

Though the Commission notes positive aspects of the Bill, the Commission notes that some clauses in the Bill raised human rights concerns. These include: the violation of the right to health, disproportionate response to the offence of possession, discrimination of persons living with HIV/AIDS; inadequate protection of children in conflict with the law; limitations on accessing information and violation of due process guarantees.

#### 12.4.1. Violation of the right to health

Clause 4 (2) (a) makes it an offence for one to possess a narcotic drug or psychotropic substance. This clause encompasses habitual and chronic drug users who may not be able to have access to remedial health services because of fear of being arrested and incarcerated. Although there is no right to abuse drugs, it has been pointed out that efforts to criminalise drug abuse should not infringe on human rights and freedoms.<sup>546</sup> The Bill does not take into account the 'harm reduction' principle which would help drug abusers access health facilities and services. The harm reduction principle refers to policies, programs and practices that aim at reducing the adverse social, economic and health impacts that are normally associated with the abuse of narcotic drugs.<sup>547</sup>

The UHRC therefore recommends:

*The Bill should be reviewed to take into account the harm reduction principle which would help drug abusers access health facilities and services.*

<sup>544</sup> Clause 67 and 69(3) of the Narcotic Drugs and Psychotropic Substances (Control) Bill

<sup>545</sup> As above, clauses 53 -54

<sup>546</sup> Drug control, crime prevention and criminal justice: A Human Rights perspective, E/CN.7/2010/CRP.6-E/CN.15/2010/CRP.1,6

<sup>547</sup> Harm Reduction International; "What is Harm Reduction"; <http://www.ihra.net> last accessed on 20 January 2014.

#### 12.4.2. Disproportionate response to the offence of possession

Clause 4 (2) (a) provides for a fine of not less than five hundred currency points or three times of the market value of the drug or to imprisonment not less than two years but not exceeding ten years. Though clause 5 (a) provides for imprisonment for life for trafficking the fine imposed is similar to the one imposed on a person who is found in possession of drugs.

Considering that habitual and chronic drugs users could be fined and imprisoned, custodial measures are a disproportionate response to the offence in light of their drug dependence.<sup>548</sup> In addition, incarceration of habitual and chronic drug users would further deprive them of access to health care services.<sup>549</sup> Imposition of a similar fine for a person found in possession of drugs and for person trafficking does not reflect the seriousness of the offence.<sup>550</sup> Efforts to criminalise drugs use, needs to be viewed against the background of an increase in drug abuse and trafficking of narcotic drugs mainly amongst the youth.<sup>551</sup>

The UHRC therefore recommends:

*The clause should be reviewed to provide for different fines for a person found in possession of drugs and one found trafficking; and*

*Clause 59 should be reviewed to provide for non custodial measures for habitual and chronic drug abusers on identification by Court and not only in instances when a person is convicted of an offence under the Act.*

#### 12.4.3 Discrimination of persons living with HIV/AIDS

Central to the Harm Reduction principle is the acceptance of narcotic drug use while reducing its effects and acknowledging that a few methods of using drugs are safer than others.<sup>552</sup> Some of the harm reduction methods include heroin assisted treatment, needle exchange programme and safe injection.<sup>553</sup> It has been noted that Harm Reduction interventions are crucial for those who suffer from drug abuse especially those who inject drugs.<sup>554</sup> The International Guidelines on HIV and Human Rights caution that criminal law should not be an impediment to reducing of the risk of HIV transmission among injecting drug users or reducing access to HIV related care and treatment.<sup>555</sup>

The UHRC therefore recommends that the:

*The Bill should be amended to include provisions that promote harm reduction interventions among injecting drug users.*

#### 12.4.4 Inadequate protection of children in conflict with the law

Article 33 of the CRC requires the State to take all suitable measures including legislative measures to protect children from illicit use of narcotic drugs and psychotropic substances. Though Clause 10 makes it an offence for one to supply intoxicating substances to children, the Bill does not provide for any major preventive measures to protect children from drugs. The Bill does not address what should be done with children who are drug users and how to specifically rehabilitate them.

548 As above, 7

549 As above.

550 As above.

551 Mr. Kyomukama James, Uganda Police Force presentation at UHRC stakeholder's meeting on Uganda held on 10 June 2013 at Golf Course Hotel.

552 Harm reduction coalition available at <http://harmreduction.org/about-us/principles-of-harm-reduction/>; (accessed on 23rd January 2014).

553 "Count the costs .50 years of war on drugs. The war on Drugs, Undermining Human Rights available at: [www.countthecosts.org](http://www.countthecosts.org) last accessed on 28th January 2014).

554 As above.

555 Guideline 4 (d) International Guidelines on HIV/AIDS and Human Rights, 2006 Consolidated Version 30.

The Bill in its current form does not specifically deal with children as drug abusers and could instead deal with them like adult drug abusers/offenders and provide for incarceration instead of rehabilitation. In addition, what constitutes 'intoxicating substance' is not defined in the Bill.

The UHRC therefore recommends that:

*The Bill should provide for young offenders and provide specifically for their rehabilitation;*

*Incarceration of children should be provided for as the last resort and for the shortest suitable period of time with emphasis placed on other methods of rehabilitating children who are drug users; and*

*The Bill should define 'intoxicating substances' within the context of the Bill.*

#### **12.4.5. Management of Rehabilitation Centers**

Clause 53(2) provides for Rehabilitation Centers that are supposed to provide for the care, treatment and rehabilitation of persons addicted to narcotic drugs or psychotropic substances. Clause 57 provides for an Advisory Committee for the Rehabilitation of Narcotic Addicts whose function is to advise the Minister of Health on matters that 'may' be referred to it concerning care, treatment and rehabilitation of persons addicted to narcotic drugs or psychotropic substances. Though Clause 59 provides for the Court to order that a part of the period of imprisonment be spent in the Rehabilitation Centre, the Bill does not provide for who will be in charge of Rehabilitation and what type of treatment would be administered. Without putting in place of measures to ensure that the management of Rehabilitation Centers is done in line with due process guarantees, violations such as deprivation of personal liberty and torture and cruel, inhuman or degrading treatment in the form of medical treatment could occur.

The UHRC therefore recommends that:

*The clause should be amended to provide for who will be in charge and manage the Rehabilitation Centres.*

#### **12.4.6. Access to Information**

Section 127 (2) of the Evidence Act Cap 6 provides that all witnesses are competent and compellable and provides for exceptions in certain instances. However, Clause 16 of the Bill provides a blanket provision for a police officer or any other person acting under the provisions of the Bill from being compelled to reveal the source of any information concerning an offence committed under the Bill. Though this provision can be appreciated considering the nature of work under the Bill, minimum conditions such as public interest should be provided to guide when a police officer would not be compelled to give information.

The UHRC therefore recommends that:

*The clause should be amended to provide for minimum conditions that would guide the decision when a police officer would not be compelled to give information.*

#### **12.4.7. Violation of due process guarantees**

Clause 37 of the Bill provides for the forfeiture of property owned by the person on the date one commits a specified offence and property acquired after the commission of that specified offence. The clause however does not make reference to who will make the order. Though Clause 40 provides for application for forfeiture to the court within thirty days this is done after the fact. This clause is not in line with the due process guarantees of the presumption of innocence which contravenes Article 26 and Article 28 of the 1995 Constitution; and Article 14 and Article 17 of



the ICCPR which provides for the protection to property and the right to a fair trial. Forfeiture of property should be applied proportionately to the offence committed and should only apply to property that was obtained in relation to the offence committed.

In addition, this clause does not make for provision for the vulnerable such as women and children who may have been deriving maintenance from the property forfeited.<sup>556</sup>

The UHRC therefore recommends that:

*The clause should be amended to provide for forfeiture of property on the basis of evidence or in the alternative after a person has been convicted; and*

*The clause should be amended to provide for maintenance of vulnerable persons such as a wife and minor children during the forfeiture proceedings.*

## 12.5 Recommendations

1. Since there laws already in place that can be strengthened to address the same concerns on pornography there is no need to put in place a separate law on pornography. The Penal Code Act, Cap 120 should be reviewed in order to address the concerns noted and other relevant acts such as the Press and Journalist Statute Cap 105 and the Uganda Communications Act, 2013 should be strengthened; and
2. The Narcotic and Psychotropic Substances (Control) Bill should be reviewed to address the human rights concerns including health, due process guarantees, rights of vulnerable persons and inadequate protection of children in conflict with the law.

## 12.6 CONCLUSION

Though the Narcotic and Psychotropic Substances (Control), Bill (Bill) seeks to adopt measures to criminalise drug related offences in accordance with Uganda's obligations under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 and to provide a mechanism which will generate funds for drug enforcement agencies, there is need to ensure that human rights concerns including health, due process guarantees, rights of vulnerable persons and inadequate protection of children in conflict with the law are addressed. The UHRC therefore recommends that the Bill is reviewed to address the human rights concerns that have been highlighted.

<sup>556</sup> Kenyan Narcotic Drugs and Psychotropic substances (Control) Act 1994, sec 38 the makes provision for maintenance of a wife and minor children by disposing part of the property to meet liability for paying maintenance.

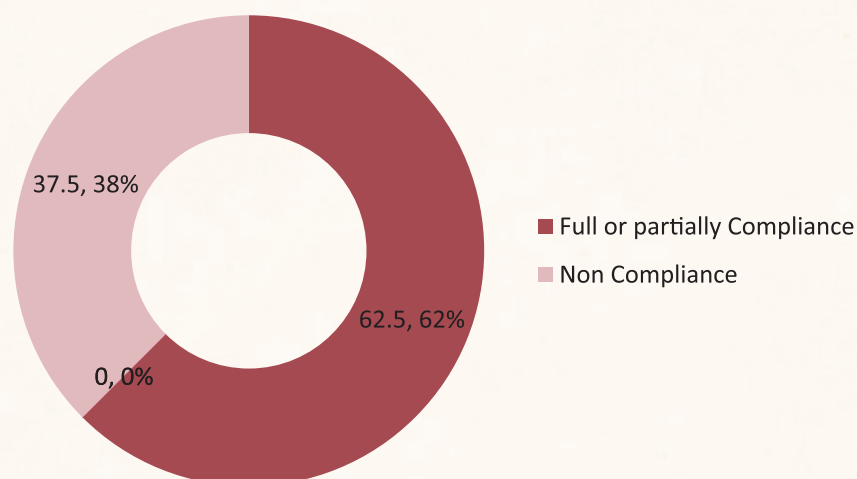
## CHAPTER 13

# GOVERNMENT COMPLIANCE WITH THE UHRC RECOMMENDATIONS

### 13 INTRODUCTION

In its 15<sup>th</sup> Annual Report, the UHRC made recommendations to Government and various Stakeholders for implementation with a view of improving the human rights situation in the country. This chapter looks at these recommendations that are categorized as fully complied with, partially complied with and those that have not been complied with. 62.5% of the recommendations made in the 15<sup>th</sup> Annual Report were fully or partially complied with by the Government, whereas 37.5% of UHRC recommendations were not complied with.

**Figure 13.1 Governments Compliance with UHRC recommendations in 2013**



Source: UHRC

**Figure 13.2 Trends analysis of Governments Compliance with UHRC recommendations from 2010 to 2012**

### Full or Partial Compliance



Source: UHRC

### 13.1 RECOMMENDATIONS FULLY COMPLIED WITH

#### 13.1.1 Appointment of Supreme Court and High Court Judges

UHRC has in previous years recommended that the President of the Republic of Uganda should appoint Supreme Court judges to disposal off pending Appeal cases and reduce on the case backlog. Therefore in light of this UHRC noted that the President of the Republic of Uganda appointed 28 new judges on 28<sup>th</sup> May, 2013 to fill vacant positions in the Supreme Court, Court of Appeal and High Court to deal with the issue of case backlog.

#### 13.1.2 Establishment of a Human Rights Department in the UPF

The UHRC in its 13th Annual Report appealed to the Uganda Police Force to set up a Human Rights Department to monitor human rights in police work. In 2013, this department was established by the Uganda Police Force. UHRC urges that enough financial and human resources are allocated to the department for it to function effectively. As discussed in Chapter 2 this department investigates human rights violations carried out by police officers and also carries out sensitization on human rights issues in UPF.

### 13.2 RECOMMENDATIONS PARTIALLY COMPLIED WITH

#### 13.2.1 Operationalisation of the Industrial Court

UHRC recommended that the Industrial Court be fully operationalised to efficiently and effectively resolve employer-employee disputes that have been forwarded to it by District Labour Officers. UHRC noted that in 2013 interviews for the chief Judge, Judge and other staff for the industrial court were on going.<sup>557</sup>*The UHRC urges Judicial Service Commission to appoint the chief Judge, Judge and all other staff necessary for the Operationalization of the Industrial Court.*

#### 13.2.2 Improving the conditions of Detention facilities at Uganda Police Force

##### 13.2.2.1 Construction of new buildings by Uganda Police Force

UHRC recommended that the UPF renovates police posts and police stations as well as construct new ones. As discussed in Chapter 2, it was established that construction of a number of police stations with separate detention cells had been done and that the police had constructed some stations with waterborne toilets. In addition, the Commission noted that construction of juvenile centers in 38 districts by different NGOs partners was also on going.<sup>558</sup>

UHRC was also informed that negotiations were under way to construct 7000 units for police officers accommodation in the Kampala Metropolitan under the Public Private Partnership. The police constructed both office and residential accommodation by using Hydra foam in the regions under Peace Recovery and Development Programme. The UPF also planned to remodel all police stations within Kampala Metropolitan so that the facilities could also cater for the disabled persons. The construction of Luwero police station in Luwero District as the first model police station with toilets and showers was also being carried out.<sup>559</sup>*The UHRC urges Government to fully fund the UPF to construct new police posts and stations. To renovate old police stations and posts across the country that can be accessed by the persons with disability (PWDs), have juvenile cells, cells for men and women as well as staff houses.*

557 A Chief Judge and a judge were recently appointed for the Industrial Court in January 2014 <http://www.judicature.co.ug> last accessed on 15 February 2014.

558 n 23 above.

559 As above.



### 13.2.3 Police training

In the 15<sup>th</sup> (2012), 14<sup>th</sup> (2011) and 13<sup>th</sup> (2010) Annual Reports, UHRC recommended that the Uganda Police Force should invest in training and retraining of law enforcement agents to equip them with modern investigation skills as well as the rights of suspects during arrest and in detention.

UHRC noted that a number of trainings were carried for the police officers in 2013. *UHRC urges UPF to carry out these trainings across the country.*

### 13.2.4 Improving the conditions of inmates at Uganda Prisons Services

UHRC recommended that UPS should be provided with adequate resources for them to perform their functions and improve the conditions of inmates. In light of this UHRC noted the following developments in Uganda Prisons Service.

