



**AFRICAN CENTRE FOR TREATMENT
AND REHABILITATION OF
TORTURE VICTIMS**

**STATEMENT ON THE STATUS OF REHABILITATION OF TORTURE
SURVIVORS IN UGANDA IN FULFILMENT OF NGO OBSERVER
STATUS No.441**

**Submitted during the 73rd ordinary session of the African
Commission on Human and Peoples' Rights in Banjul, The
Republic of the Gambia – West Africa, October 2022.**

Mr. Chairperson, the Commissioners of the ACHPR, Member States, the African Union, Intergovernmental organisations, National Human Rights Institutions, NGOS, ladies, gentlemen and others, all protocol observed. I bring you greetings from the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) in the Republic of Uganda.

The current situation of torture in Uganda

Uganda ratified the United Nations Convention Against Torture (UNCAT) and the African Charter on Human and Peoples' Rights in 1986 and 1981 respectively. The right of freedom from torture cruel and inhumane degrading treatment is also guaranteed under Article 24 and 44 of the 1995 Constitution of the Republic of Uganda. Acts of torture are criminalized under the Prevention and Prohibition of Torture ACTV, 2012 (PPTA), where a penalty for a case of torture attracts a sentence of up to 15 years' imprisonment, and life imprisonment for aggravated Torture. Furthermore, in 2017, the Ministry of Justice and Constitutional Affairs passed the Regulations to operationalise the Anti-Torture law.

Although there is an elaborate legal framework in place that prohibits the use of torture, in practice the enforcement and implementation is not effective, allowing torture to continue. Between the year 2020 and 2021 ACTV registered 2,111 cases of torture; 1176 Male and 935 Female. Similarly the Uganda Human Rights Commission received a total number of 3,624 complaints in 2021 of which 267 were on torture and ill treatment¹. The Uganda Police Force had 107 torture related complaints and 80 against the UPDF². These Statistics are not different from those that ACTV documented in the same period.

Torture allegations during COVID-19 Pandemic

The implementation of the COVID19 Standard Operating Procedures and enforcement of the presidential directives by security agencies resulted into a high number of human rights violations and abuses including torture and ill treatment. ACTV between 2020 and 2021 documented 166 cases arising from torture and ill-treatment during the enforcement of these guidelines and, similarly, the UHRC received 124 complaints of torture out of the 164 cases registered in 2020.

Torture allegations related to the 2021 General elections

Allegations of enforced disappearance, abductions, and illegal detention were cited during and after the general elections. In 2021, the Uganda Human Rights Commission received 69 complaints of alleged enforced disappearance for further

¹ The Uganda Human Rights Commission 24th Annual Report on the State of Human Rights and Freedoms in Uganda in 2021 at Page 185

² The Uganda Human Rights Commission 24th Annual Report on the State of Human Rights and Freedoms in Uganda in 2021 at Page 192

investigations³ while ACTV offered rehabilitation services to 279 cases of torture arising from elections.

Right to rehabilitation for survivors of torture.

Article 14 of the UN Convention Against Torture and General comment 4 on the African Charter of Human and Peoples' Rights guarantees torture victims a right to redress including rehabilitation. Similarly, Section 6 of the Prevention and Prohibition of Torture Act 2012 stipulates that victims of torture should be compensated, restituted or rehabilitated.

However, Uganda lacks a national rehabilitation policy for torture victims. The existing public health facilities have not been consciously tailored to provide holistic rehabilitation services to survivors of torture. This has forced torture survivors to seek services in private health facilities at a higher cost thereby complicating equitable and timely access to treatment and rehabilitation which in turn continues hinder access to justice for survivors and accountability. Besides, many of the survivors who cannot afford private health facilities continue suffering with long term physical, psychological and social effects of torture. Fear of reprisal among survivors due to absence of a Witness Protection law limits reporting cases of torture affecting access to rehabilitation services, and accountability for acts of torture and ill treatment.

Recommendations in relation to rehabilitation for victims and survivors

The African Commission on Human and Peoples Rights (ACHPR) should urge the Republic of Uganda to:

- Enact a policy on comprehensive rehabilitation of survivors of Torture in accordance with ACHPR General Comment Number 4. This should include the enactment of a Policy on rehabilitation adequately funded and monitored in terms of accessibility and effectiveness.
- Introduce a mechanism on early identification and proper treatment of survivors of torture in all State health facilities to ensure timely provision of rehabilitation services.
- The Uganda Police Force to adopt and roll out the PPTA Regulations 2017 for effective documentation of all torture allegations to inform effective investigation.
- Roll out the standards in the 1998 Istanbul Protocol in police training schools and medical schools to fill the gaps in effective documentation and investigation of torture by the Police Force and health workers.
- Train health workers in effective documentation of torture using the 1998 Istanbul Protocol to increase accessibility and availability of documentation

³ The Uganda Human Rights Commission 24th Annual Report on the State of Human Rights and Freedoms in Uganda in 2021 at Page 85

services for survivors of torture.

- Enact the Witness Protection Bill of 2014 into Law.
- Train her security agencies on methods of non-coercive interrogation and investigation using the Mendes principles⁴ to reduce cases of torture and ill treatment during interviewing, interrogation and investigations of suspects.

Conclusion

Torture prevention and accountability is a collective effort and involves a change in attitude, behaviour and perception of both State and non-State actors. The Uganda Constitution enshrines this freedom and makes it a non derogable right. It should be recalled that on 26 June 1987 Uganda ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Therefore, the willingness to sign and ratify these instruments should resonate with the will to implement the aspirations of these instruments.

Samuel Herbert Nsubuga



**Chief Executive Officer
African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)**

⁴ While not a training manual, the document provides concrete guidance to authorities on non-coercive interviewing process and standards, along with the legal and procedural safeguards that should be implemented during investigations. These principles were adopted by the United Nations in May-June 2021. They are a new standard for effective interviewing by Police and others while respecting human rights.