#### a) Construction of new buildings and renovation of the old buildings;

UHRC has over the years recommended UPS constructs new buildings and renovates old ones. The UHRC commends Government for the construction of new prisons and renovation of some prisons in the country. The UHRC notes that renovations were done in Patiko, Old Gulu, Tororo, Soroti, and Lira Prison in order to deal with the issue of congestion of inmates. *However, UHRC urges Government to construct new prisons and renovate prisons across the country.*

#### b) Welfare of inmates

##### i) Improvements made to improve access to water for inmates, remandees and prison staff;

The UHRC in its previous Annual Reports recommended UPS improve the issue of access to water for inmates. In FY 2012/13, the UPS installed Water borne toilets in 20 prison units which reduced the number of prisons with bucket system from 128 (55%) to 108 (46%).<sup>560</sup>

Rain water harvesting had been exercised in Lugazi, Bugiri, Bukedea, Dokolo, Rukungiri, Mugoye, Mbarara, Gulu, Nyabuhikye, and Lwengo prisons. Borehole construction done in Pader, Lamwo, and Nebbi prisons and water connection to Oyam, Nakatunya prisons was being done.<sup>561</sup> *The UHRC urges Government to increase the funding of UPS to ensure that all Prisons across the country have access to clean water and elimination of the bucket system in all prisons.*

##### ii) Measures taken to address high prison congestion;

The UHRC recommended that Government put up measures to address the high prison congestion in prisons across the country. The Commission commends UPS for its efforts to construct new wards in Bushenyi, Mbarara, Kiruhura, Ruimi, Gulu, Oyam, Pader Lamwo, Apac, Moroto, and Muinaina prisons.<sup>562</sup> By the end of 2013, construction was on going.

In order to deal with case backlog, more court sessions were increased in various levels of courts (High Court, Court of Appeal, Chief Magistrates, Anti-Corruption courts and magistrates courts) District coordination committees (DCCs) held meetings regularly, inspections by JLOS inspectors forum were conducted regularly as well as meetings held by JLOS Integrity Committee. In addition as an alternative to imprisonment-Community service Programme were being implemented to deal with the issue of congestion. *The UHRC urges Government to make sure it addresses this issue in all prisons across the Country.*

560 n 59 above.  
561 As above.  
562 As above.

### **iii) Actions taken by UPS to improve access by inmates/remands to court;**

Three buses and three Lorries were purchased in order to improve on inmate's access to courts. During the year a daily average of 1,090 prisoners were produced to 213 courts across the country. Para-legal advisory services (PAS) were also utilised at 11 sites across the country. *The UHRC urges Government to provide appropriate transport to all prisons across the country to improve access to court by inmates.*<sup>563</sup>

### **iv) Measures taken to rehabilitate and reintegrate inmates and remands**

The UHRC over the years recommended that the Government takes up measures to rehabilitate inmates in the prisons. The UHRC commends UPS for the efforts it made to conduct rehabilitative guidance and counselling for 30,000 inmates out of the 39,394 inmates in 2013. 8000 offenders were imparted with life skills (3,000 with industrial skills and 5,000 with agricultural skills), 2,000 inmates supported on formal education with necessary scholastic materials in 55 prisons at different levels and 20,000 prisoners linked with relatives and friends and legal aid services thus reducing on the rate of repeating undesirable behaviour from 26.8% to 26.7%.<sup>564</sup> *The UHRC urges Government to rehabilitate and reform all inmates and offer them life skills.*

### **v) Developments on the improvement of the working conditions for staff including accommodation facilities and staff recruitment**

The UHRC has over the years recommended that Government improves the working conditions for UPS staff. The UHRC noted that duty free shop materials were procured and sold to staff enabling at least 500 staff to construct homes through duty free shops, a total of 1085 staff have benefitted from the duty free shop since 2011. Staff living with HIV/AIDS were supported by providing nutritional supplementation and drugs. A number of staff houses were constructed in various stations to improve on the issue of accommodation. *The UHRC appeals to Government to improve the working conditions of prison staff across the country.*

### **vi) Information on the status of children incarcerated with mothers;**

The UHRC has in the previous reports recommended that UPS plans and budgets for children incarcerated with their mothers. The UHRC noted that the number of children with their mothers in prison was 188 as at 30<sup>th</sup> November 2013 and that their basic needs were catered for in the main UPS budget. In the FY 2013/14, UGX 60 million was set aside to cater for specific needs of children incarcerated with their mothers. In some prisons for women such as Luzira and Mbarara prisons, Day care centers had been established. These day care centers address the psychosocial needs of the children. In addition, the diet for prisoners' children in prisons was supplemented with milk from cows that had been provided to some prisons for women. *The UHRC urges Government to ensure that the rights of these children are promoted and protected.*

## **13.2.5 Improving the conditions of persons detained in military detentions facilities**

UHRC recommended that UPDF should be availed with adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation improved and ensuring that detainees living with HIV and AIDS access ARVs.

UHRC noted that reconstruction works were embarked on at some military detention facilities leading to building of flash toilets and thus reduction of the bucket system at these facilities.<sup>565</sup> *The UHRC continues to urge Government to ensure that the rights of inmates in military detention facilities are promoted and protected.*

563 n 59 as above.

564 As above.

565 n 57 above.

### 13.2.6 Children in conflict with the law

UHRC recommended that the MIA, MoGLSD, UPF and the UPS should ensure that children in conflict with the law are separated from adults in places of detention.

UHRC noted that juvenile centers were being constructed in different parts of the country, for example in Arua Remand Home, two dormitories for juveniles, staff quarters and an office block were constructed. In Kabale a juvenile center was being constructed while the remand home in Mbale was operational and handling children in conflict with the law. In addition Fort Portal remand home was under renovation.<sup>566</sup> UHRC also noted that Naguru home remains the most congested home in the country. *UHRC urges Government to construct more remand homes to deal with the congestion at Naguru remand home. UHRC urges to MoJCA to ensure that incarceration of children in conflict with the law should be as a measure of last resort and should be for a shortest period of time.*

### 13.2.7 Development of the legal aid policy

In the 15<sup>th</sup>, 14<sup>th</sup> and 13<sup>th</sup> Annual reports UHRC recommended that a national legal aid policy be developed. UHRC commends JLOS for the draft policy that will ensure equitable access to justice for vulnerable persons in Uganda.<sup>567</sup> *However the UHRC urges JLOS to expedite the process of developing the policy.*

### 13.2.8 Timely and accurate payment of salaries for public servants

UHRC recommended timely payment of workers and the prompt information of delay in payment in case it arises.

UHRC established that Government instituted 28<sup>th</sup> of every month as the payment date for Public Officers salaries in observance of the right to prompt payment. In addition prompt payment should be supported with an effective Wage bill, Payroll Management and Accountability Framework.<sup>568</sup>

In this regard the Integrated Personnel and Payroll System (IPPS) was being implemented to strengthen the Human Resource Management Information System in all Ministries Departments and Agencies and Local Governments. IPPS was a basis for enhanced accountability in the payment of salaries, among other Human Resource Management functions. 96% of the Government payroll had already been migrated to the IPPS from the Legacy Payroll System at Uganda Computer Services (UCS) - MoFPED.<sup>569</sup> *The UHRC urges Government to make sure it promptly pays all public servants and the remaining 4% of workers be included in the IPPS.*

### 13.2.9 Translation of the Constitution into local languages

UHRC recommended the translation of the 1995 Constitution into the various local languages of Uganda. In light of this UHRC commends the ULRC for translating the 1995 Constitution into Acholi and Lango which have been disseminated in Northern Uganda as well as Luganda, Rutooro and Runyoro which have not yet been printed or disseminated. *The UHRC appeals to the ULRC to translate the Constitution into all the other local languages and disseminate it as well.*<sup>570</sup>

### 13.2.10 Amendment of the Children's Act

In 2012, UHRC recommended that the Children Act be expeditiously amended to provide for the diversion of children from the formal justice system as well as handling children at risk including drug abusers and street children.

<sup>566</sup> n 54 above.

<sup>567</sup> <http://www.jlos.org> last accessed 20 February 2014.

<sup>568</sup> n 211 above.

<sup>569</sup> As above.

<sup>570</sup> Ms. Jeroline Akubu, Uganda Law Reform Commission presentation made at the Annual Report Consultative meeting 13-15 January 2014 Speke Resort Munyonyo,.



Through its findings UHRC noted that a draft Bill incorporating human rights standards on children is awaiting parliamentary approval. This draft Bill was prepared by MoGLSD in conjunction with various partners. *The UHRC urges Parliament to expeditiously approve the draft Amendment Act.*

#### **13.2.11 Prompt payment of awards**

In its previous reports, UHRC recommended that the Ministry of Justice and Constitutional Affairs should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the UHRC. Prompt payment of awards is crucial for an effective remedy.

According to UHRC's records from 2003 to 2013, Government had paid an estimated amount of UGX 1,742,483,115 and UGX 2,370,284,538 was still outstanding. In 2013, Government paid UGX. 384,225,019 of the outstanding tribunal awards. *UHRC urges Government to promptly pay the outstanding tribunal awards.*

#### **13.2.12 Establishment of a Victims Compensation Fund**

The UHRC has over the years urged Government to establish a Compensation Fund to ensure the prompt and timely payment of compensations awarded by the UHRC tribunal. The UHRC commends MoJCA for the efforts made to ensure prompt payment. *UHRC urges Government to set up a separate fund for payment of awards as well as having funds from the different Ministries, Agencies and Departments to provide for awards made against employees that violate the rights of others.*

#### **13.2.13 Housing of 2010 landslide survivors in Kiryandongo;**

UHRC recommended that Government should clarify the status of the Kiryandongo Camp for purposes of funding and service delivery. About 25 houses were constructed in the financial year 2012/13 for the landslide survivors in Kiryandongo.<sup>571</sup> *UHRC urges Government to look at the recommendations made by UHRC in its previous reports on the resettlement of people affected by disasters.*

#### **13.2.14 Review of the current education curricula**

UHRC recommended that the MoES and the National Curriculum Development Centre (NCDC) should review and reform the current education curricula at all levels from academic-based forms of learning to life skills education. In 2013 UHRC observed that the National Curriculum Development Centre plans to reduce the study areas at Ordinary Level from 14 to 8 learning areas; Mathematics, Science, Social Studies, Creative Arts, Languages, technology and enterprise and life education.<sup>572</sup> The UHRC commends Government for the efforts made to improve on the education system in the country. *UHRC urges Government to ensure that this curriculum is effectively implemented across the country as well as reviewing the curricula of all the other levels of education.*

#### **13.2.15 Funding of Ministry of Health**

UHRC has previously recommended that the budget of the Ministry be increased in order to improve salary of health workers and their living conditions, to enable District health officers monitor service delivery in health centers as well as improve the working conditions at health centers.

UHRC established that 7,211 health workers were recruited in 2013 to fill the existing vacancies in various health centers' and hospitals across the country.<sup>573</sup>

571 <http://opm.go.ug/departments/department-of-disaster-preparedness-management-refugees/department-of-relief-disaster-preparedness-and-management.html> last accessed on 9 February 2014.

572 [www.newvision.co.ug/.../647677-new-o-level-curriculum-to-focus-on-life-education.html](http://www.newvision.co.ug/.../647677-new-o-level-curriculum-to-focus-on-life-education.html) last accessed on 10 January 2014).

573 Mr. Aliyi Walimbwa Senior Health Planner Ministry of Health presentation made at UHRC 16th Annual report Consultative meeting 13-15 January 2014 at Speke Resort Munyonyo.

The UHRC also observed that the funding for the MoH keeps declining annually in light of the fact that during the FY 2011/12 the Ministry received 8.3% funding from Government of Uganda well as during the FY 2012/13 the Ministry received 7.4% funding from Government. *The UHRC appeals to Government to increase the budget of the Ministry in line with the 15% target in the Abuja Declaration.*

### 13.2.16 Funding of the Ministry of Education and Sports

In 2012 UHRC urged Government to Increase the funding for MoES to facilitate District Education Officers to inspect schools, construction of more classrooms, more schools, staff housing, to increase the salaries of teachers and improve their working conditions as well as ensuring that professional standards and ethics are adhered to.

UHRC established that in the FY 2012/13 the budget for education and sports was UGX 1,592.48 billion compared to the budget of FY 2011/12 of UGX 1,416.27 billion. That the MoES officials inspected 83% of the primary schools, 653 secondary schools and 580 Early Childhood Development Centres across the country, monitored 112 local governments to ensure compliance with the inspection guidelines, disseminated the inspection guidelines to district inspectors, trained about 329 inspectors and education managers across the country and construction of more classrooms, laboratories, latrines, some teachers houses, rehabilitation of existing ones and provision of furniture in class rooms across the country was done<sup>574</sup>.

UHRC also noted that MoES developed an electronic Data bank for teaching personnel for prompt payment and monitoring as well as disseminating the Education Service Commission Regulations and teachers' professional code of conduct to teachers to work with in their mandates.<sup>575</sup> *UHRC appeals to the MoFPED to increase the funding of MoES so that teachers salaries are increased.*

### 13.2.17 Funding for UHRC

In the 15<sup>th</sup> Annual Report UHRC recommended that MoFPED should fully fund the UHRC being a statutory body to avoid dependency on donor funding for its major operations and core functions.

As indicated in above in the FY 2012/13 financial year, UHRC received funding UGX 8.32 billion from Government of Uganda (GOU) and UGX 3.58 billion from development partners. While in the past development partners contributed bigger percentage, GOU contribution has since improved and in the FY 2012/13 it was 70% and donor contribution was 30%. *UHRC urges Government to fully fund the UHRC in order for it to effectively carry out its functions.*

### 13.2.18 Partial progress on Bills

**Table 13.1: Status of Bills**

Bills	Recommendation	Progress
The Uganda Anti- Narcotics Drug and Psychotropic Substance Bill	Enact into Law	Parliamentary Committee had hearings on this Bill from various stakeholders
Enactment of the witness protection Bill	Enact into law	A draft Bill has been before Parliament since 2012 but has not been passed to date
The Prevention and Control of HIV/AIDS Bill, 2010	Ensure Compliance with human rights standards	The Bill is before the Committee of parliament
Public Order Management Act 2013	Ensure Compliance with Human Rights standards	The Bill was passed into law in 2013 A petition had been lodged in the Constitutional Court on the constitutionality of some of the provisions of the Act.

574 The Education and Sports Sector Annual Performance Report FY 2012/2013.

575 As above.

A Law on disaster preparedness and Management	Enacting a law establishing the Disaster Preparedness and Management Commission	A National Policy for Disaster Preparedness and Management was adopted in October 2010. However, to date the policy has not been enacted into law and a Commission has not been established.
The Marriage and Divorce Bill 2009	Enact the Marriage and Divorce Bill	It was discussed by the 9 <sup>th</sup> Parliament but was not passed.
The Food and Nutrition Bill	Enact into Law	Not received by parliament
Contingency Fund Bill	Enact into law	Still a proposal under OPM
Anti-Homosexuality Act, 2009	Review the Bill to ensure that it complies with human rights standards that are enshrined in various instruments to which Uganda is party to.	The Bill was passed into law in December 2013. A petition had been lodged in the Constitutional Court on the constitutionality of some of the provisions of the Act.
Traditional Cultural Leaders Bill	Review of bill to ensure compliance with human rights standards	Before parliament for consideration
The Biotechnology and Biosafety Bill (GMO) Bill	Review the Bill to ensure that it complies with Human Rights Standards	There is need for further research and consultation before the Bill is passed

Source: UHRC

### 13.2.19 Fulfillment of the Constitutional obligation to bring suspects to court within 48 hours

UHRC has continuously recommended that the UPF and DPP fulfill their constitutional obligation to bring suspects to court within 48 hours. It was established that UPF was making use of police bond to ensure that suspects are released within 48 hours. However, additional training on this obligation should be conducted for the police officers. *UHRC urges the Government to fully fund the Police and DPP to carry out their duties.*

### 13.2.20 Courts and Police Stations should be more accessible for Persons with Disabilities (PWDs)

UHRC recommended that courts be made physically accessible to persons with disability; this is a crucial element in access to justice. UHRC noted that in 2013 only a few courts were accessible by PWDs. *The UHRC urges Government to fund MoJCA in order to ensure that all courts across the country can be accessed by persons with disability.*

### 13.2.21 Compliance with international and regional reporting

UHRC has annually urged the Ministry of Foreign Affairs to strengthen the reporting and monitoring role of the Inter-ministerial Technical Committee to carry out its functions on reporting on the various treaty bodies that Uganda is party to. UHRC noted that a national plan of action on human rights was being prepared in 2013. This was in fulfillment of one of the voluntary pledges made by Uganda at the Universal Periodic Review in October 2011. *UHRC urges Government to ensure that it complies with all its other international treaty body obligations and voluntary pledges.* Table 13.2 shows Uganda's reporting status to the UN Treaty bodies.

**Table 13.2: REPORTING STATUS TO THE UN TREATY BODIES**

Treaties	ICERD	CRC	CEDAW	OPAC	CAT	ICCPR	ICRMW	CRPD	ICESCR
<b>Ratification</b>	1985	1990	1985	2001	2002	1986	2003	2008	1987



Date of consideration	1 <sup>st</sup> Report 1984  2 <sup>nd</sup> -10 <sup>th</sup> 2003	1 <sup>st</sup> Re- port-1997 2 <sup>nd</sup> Report 2005	1 <sup>st</sup> -2 <sup>nd</sup> Re- port 1995 3 <sup>rd</sup> Report 2002 4 <sup>th</sup> -7 <sup>th</sup> Re- ports 2010	1 <sup>st</sup> Report 2008	1 <sup>st</sup> Report 2008	1 <sup>st</sup> Re- port-2005	No initial report submitted	Initial Report submitted in 2012	Initial Report submitted in 2012
Duration since the last report	Due since 2005	Due since 2011		Due since 2011	Due since 2011	Due since 2008	Due since 2004		

Source: Report of the OHCHR on Uganda and the UN Human Rights Mechanisms

### 13.2.22 Development of a Transitional Justice Policy

In its 15<sup>th</sup> Annual Report UHRC recommended that JLOS should develop a Transitional Justice Policy to cover reparations, truth telling and formal justice among other things. In 2013, a draft policy was made to implement the provisions of the 'Agreement on Accountability and Reconciliation' as per the Juba Agreement.<sup>576</sup> In 2013 the said draft had been forwarded to cabinet for approval. *UHRC appeals the Government to expedite the process of developing a Transitional Justice Policy.*

### 13.2.23 Review and strictly implement of the laws relating to corruption

UHRC recommended that the Government should review and strictly implement the laws relating to corruption. UHRC commends the Government for charging and prosecuting individuals that are engaged in misusing and misappropriating Government funds in various Ministries, Agencies and Departments. *UHRC urges Government to ensure that all persons that misuse and mismanage public funds are held accountable.*

### 13.2.24 Operationalization of District Human Rights Desks/Committees

The UHRC has continuously recommended the established District Human Rights/ Desks/ Committees (DHRD/C) should be fully funded by the local Government for the promotion and protection of human rights in all in districts in Uganda. UHRC noted that only a few DHRD/C were being funded by the Ministry of Local Government.

*The UHRC appeals to the MoLG to fund the DHRD/C s that have been established as well as establishing DHRD/C s in the newly formed districts.*

### 13.2.25 Media houses ensuring the safety of their employees

In the 15<sup>th</sup> Annual Report, UHRC recommended that media houses put in place safety and protection mechanisms for journalists assigned to cover riotous or dangerous scenes. UHRC noted that a few media houses provide protective gear for their employees such as bullet proof jackets. *UHRC appeals to media houses to provide safety equipment to their employees and not leaving this obligation to the employees themselves.*

### 13.2.26 Programmes and policies to ensure food security

UHRC recommended that programmes and policies to ensure food security especially in areas that are prone to food insecurity. In order to expand its capacity for storage of both relief food and non-food items, the Office of the Prime Minister acquired 5 acres of land in Namanve, Kampala to construct national stores. Furthermore, surveys of the food security situation in Karamoja were conducted and provided preliminary forecasts for 2014.

<sup>576</sup> <http://www.jlos.go.ug/index.php/document-centre/news-room/latest-news/item/288-transitional-justice-policy-reviewed> last accessed on 9 February 2014.

UHRC noted that in June 2013 the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), revealed that up to 975,000 people in the semi-arid region (Karamoja) in the districts of Kotido, Kaabong, Moroto, Napak and Nakapiripirit faced high levels of food insecurity.<sup>577</sup> *UHRC appeals to MAAIF to put in place more mechanisms to deal with food insecurity in the country as a whole.*

### 13.2.27 Freedom of the media

UHRC recommended that a free but responsible media be promoted in Uganda. UHRC commends Parliament for the formation of the Parliamentary Forum on the Media in November 2013. This availed journalists and Members of Parliament in Uganda an official platform to debate and lobby for change to Uganda's media laws. The forum is currently comprised of 35 MPs and members of the Uganda Parliament Press Association and the Uganda Journalists Association (UJA)<sup>578</sup>. UHRC also appeals to the Ministry of Information and National Guidance to ensure that the proposed Press and Journalists (Amendment) Bill (2010) complies with international standards and the Constitution. *UHRC urges Parliament to amend the provisions of the Interception of Communications Act 2010 that do not comply with international human rights standards and the 1995 Constitution.*

#### a) Media managers and journalists should adhere to the set professional code of ethics and practices

The UHRC recommended that media managers and journalists adhere to the set professional code of ethics and practices. UHRC noted that in 2013 the National Institute of Journalists of Uganda (NIJU) made some publication and circulation of the code of ethics in 2013.<sup>579</sup> *UHRC appeals to media managers and journalists to adhere to the set professional code of ethics and practice.*

### 13.2.28 Promotion of the right to clean and healthy environment

UHRC recommended that NEMA monitors the enforcement of environmental laws in the country. In 2013; UHRC noted that NEMA together with Uganda Wildlife Authority (UWA) through the courts of law prosecuted violators of environmental law. In addition, the National wetland Information system was operationalised to ensure that degraded wetland ecosystems are restored. During the FY 2012/2013 MWE prepared the National forest Plan and revised the forestry regulations as well as formulating the guidelines for harvesting timber/forest products in Uganda.<sup>580</sup> *UHRC appeals to NEMA, UWA and MWE to implement environmental laws through out the country.*

### 13.2.29 PWDs rights to participate in cultural and sporting activities

UHRC recommended that MoGLSD together with the MoES procures wheel chairs for children with disabilities to engage in athletics and Ministry of Trade, Industry and Cooperatives subsidizes the importation of such equipment. UHRC noted that 140 wheel chairs were distributed in 72 districts. *UHRC appeals to MOES to distributed wheel chairs to students with disability across the country.*

### 13.2.30 Compiling of disaggregated data on PWDs

The UHRC recommended that the draft Data Collection Tool on Disability be finalized so that UBOS captures disaggregated information on PWDs in the next census. *UHRC appeals to Government to finalize this Data collection tool.*

577 <http://www.irinnews.org/fr/report/98393/food-insecurity-threatens-1-2-million-in-uganda-s-northeast> last accessed on 6 February 2014.

578 <http://www.acme-ug.org/index.php/mps-and-journalists-form-parliamentary-forum-on-the-media/> last accessed on 6 February 2014.

579 <http://allafrica.com/stories/199911060052.html> (accessed 9 February 2014).

580 Uganda Water and Environment Sector Performance Report 2013.

### **13.3 RECOMMENDATIONS THAT HAVE NOT BEEN COMPLIED WITH**

#### **13.3.1 Mechanisms to effectively handle cases pending Ministerial orders**

In the 14<sup>th</sup> Annual Report UHRC recommended that the MoJCA establish an efficient mechanism for handling cases which are pending Ministerial Orders. The absence of such a mechanism continues to affect persons held under such orders. *Therefore UHRC recommends that such a mechanism be put in place.*

#### **13.3.2 Amendment of the law to prohibit the detention of civil debtors**

The UHRC in its previous reports recommended ULRC to amend the law prohibiting detention of civil debtor's in line with Article 11 of the ICCPR. *In 2013 this law was not reviewed therefore the UHRC calls upon ULRC to expeditiously amend this law so that civil debtors are not detained.*

#### **13.3.3 Funding for continuous Civic Education**

The UHRC has annually recommended that Government should increase the funding of UHRC to carry out its mandate of educating the citizenry on their rights and obligations. Civic Education is carried out when UHRC receives some funds from development partners. Therefore, this was not done throughout the year and for the entire country as per the mandate of UHRC. *UHRC appeals to the MOFPED to increase UHRC's funding in order for it to fully carry out its function that includes educating citizens on their rights and obligations.*

#### **13.3.4 Facilitation of the Refugee welfare Committees to address the needs of refugees at reception centers**

In 2013 the UHRC recommended Government to facilitate the Refugee Welfare Committees to address the needs of refugees at reception centers. In 2013, Government was overwhelmed by the increased influx of refugees who fled from the Eastern Democratic Republic of the Congo (DRC), especially in North Kivu and Province Orientale because of the war which resulted in an influx of over 66,000 Congolese into Uganda. *The UHRC urges Government to allocate sufficient funds to OPM to handle issues of refugees.*

#### **13.3.5 Minimum Wage**

The UHRC in the previous Annual reports recommended that Government enacts a law on the minimum wage to ensure that workers rights are promoted and protected. The Minimum wage was still at UGX 6,000 as set by the Statutory Instrument No. 38/1984. *The UHRC urges Government to enact a law on the Minimum wage in the country.*

#### **13.3.6 Establishment of the Disaster Preparedness and Management Commission**

The UHRC has over the years appealed Government to establish the Disaster Preparedness and Management Commission to handle all disaster related issues in line with Article 249(1) of the Constitution. In 2013, this Commission was not set up. *Therefore UHRC urges Parliament to establish the Commission on Disaster Preparedness and Management because of the increased occurrences of disasters in the Country.*

#### **13.3.7 Ratification of the Optional Protocol to the UN Convention Against Torture**

The UHRC has over the years recommended Government to ratify the Optional Protocol to the UN Convention against Torture. Ratification of the OPCAT, will among other things, improve and strengthen the monitoring mechanism of places of detention with two-pillar system at the National and International levels. In addition, ratification will enable government to benefit from external visits that are carried out in a complementary fashion by International and national experts with a view to prevent all forms of ill-treatment of the persons deprived of their liberty.



Among other benefits is the provision for a fund to implement the recommendations made by the international visiting body.

*UHRC appeals Government to ratify and domesticate the OPCAT.*

### **13.3.8 HRBA in disaster preparedness and management**

UHRC recommended the incorporation of the Human Rights Based Approach (HRBA) in disaster preparedness and management in the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Annual Report. This has not been implemented. *UHRC recommends that the officials at the OPM be trained on the HRBA as well as having the HRBA incorporated and implemented into disaster preparedness and management.*

### **13.3.9 National Strategy and plan of action to realize the right to social security**

In 2012, UHRC recommended that Government should take steps to adopt a national strategy and plan of action to realize the right to social security. The plan of action should entail the review and amendment of the existing Pensions Act.

UHRC commends the Government for establishing the Uganda Retirement Benefits Regulatory Authority (URBRA) which is responsible for regulating the establishment, management and operation of retirement benefits (pension) schemes in Uganda. UHRC also noted that the proposed Liberalization Bill, 2011 seeks to liberalize the pension Sector. However, in order for all these efforts to be beneficial there is need for a National strategy and plan of action to realize the right to social security which has not been done. *Therefore UHRC appeals for the formulation of the above mentioned plan that should respect the key principles of accessibility, non-discrimination, information dissemination and participation of beneficiaries.*

*The UHRC also urges MoPS on Implementation of recommendations made in the Inter Ministerial Task Force on the Public Service Pension Scheme.*

### **13.3.10 Operationalise the collective bargaining agreement**

The UHRC recommended that Government should urgently operationalise Collective Bargaining Agreement with Uganda National Teachers Union (UNATU) to effectively represent the interests of their members. By the close of 2013 this agreement had not been put in place. *UHRC urges Government to operationalise this agreement.*

### **13.3.11 Report on findings by a Commission of Inquiry into burning of Kasubi Tombs**

In the 13<sup>th</sup> and 14<sup>th</sup> Annual Report the UHRC recommended that the report on the findings by a Commission of Inquiry into burning of Kasubi Tombs be made public and the recommendations implemented. This report has not been made public. *The UHRC appeals to the Ministry of Gender Labour and Social Development to release this report.*

### **13.3.12 Establishment of Custody centers for illegal immigrants**

The UHRC recommended that MIAs should establish custody centers for illegal immigrants. In 2013 these custody centers were not established. *The UHRC appeals to Government to fund the MIA to establish custody centers for illegal immigrants.*

### 13.3.13 Enactment of Legislation in line with Article 8(A) of the Constitution as amended

In the 14<sup>th</sup> Annual Report, UHRC recommended that Parliament should enact a law providing for the right to adequate housing in accordance with Article 8(A) of the 1995 Constitution (As Amended). By the close of 2013 such a law had not been enacted. *UHRC urges the Government to enact this law.*

### 13.2.14 Flood management strategy

The UHRC recommended that a flood management strategy be formed in Uganda in the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> UHRC annual reports. The UHRC noted that the National Policy on Disaster Preparedness and Management does not provide for a flood management strategy. *The UHRC appeals to the Government to formulate a flood management strategy that will ensure proper management of floods in the country.*

## 13.4 SUMMARY OF GOVERNMENT'S COMPLIANCE AT A GLANCE

Table 13.3 below gives a summary of Government's compliance with the key recommendations of UHRC.

**Table 13.3: Summary of Government Compliance with key recommendations**

Recommendation	Full Compliance	Partial Compliance	Non Compliance	Responsible Institute
Consideration of the UHRC recommendations on the Public Order Management Act				Parliament
Appointment of Supreme Court and High Court Judges				JSC and Parliament
Establishment of a Human Rights Department in the UPF				UPF
Operationalise the Industrial Court				MoJCA, JSC and Public Service Commission
Construction of new buildings and renovation of old buildings				UPF , UPS and UPDF
Investing in training and re training of law enforcement agents to equip them in modern investigation skills				UPF
Children in conflict with the law <ul style="list-style-type: none"> <li>- Diversion of children away from the criminal justice system</li> <li>- Separating in conflict with the law from adults</li> <li>- Catering for children incarcerated with their mothers</li> </ul>				MoGLSD, UPF and UPS
Development of a Legal Aid Policy				JLOS, and MoJCA
Timely and accurate payment of salaries for public servants				MoPS
Translation of the Constitution into local languages				ULRC
Amendment of the Children Act				MoGLSD and ULRC
Handling matters in a timely manner and prompt payment of awards				MoJCA
Compensation Fund				MoJCA, MoFPED
Housing of 2010 landslides in Kiryandongo				OPM
Review of the current education curriculum				MoES
Increasing the health budget line as well as the budget for Ministry of Education and Sports				MoFPED

Implementation of the Special Needs Education Policy				MoFPED
Funding for UHRC				MoFPED
Fulfillment of the constitutional obligation to bring suspects to court within 48 hours				UPF and DPP
Making courts accessible for persons with disabilities				MoJCA
Developing a Transitional justice policy				JLOS
Operationalise the District Human Rights Committees/ Desks				MoLG
Develop and implement a flood management strategy for all districts prone to floods				OPM
Compliance with international and regional Obligations				MoFA
Food security				MAAIF
Media freedoms				Ministry of Information and National Guidance and Parliament
Protection of journalists deployed in dangerous areas				Ministry of Information and National Guidance and Media
Review and strictly implement the laws relating to corruption				Parliament and ULRC
Programs and polices to ensure food security				OPM MAAIF
Promotion of the right to a clean and healthy environment				NEMA
PWDs right to participate in cultural and sporting activities				MoGLSD, MoES
Compiling of disaggregated data on PWDs				MoGLSD, UBOS
Mechanism to efficiently handle cases pending ministers Orders				MoJCA
Amendment of the law to prohibit the detention of civil debtors				Parliament, ULRC
Continuous civic education to support UHRC in the area of human rights education				UHRC, MoFPED
Facilitation of the Refugee Welfare Committees to address the needs of refugees at reception centers				OPM MIA
Minimum wage				MoGLSD
Establishment of the Disaster Preparedness and Management Commission				OPM
HRBA in disaster management and establishment of a flood management policy				OPM
National strategy and plan of action to realize the right to social security				MoPS
Human rights Based approach incorporated into the pension reform and decentralisation of the pension system				MoPS
Operationalise the collective bargaining agreement				MoGLSD
Establishment of Custody centres for illegal immigrants				MIA
Mechanism To deal with land grabbing in Northern Uganda				Ministry of Lands
Enactment of a Legislation in line with Article 8(A) of the 1995 Constitution (As Amended)				Parliament

Source: UHRC



### **13.5 RECOMMENDATION**

The UHRC urges the Government and various stakeholders to make the effort to comply with all the recommendations made by the commission in its present and past reports in order to protect and promote human rights in the country.

### **13.6 CONCLUSION**

The UHRC commends the Government and the various stake holders for fulfilling and partially complying with recommendations made by the UHRC. However, the UHRC urges Government to fully comply with the recommendations made by the UHRC in order to ensure the effective promotion and protection of human rights in the country.

# ANNEXES

The 16<sup>th</sup> Annual Report of the Uganda Human Rights Commission  
To the Parliament of the Republic of Uganda

## Annex A: Selected detention places where juvenile offenders were found detained with adult offenders

Name of the detention facility	Name of the juvenile	Age of the juvenile	Reason for detention
Rakai Police Station	Julius	16 years	Stealing Matooke
	Amil	16 years	Defilement
	Moses	15 years	Theft
	Alex	16 years	Murder
Kaliro Police Station	Michael	14 years	Theft
Kabula Prison	Alex	15 years	Theft
	Moses	16	Criminal Trespass
Ibanda Police Station	Ssalimu	14 years	Theft
Ibanda Police Station	Bosco	16 years	Theft
Kazo Police Station	Johnson	14 years	Theft of a phone
Rushere Police Station	Patrick	17 years	Affray
Ntungamo Police Station	Darius	10 years	Threatening violence
Ntungamo Police Station	Saddam	15 years	Theft
Rukungiri Government Prison	Alex	16 years	Stealing Cattle
Rukungiri Government Prison	Allison	16 years	Malicious damage
Rukungiri Government Prison	Justus	16 years	Theft
Rukungiri Government Prison	Simon	16 years	Theft
Kiryandongo CPS	Joyce	15	defilement
Kiryandongo CPS	Brenda	17	Arson
Bweyale Police Post	Richard	17	Defilement
Kabalagala Main Police Station	James	16	Theft

## Appendix B: Cases of long and arbitrary detention in selected detention facilities

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Ntabazi Nathan	Rukoki Police post	Obtaining goods by false pretence	6 days	That they were still waiting for relatives of the suspect to bring the money which had been taken by the suspects
Kambaso Amon	Rukoki Police post	Possessing stolen property	5 days	That the OC was waiting for the complainant to appear at the post
Uket Ageno	Buliisa Police Station	Domestic violence	10 days	Magistrate had spent 2 weeks in Kampala
Pitwa Thombe	Buliisa Police Station	Adultery	2 weeks	Lack of transport to take him to Masindi Court
Onegio David	Buliisa Police Station	Theft	1 week	Magistrate was not around
Twebaze Jonathan	Mpara Police Post	Defilement	4 days	That the victim had delayed in bringing her birth certificate
Semate	Kyaka II Police Post	Malicious damage to property	4 days	That the villagers were planning to lynch him
Byakatonda Julius	Kicece Prison	Theft	6 days	Had not taken plea
Alitunga Deus	Kicece Prison	Theft	6 days	Had not taken plea
Kyalimpa Asaph	Kicece Prison	Theft	4 days	Had not taken plea
Byarugaba Method	Kicece Prison	Theft	7 days	Had not taken plea
RS	Kalangala Police Station	Defilement	First detained on 17 <sup>th</sup> May, taken to court on 23 <sup>rd</sup> May and remanded back to police, found there on 27 <sup>th</sup> May.	Child detained with adults, detained beyond 48 hours as suspect, then Court remanded him to same police station.
Ponsiano Kaggwa	Kyanamukaka Police Post	Theft	4 days	Mentally ill person not indicated in the lock up. O/C promised to take him for treatment and release him in consultation with his Uncle (Complainant).
Atwine Paul	Kalisizo Police Station	Defilement	6 <sup>th</sup> to 12 <sup>th</sup> May at Kyazanga Police station, 12 to 16 <sup>th</sup> May at Mbirizi Police station, 17 <sup>th</sup> to 28 <sup>th</sup> May at Kalisizo Police station (found on 28 <sup>th</sup> May)	Detained beyond 48 hours

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Kahinda Arafat & Obongo David	Kalisizo Police Post	Theft	Alleged to have been detained at Kisugu Police post for 1 and 2 months respectively.	Had been transferred by CID headquarters enroute Rakai police station. UHRC contacted their relatives to inform them of the whereabouts of their people.
Babirye Maureen	Rakai Police Station	Assault	-	Was found detained with a one and a half year old baby. She was released on police bond at the intervention of the inspection team.
CRB 1068/13 Lubega and Abasi	Mbirizi Police Station	Murder	15 <sup>th</sup> to 30 <sup>th</sup> May 2013	Detained beyond 48 hours. File was with RSA for perusal and advice on whether the suspects were connected to the murder of a child by their 6 year old son.
Ishakaimana Leonard	Mbirizi Police Station	Theft	2 <sup>nd</sup> to 7 <sup>th</sup> September 2013	Released upon the intervention of the UHRC
Nandala Mafabi	Kyotera Police Station	-	-	Released upon intervention by UHRC as he was a witness in the matter
Gumizamu Godfrey	Ssaza Prison	Civil Debtor	Imprisoned for 6 months and reconvicted on the same debt for another 6 months	Released when UHRC put the matter to the attention of the Chief Magistrate Masaka
Mwesigye Richard	Kasasa Police Station	Idle and Disorderly	2 days	Released upon the intervention of the UHRC
Julius Kamugisha	Rakai Police Station	Theft	Juvenile detained with adults	Released upon the intervention of the UHRC
Alex Kamoga	Rakai Police Station	Murder	Juvenile detained with adults for 30 days	Released upon the intervention of the UHRC
Amil Lubega	Rakai Police Station	Defilement	Juvenile detained with adults for 6 days	Police advised to detain him separately from adults and to speed up investigations in the matter
Moses Kasigara Matovu	Rakai Police Station	Theft	Juvenile over detained for 5 days with adults	Released upon the intervention of the UHRC
Yetegereze Enock	Rakai Police Station	Arson	Over detained for 3 weeks	Released upon the intervention of the UHRC
Ntege Jamil Ismail	Rakai Police Station	Theft of Motorcycle	Detained for 21 days at a police station	Advised to consider giving him a police bond.
Oktere Charles	Lyantonde Police Station	Idle and Disorderly	Detained on a non-existent offence	Released upon the intervention of the UHRC
Nabasa Naboth	Kabula Prison	Rogue and vagabond	Sentenced to 8 months imprisonment by Lyantonde Magistrates Court	
Nabakooza Ket	Kitanda Prison	Obtaining money by false pretence	The facts about the case is that she was a civil debtor	A letter written to the Chief Magistrate, Masaka
Okello Robert	Bukedea Central Police Station	Theft	From October 28th, 2012 could not remember exact date (until after 3 weeks)	Court sits only twice a week i.e. Tuesdays & Thursdays.
Sunde Josephat	Bukwo CPS	Theft.	From 28 /03/2013 to 10/04/2013.	There is no Resident State Attorney and Prosecutor in Bukwo district.
Kabubu Johnson	Mbarara Police Station	Aggravated robbery	24 days	The administration informed the team that these people had been not taken to court due to investigations and sanctioning taking a long time as a result of lack of enough manpower and necessary logistics
Nuwagaba Alex	Masha Police Post	Theft	4days	The administration of the post were waiting for the complainants in the matter to come so that they can attempt a reconciliation
Tusiime Savino	Ibando Police Station	Aggravated defilement	10 days	Investigations not conclusive



Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Twesigye Hannington	Ibanda Police Station	Theft	09 days	Delay of the file with RSA
Tumukunde Dennis	Ibanda Police Station	Theft	09 days	Investigations not conclusive
Musinguzi Alex	Ibanda Police Station	Burglary and theft	09 days	Delay of file with RSA but it had been sanctioned and the suspect was to appear in court on 9th May 2013
Niwabine Benon	Rushere Police Station	Stealing cattle	10 days	Delay of the files with RSA
Byaruhanga Sam	Ntungamo Police Station	Theft	10 days	No concrete reason given
Omony Samuel	Gulu CPS	Theft	5days	Inconclusive investigations
Opira Geoffrey	Gulu CPS	Threatening violence	5 days	Inconclusive investigations
Oroma David	Gulu CPS	Theft	3 days	Inconclusive investigations
Ondongkara Robin	Gulu CPS	Defilement	8 days	Inconclusive investigations
Mugula Francis	Gulu CPS	Theft	5 days	Inconclusive investigations
KiyadeCelestin	Gulu CPS	Defilement	5 days	Inconclusive investigations
Otto Derick	Gulu CPS	Theft	4 days	Inconclusive investigations
Otim Patrick	Gulu CPS	Theft	4days	Inconclusive investigations
Opio Rwenzori	Gulu CPS	Defilement	4 days	Inconclusive investigations
Oyet Denis	Gulu CPS	Defilement	4 days	Inconclusive investigations
Ojok Peter	Kiryandongo CPS	Aggravated robbery	10 days	Inconclusive investigations
Owere Patrick	Panyadoli Hills Police Station	Grievous harm	4 days	CID had finalised with case file and awaiting transfer to Kiryandongo CPS
Adam Abodi	Purongo Police Post	Fatal Accident	4days	Inconclusive investigations
Okumu Patrick	Nwoya CPS	Murder	4days	Inconclusive investigations
Okora Walter	Nwoya CPS	Theft	5 days	Inconclusive investigations
Ojok Justine & Odong Richard	Nwoya CPS	Burglary	5 days	Inconclusive investigations
Odongmin Franco	Nwoya CPS	Murder	4 days	Inconclusive investigations
Okello Moses	Nwoya CPS	Assault	4 days	Inconclusive investigations
Anok Milly	Aduku Police station	Defilement	4 days	Inconclusive investigations
Bura Joseph	Akororo Police Post	Defilement	4 days	Inconclusive investigations
Okello Bob & Ojuka Lawrence	Apac CPS	Theft	5 days	Inconclusive investigations
Lokio Paul & Lokomo Micheal	Apac CPS	Theft	4 days	Inconclusive investigations
Okello Tonny	Apac CPS	Theft	4 days	Inconclusive investigations
Ogwang Morris	Apac CPS	Defilement	9 days	Inconclusive investigations
Okori Sam	Apac CPS	Theft	6 days	Inconclusive investigations

#### Annex C: Military Detention facilities inspected by UHRC in 2013

No.	Name of facility	Location of facility	Category of facility
1.	Karita	Karita Sub County, Amudat	67 Battalion
2.	Amudat	Amudat Town, Amudat	Detach
3.	Lomusian	Lomusian, Kaabong	Brigade Headquarters
4.	Kapedo	Kapedo Sub County, Kaabong	Detach
5.	Kalapata	Kalapata Sub County, Kaabong	Battalion
6.	Lolelia	Lolelia Sub County, Kaabong	409 Battalion
7.	Sidok	Sidok Sub County, Kaabong	Detach
8.	Toroi	Loyoro Sub County, Kaabong	Detach
9.	Kathile	Kathile Sub County, Kaabong	A Coy Detach
10.	Maji-Moto	Uganda-South Sudan Border	Detach
11.	Lobalangit	Lobalangit Sub County, Kaabong	Detach
12.	Kapethenyang	Kotido Sub County, Kotido	Detach
13.	Oreta	Nyakwae Sub County, Abim	Detach
14.	Bugema	Bungokhu Sub County, Mbale	Military barracks
15.	Lolachat	Lolachat Sub County, Moroto	33 Battalion
16.	407	Mourita Sub County, Moroto	Brigade
17.	Agile	Agile Morulem, Abim	Barracks
18.	Wilela	Wilela, Abim	Barracks
19.	Arua	Arua District	Barracks
20.	409	Arua District	Brigade

#### Annex D: Schools with Human Rights clubs

S/N	Name of School	District
1.	Okufura Secondary School	Arua
2.	Arua Public Secondary School	Arua
3.	Sartori Memorial High School	Arua
4.	Najah Muslim Secondary School	Arua
5.	Adumi Secondary School	Arua
6.	Ulepi Secondary School	Arua
7.	Anyafio Role Model	Arua
8.	Mt. Wati Secondary School	Arua
9.	Logiri Girls' Secondary School	Arua
10.	Ombatini Secondary School	Arua
11.	St. Mary's Ediofe Girls' Secondary	Arua
12.	Wandi Progressive Secondary School	Arua
13.	Kiryasaka Secondary School	Bukomansimbi
14.	St. Peters Secondary School	Bukomansimbi
15.	Masinya Secondary School	Busia
16.	Riverside High School	Busia
17.	Lumino High School	Busia
18.	Buhehe Secondary School	Busia
19.	Busia Secondary School	Busia
20.	St. John Secondary School Wakitaka	Jinja
21.	Mother Kevin Secondary School	Jinja
22.	Jinja Secondary School	Jinja
23.	Lord Medde Vocational College	Jinja
24.	Busoga Light College	Jinja
25.	Busoga College Mwiri	Jinja
26.	Wanyange Girls' Secondary School	Jinja
27.	Jinja Parents' College	Jinja
28.	SerwangaLwanga Memorial Secondary School	Kalungu
29.	Bumangi Primary School	Kalungu
30.	Holy Family Secondary School Kyamulibwa	Kalungu
31.	St. Balukudembe Secondary School Lwabenge	Kalungu
32.	Kotido Senior Secondary School	Kotido
33.	Nakatete Secondary School	Lwengo
34.	Nakenyi Secondary School	Lwengo
35.	Rockside Secondary School	Lyantonde
36.	St. Gonzaga Secondary School	Lyantonde
37.	Kyabuuza Moslem Secondary School	Lyantonde
38.	Kako Senior Secondary School	Masaka
39.	Mutesa 1 Royal University	Masaka
40.	Mbarara Secondary School	Mbarara
41.	St. Mary's Secondary School	Mbarara
42.	Alliance School	Mbarara
43.	Eden International School	Mbarara
44.	Ngabo Academy	Mbarara
45.	Nyamitanga Secondary school	Mbarara
46.	St. Joseph's Vocational School	Mbarara
47.	Mbarara Central High School	Mbarara
48.	Moroto High School	Moroto
49.	Moroto Core PTC	Moroto
50.	Apostles of Jesus Seminary	Moroto
51.	Nadunget Seed School	Moroto
52.	Lefori Seed Secondary School	Moyo
53.	St. Andrew's College Moyo Secondary School	Moyo
54.	Moyo Town Day Secondary School	Moyo
55.	Logoba Secondary School	Moyo
56.	Lohwa Secondary School	Moyo
57.	Moyo Secondary School	Moyo
58.	Kangole Girls Senior Secondary School	Napak
59.	Sembabule Church of Uganda Secondary School	Sembabule
60.	Mawogola High School	Sembabule
61.	Matete College School	Sembabule
62.	Mainland High School	Sembabule
63.	St. Andrews Senior Secondary Mitete	Sembabule
64.	Teso College Aloet	Soroti
65.	Alliance High School	Soroti
66.	Olila High School	Soroti
67.	Soroti Senior Secondary School	Soroti
68.	Jeressar High School	Soroti
69.	Kingstone Secondary School	Soroti
70.	Bethany Girls Senior Secondary School	Soroti
71.	Pioneer Primary School	Soroti
72.	Swaria Primary school	Soroti
73.	Light Senior Secondary School	Soroti
74.	Aloet Parents Senior Secondary school	Soroti
75.	Community Senior Secondary School	Soroti
76.	Tubur Senior Secondary School	Soroti
77.	Kamuda Senior Secondary School	Soroti
78.	Gweri Senior Secondary School	Soroti
79.	Rainer High School	Tororo

### Annex E: UHRC Radio Talk shows and spot messages in 2013

SN	Name of the radio station	Topic Discussed/ Theme	Frequency	Language used to communicate
<b>RADIO TALK SHOWS</b>				
1	Delta FM, Soroti	<ul style="list-style-type: none"> <li>• Concept of human rights</li> <li>• The Mandate of UHRC</li> </ul>	02	Ateso, English and Kumam
2	Teso Broadcasting Service	<ul style="list-style-type: none"> <li>• Rights of suspects,</li> <li>• Land rights,</li> <li>• right to property,</li> <li>• rights women</li> <li>• Gender Based Violence,</li> <li>• Rights of children</li> <li>• Right to property</li> </ul>	16	Ateso and English
3	Kyoga Veritas, Soroti	<ul style="list-style-type: none"> <li>• Women's rights,</li> <li>• The right to a fair hearing</li> <li>• The role of local leaders in administration of justice</li> </ul>	03	Ateso and English
4	Elgon FM, Kapchorwa	<ul style="list-style-type: none"> <li>• UHRC and its Mandate,</li> <li>• Concept of Human rights,</li> <li>• Female genital mutilation</li> <li>• The rights of suspects</li> </ul>	03	Kupsabiny and English
5	Signal FM, Mbale	<ul style="list-style-type: none"> <li>• Rights of suspects</li> <li>• Dissemination of the information on the 15<sup>th</sup> Annual report of UHRC</li> </ul>	02	Lumusaba, English
6	Etop FM, Soroti	<ul style="list-style-type: none"> <li>• Women's rights,</li> <li>• The right to a fair hearing</li> <li>• The role of local leaders in administration of justice</li> <li>• Dissemination of the information on the 15<sup>th</sup> Annual report of UHRC</li> </ul>	03	Ateso and English
7	Joshua FM, Katakwi	<ul style="list-style-type: none"> <li>• Dissemination of the information on the 15<sup>th</sup> Annual report of UHRC</li> </ul>	01	Ateso and English
8	Continental FM, Kumi	<ul style="list-style-type: none"> <li>• Rights of suspects, Mob justice as human rights violation</li> </ul>	02	Ateso, English
9	Radio Buddu	<ul style="list-style-type: none"> <li>• The Concept of human rights</li> <li>• Duties and responsibilities of local leaders in the protection and promotion of human rights</li> </ul>	1	Luganda
10	Top Radio	<ul style="list-style-type: none"> <li>• Children's rights</li> <li>• Women's rights</li> </ul>	10	Luganda
11	Link FM Lyantonde	<ul style="list-style-type: none"> <li>• The Importance of celebrating the International Day Against Torture</li> <li>• The Anti Torture Law</li> </ul>	3	Luganda Runyankore-Rukiga
12	Ssesse FM	<ul style="list-style-type: none"> <li>• Labour rights</li> <li>• The role of the UHRC in the protection and promotion of human rights in Uganda</li> </ul>	3	Luganda
13	Buladde FM	<ul style="list-style-type: none"> <li>• The role of the UHRC in the protection and promotion of human rights in Uganda</li> </ul>	2	Luganda
14	Top Radio	<ul style="list-style-type: none"> <li>• Children's rights</li> <li>• Women's rights</li> </ul>	10	Luganda
15	Radio West, Mbarara	<ul style="list-style-type: none"> <li>• Community sensitization meetings</li> <li>• International torture day, Right to freedom from torture, cruel, inhuman and degrading treatment or punishment – definition, forms and examples of torture</li> <li>• Gender Based Violence in general looking at its causes, effects and measures to overcome it.</li> </ul>	3	Runyankore-Rukiga
16	Vision Radio, Mbarara	<ul style="list-style-type: none"> <li>• Rights and duties of children</li> <li>• Right to personal liberty with specific focus on right to a police bond</li> <li>• of the Constitution of the Republic of Uganda</li> </ul>	5	Runyankore-Rukiga



SN	Name of the radio station	Topic Discussed/ Theme	Frequency	Language used to communicate
17	Endigyito Radio - Mbarara	<ul style="list-style-type: none"> <li>Freedom from torture, cruel, inhuman or degrading treatment or punishment- definition, forms, examples of torture and the Anti- torture Act 2012</li> <li>Right to personal liberty</li> <li>Freedom to assemble and demonstrate together with others peacefully</li> </ul>	3	Runyankore-Rukiga
18	Radio Rukungiri	<ul style="list-style-type: none"> <li>Right to freedom from torture, cruel, inhuman or degrading treatment or punishment- definition, forms, examples of torture and the Anti- torture Act 2012</li> <li>Right to a family</li> </ul>	2	Runyankore-Rukiga
19	BFM Radio - Bushenyi	<ul style="list-style-type: none"> <li>Right to freedom from torture, cruel, inhuman or degrading treatment or punishment- definition, forms, examples of torture and the Anti- torture Act 2012</li> <li>Right to a family</li> </ul>	2	Runyankore-Rukiga
20	Freedom Radio – Kabale	<ul style="list-style-type: none"> <li>Right to a family/Community sensitization meetings, Barazas</li> <li>Freedom to assemble and demonstrate together with others peacefully</li> </ul>	2	Runyankore-Rukiga
21	Crooze Radio – Mbarara	<ul style="list-style-type: none"> <li>Launch of 16 days of activism against Gender Based Violence</li> <li>Gender based violence – causes, effects and the role of UHRC to address GBV</li> </ul>	1	English
22	Mercy Radio, Mbarara	<ul style="list-style-type: none"> <li>Definition of Human rights, origin and characteristics</li> <li>UHRC- Establishment, functions and powers</li> </ul>	2	Runyankole/Rukiga
23	BasogaBaino ( Baaba ) FM	<ul style="list-style-type: none"> <li>The Commission; Its establishment, mandate and powers as well as complaints handling</li> <li>Right to freedom from torture, cruel, inhuman or degrading treatment or punishment</li> <li>Rights and duties of children</li> <li>Right to Personal Liberty</li> </ul>	4	Luganda, Lusoga and English
24	Rock Mambo FM	<ul style="list-style-type: none"> <li>The Commission; Its establishment, mandate and powers as well as complaints handling.</li> <li>Rights and duties of children</li> <li>Right to freedom from torture, cruel, inhuman or degrading treatment or punishment</li> </ul>	3	English and Luganda
25	Eastern Voice FM	<ul style="list-style-type: none"> <li>The Commission; Its establishment, mandate and powers as well as complaints handling.</li> <li>Right to freedom from torture, cruel, inhuman or degrading treatment or punishment</li> </ul>	2	Luganda and English
26	Kamuli Broadcasting Station	<ul style="list-style-type: none"> <li>The Commission; Its establishment, mandate and powers as well as complaints handling</li> </ul>	1	Luganda and English
27	Development radio-Bu-menta in Bundibujjo District	<ul style="list-style-type: none"> <li>Concept of Human rights and UHRC and its mandate</li> <li>-The rights of children and their responsibilities</li> <li>Right to personal Liberty</li> <li>Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>Mob justice</li> </ul>	1	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga
28	Kyenjojo FM, in Kenjojo district	<ul style="list-style-type: none"> <li>Concept of Human rights and UHRC and its mandate</li> <li>-The rights of children and their responsibilities</li> <li>Right to personal Liberty</li> <li>Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>Mob justice</li> </ul>	1	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga
29	Voice of Kamwenge in Kamwenge district	<ul style="list-style-type: none"> <li>Concept of Human rights and UHRC and its mandate</li> <li>-The rights of children and their responsibilities</li> <li>Right to personal Liberty</li> <li>Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>Mob justice</li> </ul>	2	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga
30	Kasese Guide radio station in Kasese district	<ul style="list-style-type: none"> <li>Concept of Human rights and UHRC and its mandate</li> <li>-The rights of children and their responsibilities</li> <li>Right to personal Liberty</li> <li>Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>Mob justice</li> </ul>	1	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga

SN	Name of the radio station	Topic Discussed/ Theme	Frequency	Language used to communicate
31	Liberty radio station in Hoima district	<ul style="list-style-type: none"> <li>• Concept of Human rights and UHRC and its mandate</li> <li>• -The rights of children and their responsibilities</li> <li>• Right to personal Liberty</li> <li>• Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>• Mob justice</li> </ul>	1	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga
32	Better FM radio in Kabale district	<ul style="list-style-type: none"> <li>• Concept of Human rights and UHRC and its mandate</li> <li>• -The rights of children and their responsibilities</li> <li>• Right to personal Liberty</li> <li>• Freedom from torture, inhuman and degrading treatment and torture bill</li> <li>• Mob justice</li> </ul>	2	Runyoro, Rutoro, Luganda, Runyakore Lwamba and Rukiga
33	Musana FM in Nakaseke district	<ul style="list-style-type: none"> <li>• Concept of Human Rights, duties and responsibilities</li> <li>• Rights of Children</li> <li>• Rights of Suspects</li> <li>• Right to Liberty</li> <li>• mandate and Functions of UHRC</li> </ul>	4	Luganda
34	Buwama FM	<ul style="list-style-type: none"> <li>• Concept of Human Rights, duties and responsibilities</li> <li>• Rights of Children</li> <li>• Rights of Suspects</li> <li>• Right to Liberty</li> <li>• mandate and Functions of UHRC</li> </ul>	6	Luganda
35	Spirit FM 104.5 Koboko	<ul style="list-style-type: none"> <li>• Rights of Children</li> <li>• Duties of Citizens.</li> </ul>	2	English and Lugbara.
36	Arua One FM 88.7	<ul style="list-style-type: none"> <li>• Overview of the prevention and prohibition of the Torture Act and the Role of UHRC</li> <li>• Rights of Children</li> </ul>	2	English and Lugbara.
37	FM98.6 Trans-Nile Broadcasting Services Moyo	<ul style="list-style-type: none"> <li>• The Mandate of UHRC.</li> <li>• UHRC Complaint handling procedure.</li> <li>• Awareness about the establishment of Moyo field office.</li> </ul>	3	English, Madi and Lugbara.
38	Voice of Life 100.9 F.M	<ul style="list-style-type: none"> <li>• Rights of Children.</li> <li>• Juvenile Justice System.</li> </ul>	2	English and Lugbara.
39	Radio Waa - Lira	<ul style="list-style-type: none"> <li>• Rights of women, rights of children</li> <li>• Rights of suspects</li> <li>• UHRC mandate and functions of UHRC ,</li> <li>• Law on torture</li> <li>• Domestic violence</li> <li>• Constitutionalism and duties of a citizen</li> <li>• International human rights day</li> </ul>	13	Luo
40	Apac	<ul style="list-style-type: none"> <li>• UHRC mandate,</li> <li>• Duties of a citizen</li> </ul>	02	Luo
41	Radio Palwak -Pader	<ul style="list-style-type: none"> <li>• Constitutionalism</li> <li>• UHRC mandate</li> </ul>	02	Luo
42	Mighty Fire FM Kitgum	<ul style="list-style-type: none"> <li>• Constitutionalism and UHRC mandate</li> </ul>	02	Luo
43	Mega FM -Gulu	<ul style="list-style-type: none"> <li>• Anti-torture Law, Duties of a citizen, Constitutionalism and UHRC mandate, international human rights day</li> </ul>	05	Luo
44	Rupiny FM -Gulu	<ul style="list-style-type: none"> <li>• Salient features of the Constitution, The Prohibition and prevention of torture Act 2012, international human rights day.</li> </ul>	04	Luo
45	ALL Karamoja FM (94.7 FM)	<ul style="list-style-type: none"> <li>• Police bond</li> </ul>	27	English and Ngakari-mojong
46	Radio Sapiencia (Many-aEddembelyonamateeka) -Kampala	<ul style="list-style-type: none"> <li>• 1) Launch and contents of the UHRC 15<sup>th</sup> Annual Report and the Mandate of UHRC</li> <li>• 2) Popularising the new Anti-Torture Law</li> </ul>	02	Luganda
47	Radio One (Spectrum)-Kampala	<ul style="list-style-type: none"> <li>• Launch and contents of the UHRC 15<sup>th</sup> Annual Report and the Mandate of UHRC</li> </ul>	01	English
48	Pearl Radio (Nnamwatuli-ra)-Kampala	<ul style="list-style-type: none"> <li>• Launch and contents of the UHRC 15<sup>th</sup> Annual Report and the Mandate of UHRC</li> <li>• Popularising the new Anti-Torture Law</li> </ul>	02	Luganda
49	Radio Simba (Olutindo)-Kampala	<ul style="list-style-type: none"> <li>• Launch and contents of the UHRC 15<sup>th</sup> Annual Report and the Mandate of UHRC</li> <li>• Popularising the Conference held in Kampala to commemorate the 20<sup>th</sup> Anniversary of the Vienna Declaration</li> <li>• Concept of human rights and the Mandate of UHRC</li> </ul>	13	Luganda

SN	Name of the radio station	Topic Discussed/ Theme	Frequency	Language used to communicate
50	Prime Radio -Kampala	• Popularising the new Anti-Torture Law	01	Luganda
51	Suubi FM- Kampala	• Popularising the new Anti-Torture Law	01	Luganda
52	Mama FM-Kampala	• Popularising the new Anti-Torture Law	01	Luganda
53	93.3 KFM-Kampala	• Popularising the new Anti-Torture Law • Concept of human rights and the Mandate of UHRC • Joint Advocacy for freedom of expression	12	English
54	CBS Radio -Kampala	• Joint Advocacy for freedom of expression	01	Luganda

#### RADIO SPOT MESSAGES

S/N	Name of Radio Station	Topic/Theme	Frequency	Language used to communicate
1	Spice FM in Hoima and Better FM in Fort Portal	• Concept of Human Rights, duties and responsibilities • Civic obligation for respect and peaceful co-existence.	270	Runyoro, Rutoro, Luganda, Runyakole Lwamba and Rukiga
2	104.7 Nenah FM	• Prevention of torture.	43	English and Ngakari-mojong
3	Buwama FM, Musana FM, Buruli FM, CBS FM, Capital FM, Simba FM, Kiboga FM, Akaboozi 2. in	• The rights of children especially prohibition of child labour, • Mob justice, • Rights of the vulnerable groups, • The general concept of human rights and popularizing Uganda human rights Commission.	1,275	English and Luganda
4	Radio Simba	• Popularising the new Anti-Torture Law	30	Luganda
5	Radio Two(Aka-boozi)	• Popularising the new Anti-Torture Law	30	Luganda
6	Radio One	• Popularising the new Anti-Torture Law	30	English
7	Mega FM	• Popularising the new Anti-Torture Law	10	Luo
8	Continental FM	• Popularising the new Anti-Torture Law	60	Ateso

#### Annex F: Television talk shows conducted in 2013

SN	Activity	Name of Television station	Coverage	Themes	Number of Talk shows	Language	Key outputs of the activity
1	Television Talk shows	NTV - On the Spot programme	Kampala, Wakiso, Entebbe,	1)Launch and contents of the UHRC 15 <sup>th</sup> Annual Report and the Mandate of UHRC  2) Joint Advocacy for freedom of expression	06	English	1)Mandate of UHRC and findings of the UHRC 15 <sup>th</sup> Annual Report understood by the listeners and launch of the report popularized  2) Awareness on freedom of expression in all media created among viewers
		NTV - Mini Buzz programme		Launch and contents of the UHRC 15 <sup>th</sup> Annual Report and the Mandate of UHRC		English	Mandate of UHRC and findings of the UHRC 15 <sup>th</sup> Annual Report understood by the listeners and launch of the report popularized
		Top TV - Prime News Live		Popularising the new Anti-Torture Law		English	Contents and application of the new Anti-torture law understood by the viewers
		NBS - Morning Breeze programme		1)Popularising the new Anti-Torture Law  2) Joint Advocacy for freedom of expression		English	1) Contents and application of the new Anti-torture law understood by the viewers 2)Awareness on freedom of expression in all media created among viewers



### Annex G : Television infomercials aired in 2013

SN	Activity	Name of Television station	Coverage	Themes	Number of infomercials	Language	Key outputs of the activity
1	Television info-mercials/ads	NTV	Kampala, Wakiso, Entebbe,	Commemoration of the 20 <sup>th</sup> Anniversary of the Vienna Declaration	04	English	Provisions and relevance of the Vienna Declaration understood by the viewers
2.	Television documentary/ Feature	WBS	Kampala, Wakiso, Entebbe,	Joint Advocacy for freedom of expression	01 (2 hrs)	English	Awareness on freedom of expression in all media created among viewers

### Annex H: Members and staff of the UHRC as at the end of December 2013

SN	Name and Location	Designation	Gender	
	OFFICE OF THE CHAIRPERSON		Female	Male
1	Med S. K. Kaggwa	Chairperson	-	1
2	Gloria Namuleme	Acting Senior Human Rights Officer	1	-
3	Margaret Luwaawo Nakawuka	Senior Administrative Assistant	1	-
4	Margaret Nakakande	Assistant Administrator	1	-
5	Moses Lwanga	Driver	-	1
COMMISSION MEMBERS' OFFICES				
1	Joseph A. A Etima	Commissioner	-	1
2	Sheila Bwebare	Human Rights Officer – Legal	1	-
3	Felistas Atim Odyek	Assistant Administrator	1	-
4	Issa Mugabe	Driver	-	1
5	Dr Katebaliirwe Amooti Wa'lumba	Commissioner	-	1
6	Bernadette Nabasirye Byasigaraho	Assistant Administrator	1	-
7	Meddy Nsimbe Musitafa	Driver	-	1
8	Agaba Maguru	Commissioner	-	1
9	Elizabeth Bosa	Assistant Administrator	1	-
10	Alex Kasaija	Driver	-	1
11	Celine Rose Alonyo	Assistant Administrator	1	-
12	Violet Akurut Adome	Commissioner	1	-
13	Justine KaahwaMwesigwa	Assistant Administrator	1	-
14	John Emorut	Driver	-	1
15	Stephen Basaliza	Commissioner	-	1
16	Mary Immaculate Nyanzi	Assistant Administrator	1	-
17	Hassan Nakooli	Driver	-	1
Units/ Section Under Secretary's Office				
Office of the Secretary				
1	Gordon T. Mwesigye	Secretary to the UHRC	-	1
2	Rose Mary Kemigisha	Senior Human Rights Officer/ Editor	1	-
3	Stella Kirenga	Assistant Administrator	1	-
4	Sam Kaahwa Atenyi	Driver	-	1
Public Affairs Unit				
1	Florence Munyirwa Mukyala	Public Affairs Manager	1	-
2	Justus Muhanguzi Kaampe	Public Affairs Officer	-	1
3	Jenipher Namuyanja	Receptionist	1	-
Internal Audit Unit				
1	Thadeus Sempijja	Senior Internal Auditor	-	1
2	Immaculate Kabirigi	Internal Auditor	1	-
Planning Unit				
1	Charles Mukasa	Planner	-	1
2	Swabra Nakato	Assistant Planner	1	-
3	Cyrus Musoba	Driver	-	1
Procurement & Disposal Unit				
1	Jacqueline Musimenta	Assistant Procurement Officer	1	-
Directorate of Finance and Administration				
1	Margaret Lucy Ejang	Director Finance and Administration	1	-
2	Christopher Turigye	Senior Accountant - Projects	-	1
3	Robert Muhwezi	Senior Accountant GoU	-	1
4	Dennis Kakeeto	Accountant GoU	-	1
5	WamalaTadeo	Assistant Accountant – Projects	-	1
6	Scolarh Kalibagwa Kaahwa	Assistant Accountant GoU	1	-
7	Joseph Ndebwoha	Stores Assistant	-	1
8	Samuel Kamy Kitanda	Office Assistant	-	1
9	Maxwell Onyait	Transport Assistant	-	1
10	Muzafalu Semakula	Driver	-	1
11	Caleb Mugira Kiiza	Gate Attendant	-	1
12	Aaron Birimbo	Human Resource Manager	-	1
13	Joan Kaampe - Wasswa	Human Resource Officer	1	-
14	Loiyrose Nantale	Records Officer	1	-
15	Jane Claire Nantumbwe	Assistant Records Officer	1	-
16	Alice Tugumisirize	Assistant Human Resource Officer	1	-
17	Sulaiman Omita	Systems Manager	-	1
18	Winifred Logose	Systems Officer	1	-
19	Ben Emong	Driver	-	1
20	Lawrence Echabu	Driver	-	1
21	Dennis Okii Opi	Driver	-	1
Research, Education and Documentation				
1	Dorah Kabuye Bolla	Director Research, Education and Documentation	1	-
2	Ida Nakiganda	Senior Human Rights Officer	1	-
3	Margaret Rubaire	Senior HRO/ Senior Librarian	1	-
4	Alexandria Kirunda	Human Rights Officer	1	-
5	Rachael Naigaga	Human Rights Officer/ Librarian	1	-
6	Richard Senfuka	Office Assistant	-	1
7	Ali Hassan Kamvuka	Driver	-	1

SN	Name and Location	Designation	Gender	
	<b>Monitoring and Inspections</b>			
1	Patricia Nduru	Acting Director, Monitoring and Inspections	1	-
2	Paula Biraaro	Senior Human Rights Officer	1	-
3	Priscilla Nyarugoye	Senior Human Rights Officer	1	-
4	Freda Nalumansi - Mugambe	Human Rights Officer	1	-
5	Peter Nyakaana	Driver	-	1
	<b>Directorate Of Complaints Investigations</b>			
1	Ruth Ssekindi Nalugo	Director, Complaints, Investigations and Legal Services	1	-
2	Melody Ginamia Ngwatu	Senior Human Rights Officer /Registrar	1	-
3	Rebecca Agnes Tino	Senior Human Rights Officer	1	-
4	Esther Freda Apolat	Human Rights Officer - Investigations	1	-
5	Maureen Kilza	Human Rights Officer - Legal	1	-
6	Esther Nassiwa Jjuuko	Human Rights Officer - Legal	1	-
7	Sam Serunjogi	Driver	-	1
8	Resty Agweng	Office Assistant	1	-
	<b>Directorate of Regional Services</b>			
1	Kamadi Byonabye	Acting Directorate Regional Services	-	1
2	Betty Enangu	Human Rights Officer	1	-
3	Rizzan Nassuna	Human Rights Officer – Education	1	-
4	Timothy Munialo	Driver	-	1
5	Robert Mugenyi	Office Assistant	-	1
	<b>Gulu Regional Office</b>			
1	Rose Atim	Regional Human Rights Officer	1	-
2	Aisha Nakiwate	Human Rights Officer – Legal	1	-
3	Fiona Abalo Opoka	Human Rights Officer – Education	1	-
4	Josephine Akello	Human Rights Officer – Investigations	1	-
5	Christine Oroma - Gakumba	Assistant Accountant	1	-
6	Anna Grace Akello	Assistant Accountant	1	-
7	Dick Henry Ojut	Office Assistant	-	1
8	Shaban Kitente	Driver	-	1
9	Patrick Kabuye	Driver	-	1
	<b>Central Regional Office</b>			
1	Wifred Asiimwe Muganga	Regional Human Rights Officer	-	1
2	Dorothy Okwong	Human Rights Officer – Legal	1	-
3	Dora Namaganda Bukenya	Human Rights Officer – Legal	1	-
4	Christine Aineomugisha	Human Rights Officer – Investigation	1	-
5	Rebecca Nnyonjo	Human Rights Officer – Education	1	-
6	Jimmy Rogers Mukuve	Assistant Accountant	-	1
7	Evalyne Arinaitwe	Assistant Administrator	1	-
8	Oliver Namukwaya	Office Assistant	1	-
9	Benson Omoding	Driver	-	1
10	Damasco Cwinyai	Driver	-	1
11	Geoffrey Katangula	Process server	-	1
	<b>Soroti Regional Office</b>			
1	Rebecca Nassuna	Acting Regional Human Rights Officer	1	-
2	Phiona Kemigisha Birungi	Human Rights Officer – Legal	1	-
3	Juliet Logose	Human Rights Officer – Investigations	1	-
4	David Obutai	Human Rights Officer – Education	-	1
5	Bob Sam Katende	Assistant Accountant	-	1
6	Harriet Akajo	Assistant Administrator	1	-
7	Peter Aliku	Office Assistant	-	1
8	Martin Etengu	Driver	-	1
	<b>Moroto Regional Office</b>			
1	Paul Otim	Regional Human Rights Officer	-	1
2	Florida Chelimo Chebet	Human Rights Officer – Legal	1	-
3	Christopher OgwangOdyek	Human Rights Officer – Investigations	-	1
4	Paul Piramoe	Human Rights Officer – Education	-	1
5	Richard Etyang	Assistant Accountant	-	1
6	Jane Anyebo Ebotu	Assistant Administrator	1	-
7	Irene Ritah Tino	Office Assistant	1	-
8	Phillips Herds Loyok	Driver	-	1
	<b>Mbarara Regional Office</b>			
1	TheopistaTwembi	Acting Regional Human Rights Officer	1	-
2	Sarah Rukundo	Human Rights Officer – Legal	1	-
3	Caroline Gumoshabe	Human Rights Officer – Education	1	-
4	Kerios Mwetsiga	Human Rights Officer – Investigations	-	1
5	Alex Nuwagaba	Assistant Accountant	-	1
6	Mouda Kambeera	Assistant Administrator	1	-
7	Joan Komugisha	Office Assistant	1	-
8	Deus Katitti	Driver	-	1
	<b>Fort Portal Regional Office</b>			
1	Farouk Nyende	Ag. Regional Human Rights Officer	1	-
2	Dorcus Musiimenta	Human Rights Officer – Legal	1	-
3	Teddy Achayo	Human Rights Officer – Investigations	1	-
4	Matilda Namaja	Human Rights Officer – Education	1	-
5	Wilberforce Otebwa	Assistant Accountant	-	1
6	Grace Basemera	Assistant Administrator	1	-
7	Madina Hussein	Office Assistant	1	-
8	Stephen Wanyina	Driver	-	1
	<b>Jinja Regional Office</b>			
1	Sarah Nakhumitsa	Regional Human Rights Officer	1	-
2	Ambrose Okello Otwao	Human Rights Officer – Education	-	1
3	Brenda Nansikombi	Human Rights Officer – Investigations	1	-
4	Catherine Koluo Eyalu	Human Right Officer - Legal	1	-
5	Kennedy Onyango	Assistant Accountant	-	1
6	Juliet Ndagire	Assistant Administrator	1	-
7	Patrick Lwaze	Office Assistant	-	1
8	Emmanuel Kabunga Ssendi	Driver	-	1
	<b>Arua Regional Office</b>			
1	Anthony Androa	Regional Human Rights Officer	-	1
2	Bosco Okurut	Human Rights Officer – Legal	1	-
3	Georffrey Ogwang	Human Right Officer - Investigations	-	1
4	Peace Ayikoru Anquyo	Human Rights Officer – Education	1	-

SN	Name and Location	Designation	Gender	
5	Patrick Toko Aniku	Assistant Accountant	-	1
6	Mary Stella Achen	Assistant Administrator	1	-
7	Donald Jaloka	Office Assistant	-	1
8	Morris Ojok	Driver	-	1
	<b>Masaka Regional Office</b>			
1	Willy Agirembabazi	Regional Human Rights Officer	-	1
2	Kibukutu Tom Kitaka	Human Rights Officer – Investigations	-	1
3	Chrispus Kateeba	Human Rights Officer – Education	-	1
4	George Emmanuel Pere	Assistant Accountant	-	1
5	Ruthie Kintu Naggirinya	Assistant Administrator	1	-
6	Samuel Nyende	Office Assistant	-	1
7	Augustine Ntaganda	Driver	-	1
	<b>Hoima Regional Office</b>			
1	Harriet Rwakabbira Kajobe	Acting Regional Human Rights Officer	1	-
2	Jashmin Nambi Kasujja	Human Rights Officer – Legal	1	-
3	Sandra Aloya	Human Rights Officer – Investigations	1	-
4	Judith Komugisha Caroline	Human Rights Officer – Education	1	-
5	Tom Bakole	Assistant Accountant	-	1
6	Margaret Nantume	Assistant Administrator	1	-
7	Albert Murusura	Driver	-	1
	<b>Total</b>		86	80

#### UHRC Volunteer staff list as at 31<sup>st</sup> December 2013

S/N	Name	Location	Designation	Gender	
				Female	Male
1	Racheal Musiime	Office of the Secretary	Volunteer-Legal	1	-
2	Elizabeth Nyakato	Public Affairs Unit	Volunteer-Public Relations	1	-
3	Ann Augumenaite	Internal Audit Unit	Volunteer	1	-
4	Daisy Kurukuru	Planning Unit	Volunteer	1	-
5	Sheillah Kobusingye	Procurement and Disposal Unit	Volunteer	1	-
6	Lydia Wanyana	Procurement and Disposal Unit	Volunteer	1	-
7	Maureen Nalubega	Directorate of RED	Volunteer -RED	1	-
8	Sarah Birungi Kashagire	Directorate of M&I	Volunteer M&I	1	-
9	Hope Bagota	Directorate of M&I	Volunteer M&I	1	-
10	Dianah Akampereza	Directorate of M&I	Volunteer M&I	1	-
11	Diana Rutabingwa	Directorate of M&I	Volunteer M&I	1	-
12	Frank Akishuri	Directorate of CILS	Volunteer – Tribunal clerk	-	1
13	Angela Caroline	Directorate of CILS	Volunteer-Legal	1	-
14	Marilyn Nakato	Directorate of CILS	Volunteer -Legal	1	-
15	Francis Mea	Gulu Regional Office	Volunteer-Investigations	-	1
16	Afra Audrey Apio	Gulu Regional Office	Volunteer-Legal	1	-
17	Sally AmonyOkumu	Kitgum Field office	Volunteer	1	-
18	Charles Balmoi	Kitgum Field office	Volunteer	-	1
19	Fred Okot	Pader Field Office	Volunteer	-	1
20	Yusuf Amina	Pader Field Office	Volunteer	1	-
21	Ammy Pachutho	Lira Field Office	Volunteer	1	-
22	Anthony Otim	Lira Field Office	Volunteer		1
23	Patience Nasiima	Central Regional Office	Volunteer-Investigations	1	-
24	Ronald Kiweewa	Central Regional Office	Volunteer-Investigations	-	1
25	Olivia B. Nanseko	Central Regional Office	Volunteer-Legal	1	-
26	Cyprian Byamugisha	Central Regional Office	Volunteer-Process Serving	-	1
27	Shamim RukiyaNalule	Jinja Regional Office	Volunteer-Legal	1	-
28	Peter Angoli	Soroti Regional Office	Volunteer-Legal	-	1
29	Roseline Amayo	Kaberamaido Field Office	Volunteer	1	-
30	Esther Atim	Kaberamaido Field Office	Volunteer	1	-
31	Lydia Cherop	Kapchorwa Field office	Volunteer	1	-
32	Immaculate Chemutai	Kapchorwa Field office	Volunteer	1	-
33	Francis Obura	Kotido Field Office	Volunteer	-	1
34	Susan Amagoro	Nakapiripirit Field Office	Volunteer	1	-
35	Jean Jansen Beruchen	Nakapiripirit Field Office	Volunteer	-	1
36	Leticia Rindakakye	Mbarara Regional Office	Volunteer-Investigations	1	-
37	Nicholas M. Kazooba	Fort Portal Regional Office	Volunteer-Legal	-	1
38	Winnie Nuwarimpa	Fort Portal Regional Office	Volunteer- Investigations	1	-
39	Kisa Daisy	Arua Regional office	Volunteer-Investigations	1	-
40	Mallen Obizu	Arua Regional office	Volunteer-Legal		1
41	Agnes Dawa	Moyo Field Office	Volunteer	1	-
42	Francis Drichilpepi	Moyo Field Office	Volunteer	-	1
43	Aramadhan Issiko	Masaka Regional Office	Volunteer-Investigations	-	1
44	Albert Mwebaze	Masaka Regional Office	Volunteer-Legal	-	
	<b>Total</b>			30	14



### Annex I: International, Regional and National Engagements

Date	Place	Purpose
11 <sup>th</sup> to 12 <sup>th</sup> Feb. 2013	Tunis	The forum was to provide participants an opportunity to share Knowledge and experiences on the issues of indigenous people and development in Africa.
15 <sup>th</sup> – 19 <sup>th</sup> April 2013	Johannesburg, South Africa	Thematic training on Equality and Non-Discrimination with specific focus on vulnerable persons.
1 <sup>st</sup> -3 <sup>rd</sup> May 2013	London, Britain	The round table was organised to share best practices in the area of justice, reconciliation and accountability and to provide an opportunity to celebrate Commonwealth success stories in the area of justice, reconciliation and accountability and identify transferrable knowledge, good practice and workable models.
6 <sup>th</sup> -8 <sup>th</sup> May 2013	Geneva, Switzerland	The assembly was organised to commemorate and celebrate the 20 <sup>th</sup> anniversary of the adoption of the Paris Principles relating to the status and functioning of national human rights institutions for the protection and promotion of human rights (Paris Principles) by the United Nations General Assembly. The other reason was to commemorate the anniversary of the adoption of the Vienna Declaration and Programme of Action (VDPA).
27 <sup>th</sup> -29 <sup>th</sup> May 2013	Lilongwe, Malawi	Seminar on conflict resolution and peace building.
28 <sup>th</sup> Jan-9 <sup>th</sup> Feb. 2013	Nairobi, Kenya	The UHRC participated in the observation of the Kenyan General Election under the East African Community Election Observer Mission.
6 <sup>th</sup> -20 <sup>th</sup> July 2013	Bryn Mawr College, USA	Peace building development workshop.
26 <sup>th</sup> -29 <sup>th</sup> August 2013	Pretoria, South Africa	Test training programme to contextualise the revision of APCOF's 2010 training manual on building capacity in the civilian oversight of African policing.
9 <sup>th</sup> -13 <sup>th</sup> Sept.-2013	Abuja, Nigeria	Regional face to face foundation course for African National Human Rights Institutions.
9 <sup>th</sup> -19 <sup>th</sup> Sept. 2013	Kigali, Rwanda	Parliamentary election observer mission.
14 <sup>th</sup> -15 <sup>th</sup> October 2013	Malborough, London	Round table discussion on early and forced marriage.
17 <sup>th</sup> October 2013	Arusha, Tanzania	Review of the draft report of the East African Community Election Observer Mission to Rwanda Parliamentary elections.
7 <sup>th</sup> -18 <sup>th</sup> October 2013	Denmark	Training on Economic Social and Cultural Rights to enhance National Human Rights Institutions' capacity in working on Economic Social and Cultural Rights.
18 <sup>th</sup> -20 <sup>th</sup> October 2013	Nairobi, Kenya	Consultative meeting for National Human Rights Institutions on the role of NHRIs in enhancing a human rights culture in Africa.
11 <sup>th</sup> -13 <sup>th</sup> November 2013	Nairobi, Kenya	Expert accreditation programme
18 <sup>th</sup> -20 <sup>th</sup> November 2013	Pretoria, South Africa	Office of the High Commissioner for Human Rights, World Health Organisation and United Nations Population Fund in collaboration with the partnership for Maternal, New-born and Child Health. Application of Human Rights Based Approach to women and Children's Health.
19 <sup>th</sup> -22 <sup>nd</sup> 2013	Kampala, Uganda	Hosted a training workshop on monitoring places of detention which involved English speaking African National Human Rights Institutions.
27 <sup>th</sup> -29 <sup>th</sup>	Accra, Ghana	9 <sup>th</sup> Biennial Conference organised by the Network of African National Human Rights Institutions and hosted by the UHRC on Human Rights and Administration of Justice (CHRAJ) in Accra, Ghana.
2 <sup>nd</sup> -4 <sup>th</sup> December 2013	Kampala, Uganda	An experts' workshop on practical and technical issues for witness protection programming. The training was organised by the Uganda Law Reform Commission in collaboration with the UN OHCHR in the Netherlands.
3 <sup>rd</sup> -5 <sup>th</sup> December 2013	Dublin, Ireland	An International Conference on Human Rights Education and Training for the Civil and Public Service.
12 <sup>th</sup> -13 <sup>th</sup> December 2013	Maputo, Mozambique	Commission staff and facilitators from the UN OHCHR provided technical expertise to Human Rights Commission of Mozambique.

### Annex J: List of Health facilities inspected by UHRC in 2013

REGION	DISTRICT	HEALTH CENTRE II	HEALTH CENTRE III	HEALTH CENTRE IV	HOSPITAL	REGIONAL REFERRAL HOSPITAL
JINJA	MAYUGE	Bwiwula	Baitambogwe, Mayuge			
	IGANGA	Nakalama	Nakalama		Iganga	
	NAMUTUMBA	Nakyere	Namutumba	Nsinze		
	KALIRO			Kaliro T/C		
	BUYENDE		Buyende			
	PALLISA	Puti	Gogonyo, Kasodo and Apopong	Butebo		
	BUDAKA	Butevo	Kamokoli and Kaderuna	Budaka		
	KAMULI	Buwoya	Balawoli, Bupadhengo and Bulopa	Namwendwa		
	LUUKA			Bukoova, Bukanga and Irongo		

REGION	DISTRICT	HEALTH CENTRE II	HEALTH CENTRE III	HEALTH CENTRE IV	HOSPITAL	REGIONAL REFERRAL HOSPITAL
FORT PORTAL	KABAROLE		Kaswa, Kicwamba, Kagote, Mugusu	Kibiito		
	BULIISA	Kigwera, Bugoigo, Kihungya, Paara and Avogera	Biiso and Butiaba	Buliisa		
	KYELEGWA	Karwenyi, Bugogo and Makondo	Mpara, Bujubuli, Kakabara and Kasule	Kyegegwa		
	KYENJOJO	Kigoyera and Kyenjojo Police	Katooke, Kisojo, Nyamabuga and Butunduzi	Kyarushozi	Kyenjojo	
	KASESE	Kilembe	Karambi, Muhokya	St. Paul's	Bwera, Kilembe	
	BUNDIBUGYO	Butama, Busunga, Bulambwa and Bundimulungya	Bubukwanga, Ntandi and Kisuba	Kikyo, Nyahuka and Busaru	Bundibugyo	
	NTOROKO	Musandama and Rwangara	Rwebisengo, Ntoroko and Stella Maris	Karugutu		
MBARARA	ISINGIRO		Birere, Nyarubungo, Ngarama and Kashumba	Rugaga and Rwekubo,		
	RUBIRIZI	Kashaka	Katerera, Rubirizi, Katunguru,	Lugazi,		
	IBANDA	Bugarama and Kashozi	Nyamarebe, Bisheshe and Kagongi	Ishongororo and Ruhoko	Ibanda Babies Home	
	RUKUNGIRI	Ibanda HC II	Bwambara, Rweshama and Nyakishenyi	Rukungiri and Kebisoni		
MASAKA	KALUNGU		Kalungu and Kyamulibwa	Kyamulibwa, and Bukulula		
	BUKOMANSIMBI	Kagoggo	Bigasa, and Kitanda	Butenga		
	LYANTONDE	Kenshama, and Kabayanda	Kasagama and Kinuuka		Lyantonde	
	SEMBABULE	Keizoba and Kyera	Lwemiyaga	Ntusi		
CENTRAL	KAMPALA		Kawaala, Kitebi, Kiruddu, Kisugu and Kiswa		China-Uganda Friendship - Naguru	
	WAKISO		Kakiri		Entebbe	
	MUKONO	Nyanja, Nantabulirilwa, Kimenyedde, Kyungu, Mpoma, Bulika and Kasana	Kasaawo, Nakifuma, Katoogo and Goma	Mukono		
	BUIKWE		Najemba		Kawolo and St. Francis - Nyenga.	
	KAYUNGA	Nakyesa, Kakiika, Bulaula and Bukamba	Lugasa, Galiraya, Wabwoko, Nkonkonjero and Nazigo	Bbale and Kangulumira	Kayunga Main	
	NAKASEKE	Namusale	Kikamula and Kapeeka	Semuto	Kiwoko and Nakaseke General	
	LUWERO	Luwero and Kikube	Butuntumula, St. Mary's Kasana, Lugo, Ziobwe, St. Mary's - Natyole and Bugema University	Luwero District HC and Kalagala	Bishop Asili	
ARUA	ARUA	Ogua, Ali-Vuni, Barakala, Avu and Oriajin	Arivu, Wandu, Aroi, Offaka, Bondo, Kulikulinga, Londonga, Kochi and Aro	Oli	Oriajin Hospital (NGO)	
	KOBOKO	Koboko Police and Kuluba	Ayipe, Lobule and Ludara	Koboko		
	MARACHA		Ovujjo, Kijomoro, Aranya, Wadra and Oleba			
	MOYO		Lefori			
	ADJUMANI		Dzaipi			

REGION	DISTRICT	HEALTH CENTRE II	HEALTH CENTRE III	HEALTH CENTRE IV	HOSPITAL	REGIONAL REFERRAL HOSPITAL
GULU	KITGUM	Akilok	Akwangi, Kitgum Matidi, Lagoro, Omiya Anyima, Orom and Ngomoromo	Namukora		
	LAMWO		Paloga, Palabek Gem, Palabek Ogili, Patika and Lokung	Padibe		
	OYAM	Loro, Ariba, Acokara, Zambia and Aber	Ngai, Iceme, Otwal and Minakulu			
	KIRYANDONGO	Diika, Karum, Nyakadooti, Kaduku and Panyadoli	Mutunda, Diima and Masindi Port			
	GULU	Paibona, Kal Ali and Punena	Laroo, Ongako, Bobi and Okwongo	Awach and Paicho		
	OTUKE	Alango	Okwang			
	LIRA		Barr, Agali, Ngeta, Akia, Amuca, Ayago, Barapwo and Ongica	Amach		
	DOKOLO	Awiri and Amwomai	Kwera, Kangai, Bata and Agwata	Dokolo		
	ALEBTONG	Obim and Abia	Aloi, Abako, Amugo, Omoro and Apala			
	KOLE		Okole and Olilim	Orum		
MOROTO	NAPAK	Lorengchora, Morulinga, Lotome, and Ngoleriet	Iri			
	KOTIDO	Nampumpum, Losilang, Kotido Police Station, Rikita, Losakucha, Lobanya, Nakwakwa, Lookoro, Lokiding and Lopuyo	405 Brigade Military, Kacheri, Rengen, Kotido Diocese (COU), Nakapelimoru, Kanawat, Panyangara and Lokitelaebu			
	ABIM	Wilela, Pupu Kamuya, Awach, Kanu, Koya, Oreta, Gangming, Atunga, Katabok, Obolokome, Adea, Kiru and Amita	Alerek, Orwamuge, Nyakwae, and Morulem,	Abim		
	KABONG	Lokanaayona, Lochom, Lomeris, and Lokirui	Loyoro, Kopoth, Lokolia and Kathile			
	AMUDAT			Amudat		
SOROTI	SOROTI					Soroti
	AMURIA			Amuria Kapelebyong		
	KATAKWI	Usuk Koritok	Omagoro Ngariam Aketa		Katakwi	
	AMURIA		Asamuk Obalanga Wera			
	KUMI		Mukongoro Nyero	Kumi Kanyum	Atatur	
	KABERAMAIDO		Kobulubulu	Kaberamaido		
	BUKEDEA		Malera, Kolir, Kidongole Bukigayi, Butiru Kachumbala Kolir, Kabarwa	Bukede		
	KWEEN	Atar	Chemwom			
	NGORA			Ngora		
	BUDUDA		Bamulisha Bushika, Bukalasi Bukigai		Bududa	



REGION	DISTRICT	HEALTH CENTRE II	HEALTH CENTRE III	HEALTH CENTRE IV	HOSPITAL	REGIONAL REFERRAL HOSPITAL
	MANAFWA			Manafwa Bugobero Magale		
	SIRONKO		Bubutu, Sironko Butiru	Budadiri		
	BUKWO	Kapkoros	Amanang, Kortek Chesower	Bukwo Kaprom		
	KAPCHORWA			Sipi	Kapchorwa	
	AMOLATOR	Biko Alameda	Namasale	Amolator		
HOIMA	HOIMA		Kabwoya			
	MASINDI	Kikunguru	Kimengo, Pakanyi	Bwinjanga		
	BUNDIBUGYO	Bubukwanga	Kyangwali			

### Annex K : Selected health facilities that had staff shortages

Name of health facility	Existing gap in staff
Kyamulibwa HC IV	1 Anesthetist, 1 Health Inspector, 1 Dental Assistant, 1 Laboratory technician, 1 Clinical officer
Bishop Asili Hospital	Nurses, Midwives and Clinical Officers
Bbale HC IV	Doctors, Midwives
Bukulula HC IV	1 Dental assistant, 1 Health Inspector 1 Ass. Health Educator, 1 Anaesthetic officer
Kangulumira HC IV	Doctors, Midwives, Nurses, Clinical Officers, etc
Bigasa HC III	1 Enrolled Midwife, 1 Records assistant
Kitanda HC III	1 Driver, 2 Enrolled Midwife, 1 Laboratory assistant
Butenga HC IV	1 Health Inspector, 1 Ass. Health Educator, 1 Laboratory assistant, 1 Clinical officer, 1 Records assistant 1 Anesthetic officer
Kagoggo HC II	1 Enrolled Midwife
Kasagama HC III	2 Enrolled Midwife
Kinuuka HC III	1 Enrolled Midwife
Kenshama HC II	1 Enrolled Midwife , 2 Nursing Aides
Kabayanda HC II	2 Nursing Aides
Lyantonde Hospital	1 Medical officer, 1 Dispenser, 1 Registered Midwife, 2 Registered Nurses, 1 Registered Nurse (Psy), 12 Enrolled Nurses, 6 Enrolled Midwives, 6 Nursing aides, 1 Anaesthetic officer, 1 Laboratory Technician, 1 Clinical officer
Keizoba HC II	1 Enrolled Midwife, 2 Nursing Aides
Ntusi HC IV	1 Comprehensive Nurse, 2 Nursing Aides, 1 Health Inspector, 1 Ass. Health Educator, 1 Anaesthetic officer. 1 Records assistant, 1 Accounts Assistant
Lwemiyaga HC III	2 Enrolled Midwife, 1 Nursing Aide
Oriajin Hospital	Doctors and Nurses
Arivu HC IV	Clinical Officers and Nurses
Koboko HC IV	Doctor, Clinical Officers and Nurses
Wandi HC III	Nurses
Aroi HC III	Nurses and Midwife
Offaka HC III	Midwife and Nurses
Bondo HC III	Nurses
Oriaji HC III	Clinical Officer, Nurses
Kulikulinga HC III	Clinical Officers, Nurses and Midwife
Londonga HC III	Clinical Officer, Nurses
Aro HC III	Clinical Officers, Nurses and Midwife
Ovujo HC III	Nurses and Midwife
Kijomoro HC III	Nurses and Lab Assistant

Name of health facility	Existing gap in staff
Dranya HC III	Clinical Officers and Nurses
Wadra HC III	Midwife and Nurses
Lobule HC III	Nurses
Ayipe HC III	01 Clinical officer and Nurses
Dzaipi HC III	Clinical officers and Nurses
Ludora HC III	Nurses
Lefori HC III	Clinical Officer, Nurses and Midwife
Kochi HC III	Clinical Officers, Nurses and Lab Assistant
Kuluba HC II	Nurses
Koboko Police HC II	Clinical officer, Nurses and Lab Assistant
Barakala HC II	Nurses
Ogua HC II	Nurses
Loyoro HC, Kaabong District	1Senior Clinical officer, 1 Health information officer, Lab technicians, 1Enrolled mid wife, 1 Dispenser, 1 Records officer
Lokolla HC, Kaabong District	1 Senior clinical officer, 1 health information officer, lab technicians, 1 Dispenser, 1 Record officer
Kopoth HC, Kaabong District	1Senior clinical officer, 1 Health information officer, 1 Dispenser, 1 Records officer
Kathile HC, Kabong District	1 Senior clinical officer, 1 Health information officer, Lab technicians, 1Dispenser, 1 Record officer
Nyakwae HC, Abim District	1 senior clinical officer, 1 Lab technician, 1 Health information assistant, 1 lab microscopic
Loroo HC, Amudat District	Clinical officers, Lab technicians, Enrolled nurses, Dispenser
Kaheri HC, Kotido District	1Senior clinical officer, 1 Lab technician, 1 health information assistant, lab microscopic, Enrolled nurse, nursing officer and assistant
Regen HC, Kotido District	1 Senior clinical officer, 1 Lab technician, 1 Health information assistant, 1 Lab microscopic, 1 Enrolled nurse, 1 Nursing officer and assistant
Amuria HC IV, Amuria District.	1 Anaesthetist
Kapelebyong HC IV, Amuria District	Medical Doctors, 1 Anaesthetist, 06 nursing officers
Katakwi Hospital, Katakwi District	1 Doctor, Consultants
Aakum HC II, Katakwi District	1Enrolled Nurse and 1 Nursing Assistant
Kortek HC III, Bukwo District	1 Senior Clinical Officer, 1 Enrolled Midwife
Budadiri HC IV, Sironko District	Medical officers and Nursing Officers
Kachumbala HC III, Bukedea District	1 Senior Clinical Officer

#### Annex L: Distance travelled by patients served in selected health facilities

Name of Health Facility	Actual Capacity	Distance travelled by patients served (from sub counties and counties covered)
Kalungu HCIII	They received an average of 50 patients per day (both in patients and out patients)	Patients accessed the facility from as far as 5km (Seeta Village)
Kyamulibwa HCIV Kalungu District	They received between 40 patients per day.	10 Km Radius
Kyamuliibwa HCIII, Kalungu District	They received on average 40 patients per day	Patients accessed the facility from as far as 6km (Kikongolo Village)
Bukulula HCIV, Kalungu District	Received on average 50 patients per day	Radius of 12 Kms
Bigasa HCIII, Bukomansimbi District	Received 80-100 patients per day	Some patients came from as far as 11km from the facility (Kyaziza Village).
Kitanda HC III, Bukomansimbi	Received on average 40 patients per day	Radius of 10 Kms
Butenga HCIV,	Receiveds 80-100 patients per day	Radius of 15 Kms
Kasagama HCIII, Lyantonde District	Received on average 60-80 patients per day	Served a radius of 16 Kms
Kinuuka HCIII, Lyantonde District	Receiveds 80 – 100 patients per day	Radius of 10 Kms
Lyantonde Hospital	Over 200 patients per day	70 Kms from Kyemamba
Keizoba HCII, Sembabule District	Receiveds 40 patients per day	Patients came from as far as 8 km away (Runegere, Kanoma)

Name of Health Facility	Actual Capacity	Distance travelled by patients served (from sub counties and counties covered)
Ntusi HCIV, Sembabule District	Received about 200 patients per day.	Over 30Kms- Lwemiyaga
Lwemiyaga HCIII, Sembabule District	Received on average 90 patients per day	10 Kms
Kyera HCII, Sembabule	Average of 50 patients per day	Some patients came from as far as 10km from the facility -Makoni
Oriajin Hospital	They received an average of 600 patients per day (both inpatients and out patients)	Patients accessed the facility from four Sub counties
Ngai HC 111	They received an average of 40 patients per day both inpatient and outpatient.	Patients accessed the facility from as far as 5km
Minakulu HC II1	They received an average of 259 patients per day both inpatient and outpatient.	Patients accessed the facility from as far as 7km
Alango HC II	They received an average of 50-70 patients per day both inpatient and outpatient.	Patients accessed the facility from as far as 5km
Iceme HC III	They received an average of 5-20 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 5km
Okwang HC III	They received an average of 70-80 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 10km
Loro HC II	They received an average of 70-100 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 10km
Aber HC II, Gulu District	They received an average of 60-70 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 8km
Olilim HC II, Kole District	They received an average of 100 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 40km (Atira village)
Nyakadooti HC II	They received an average of 80-150 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 10km.
Diika HC II	They received an average of 50-60 patients per day both inpatient and outpatient	Patients accessed the facility from as far as 10km.

#### Annex M: Position on payments of decided cases against the Attorney General in 2003 to 2013 as at 31<sup>st</sup> December 2013

No.	Complainant	File No	Total Amount	Amount Paid in 2013	Month Paid
1	Bagole Fred	UHRC/519/01	66,500,000	21,889,759	Jan-13
2	Gayira Dick	UHRC/192/05	1,500,000	1,500,000	Jan-13
3	Okello Cissy	UHRC/J/49/2003		2,100,000	Feb-13
4	Akugizibwe Amon	UHRC/FP/47/06	13,000,000	6,000,000	Jan-13
5	Semanda Fred	UHRC/278/2008		12,000,000	Jan-13
6	Kasaija Johnson &ors	UHRC/503/98	22,000,000	8,540,360	Jan-13
7	Tibahwa Stephen	UHRC/FP/58/03	120,000,000	5,000,000	Jun-13
8	Ongom Nimanoni	UHRC/G/55/00	20,000,000	5,000,000	Jun-13
9	Opio Charles	UHRC/G/122/03	215,000,000	10,000,000	Jun-13
10	Malisa Ernest	UHRC/S/24/04	17,000,000	5,000,000	Jun-13
11	Bagume John	UHRC/JJA/10/07	28,000,000	5,000,000	Jun-13
12	Emiriat James	UHRC/JJA78/03	26,000,000	5,000,000	Jun-13
13	Mwambutsya Charles	UHRC/MBR/53/05	20,000,000	5,000,000	Jun-13
14	Owona Joseph Dennis and OR	UHRC/S/226/01	54,000,000	5,000,000	Jun-13
15	Mugisha John	UHRC/111/01	8,000,000	4,000,000	Jun-13
16	Omoding Joseph	UHRC/SRT/2005	16,000,000	5,000,000	Jun-13
17	Chris Kamya	UHRC/208/2005	41,000,000	20,000,000	Jun-13
18	Kafero Jonathan	UHRC/337/03	12,000,000	6,000,000	Feb-13
19	Chris Kamya	UHRC/208/2005	41,000,000	15,294,900	Aug-13
20	Bagoza Ronald	UHRC/445/2003	35,000,000	15,000,000	Aug-13
21	Damulira and 3 ors	UHRC/900/2000	5,000,000	9,000,000	Sep-13



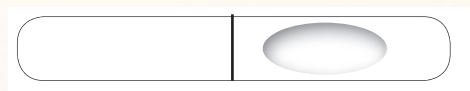
No.	Complainant	File No	Total Amount	Amount Paid in 2013	Month Paid
22	Kapere Moses	UHRC/40/2003		5,000,000	Sep-13
23	Kyalimpa Godfrey	UHRC/145/2006	16,500,000	5,000,000	Dec-13
24	Semanda Fred	UHRC/278/2008	30,700,000	8,700,000	Dec-13
25	Auma Middy	UHRC/J/122/05	15,000,000	5,000,000	Dec-13
26	Arko Moses	UHRC/402/03	3,150,000	3,150,000	Dec-13
27	Oluka Edson	UHRC/S/01/05	20,000,000	5,000,000	Dec-13
28	Bagole Fred	UHRC/519/01	66,500,000	15,000,000	Dec-13
29	Mande Apollo	UHRC/495/01	16,000,000	5,000,000	Dec-13
30	Mohamood F.E Hassouna	UHRC/110/98	18,712,967	5,000,000	Dec-13
31	Mutuba Abubaker	UHRC/J/04	35,000,000	5,000,000	Dec-13
32	Semanda Fred	UHRC/278/2008	30,700,000	10,000,000	Not indicated
33	Obong Simon Opok	UHRC/G/113/03	5,000,000	5,000,000	Not indicated
34	Kubai Alex and Ors	UHRC/253/03	10,250,000	5,250,000	Not indicated
35	Barmas Godfrey	UHRC/253/03	15,500,000	8,500,000	Not indicated
36	Twoyem Albert	UHRC/253/03	15,500,000	8,500,000	Not indicated
37	Sswanyana Samuel	UHRC/299/2002	12,000,000	8,000,000	Not indicated
38	Kasozzi Ronald	UHRC/402/2002	10,000,000	5,000,000	Not indicated
39	Etalu Charles	UHRC/G/10/03	9,000,000	40,000,000	Not indicated
40	Okello Dickens	UHRC/G326/03	10,000,000	5,000,000	Not indicated
41	Ebong Sam	UHRC/G/326/03	12,000,000	4,000,000	Not indicated
42	Ogwang Tony	UHRC/G/326/03	22,000,000	7,000,000	Not indicated
43	Oluka Edson	UHRC/S/01/05	20,000,000	10,000,000	Not indicated
44	Akwany Teddy	UHRC/G/140/2005	800,000	800,000	Not indicated
45	Nyangas Chemoika Walter	UHRC/373/03	44,800,000	34,000,000	Not indicated
	<b>Grand Total Paid in 2013</b>			<b>384,225,019</b>	

Source: Attorney General











**Uganda Human Rights Commission Head Office  
\*(New Location)\***

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