



STATEMENT IN LIGHT OF;

**ARTICLE 5: THE RIGHT TO PROTECTION FROM TORTURE, INHUMAN AND
DEGRADING TREATMENT AND SLAVERY**

**ISSUE: PROFESSIONAL AND EFFECTIVE DOCUMENTATION OF TORTURE IN
UGANDA**

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) statement read out today on Wednesday, 25th 2023 during the 77th ordinary session [Public]: 20 October – 9 November 2023 of the African Commission on Human and Peoples' Rights at Arusha International Conference Centre in Arusha, Tanzania.

Head office: Block No. 207, Plot No. 2756 Kanyanya- Gayaza Rd, P.O. Box 6108 Kampala-Uganda

Branch office: P.O. Box 1076, Gulu District-Layibi Division

Field Office: Kasese District - Maliba Sub- County and Karamoja Sub- Region – Kaabong District.

Telephone: +256- 323- 301261, +256-323-301260 **Toll Free Line:** 0800202791

Email: actv@actvuganda.org

Social Media Platforms: Twitter: @actvuganda, Facebook: African Centre for Treatment and Rehabilitation of Torture Victims

Website: www.actvuganda.org

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

ACTV wishes to acknowledge and congratulate Uganda upon the strides ranging from policy, standards, practice and law enactment realised as reported in the 5th Periodic Report by the Government of the Republic of Uganda to the African Commission presented at the 54th Ordinary Session in 2012.

Torture prevention and accountability is a collective effort and involves a change in attitude, behaviour and perception of both the State, non-State actors and the public. The Uganda Constitution enshrines this freedom and makes it a non-derogable right. Further, it should be noted that on 26th June 1987 Uganda became a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Uganda has yet to ratify the Optional Protocol to the Convention Against Torture (OPCAT).

However, despite significant progress in the fight against torture, especially adopting relevant laws and policies, much work remains to ensure that torture and ill treatment is dealt with in Uganda, perpetrators are prosecuted, and survivors of torture (SOTs) have access to justice and reparations.

One of the biggest gaps and challenges SOTs face when accessing justice is the lack of professional medico-legal documentation and documentation of torture in general. We wish to bring to the attention of the Honourable Commission that Uganda has passed the Prevention and Prohibition of Torture Regulations 2017 which is a positive step towards effective documentation and investigation of torture cases. These regulations will contribute to effective prosecution of torture and administration of justice for survivors.

However, the regulations 2017 despite being passed by Uganda are not yet to be rolled out by the Uganda Police Force to all Police units for utilisation. The failure to implement these regulations affects proper documentation of torture violations, impedes successful prosecution and consequently compensation awards by courts and rehabilitation of survivors. Similar to the ***rules on the establishment and operation of the alert and reporting mechanism to the African Commission on Human and Peoples' Rights on situations of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*** adopted at the 73rd ordinary public session in Gambia by the African Commission on Human and Peoples Rights in October 2022, these Regulations have 7 (seven) forms which are essential and offer guidance on how to effectively document and investigate torture.

Despite this, ACTV and the criminal justice actors, including the Uganda Police Force (UPF), Uganda Peoples' Defence Forces (UPDF) and the Office of the Directorate of Public Prosecutions (ODPP) have embarked on a series of joint capacity building programs to utilise Form 4 of the Regulations which included the adoption of a checklist on documentation and investigation of torture related complaints with the ODPP in April and September 2023. Form 4 is an adoption of the Istanbul Protocol guidelines on effective investigation and documentation of torture.

Upon reviewing the record of Uganda in the implementation of human rights pursuant to the Banjul Charter, we ask the African Commission on Human and Peoples Rights (ACHPR) to urge the Republic of Uganda to consider prioritising the following:

- Uganda Police Force to operationalise the Prevention and Prohibition of Torture Regulations 2017 to enable effective documentation of torture related complaints by rolling out Form 4 of the Regulations to all Police Units.
- Prioritise resource allocation towards continuous trainings and sensitisations for criminal justice actors including health workers on the value of effective documentation and investigation of torture using the Istanbul Protocol of 2022 guidelines¹ to increase access to justice and timely rehabilitation of victims or survivors of torture and ill treatment.
- Prioritise enacting the witness protection Act to enable the public to report all cases of torture and ill treatment to mitigate non-reporting for fear of retribution.
- Continue collaboration efforts with Civil Society Organisations deemed relevant to develop national rehabilitation standards specific for victims and survivors of torture.
- Consider ratifying the Optional Protocol to the Convention Against Torture 2006 to strengthen prevention in places of detention.

Despite some efforts, more needs to be done to disseminate and implement the Regulations and ensure that they are utilised correctly to document torture and ill treatment. In order to promote timely reporting of torture related complaints and timely accessibility of response services including professional documentation, ACTV has established a community support network/structure of volunteers identified and recommended by the District Community Development Officers which Uganda can utilise as a model in decentralising rehabilitation services. This structure comprises of community counsellors equipped with the basic skills of psychological counselling, community facilitators who raise awareness and refer or report complaints to the existing criminal justice actors, Peer Support Workers who give peer support having lived experiences of torture themselves and health workers who are selected by the District Health Officer from various health centres with a capacity to properly identify, professionally document and respond to people who are victims of torture.

To further highlight the need to address the documentation gap, much as we commend the institution of the Uganda Police Force for accounting for 'Child Torture/abuse' in its 2021 and 2022 Crime Reports, the non-utilisation of Form 4 of the 2017 Regulations exposes why there is no statistical data, disaggregation on age, ethnicity, physical, psychological or pharmacological forms suffered captured for persons of majority age in all the 2020, 2021 and 2022 Police Annual Crime reports. Torture is unfortunately unreported in Police Annual Crime Reports. This directly impedes accountability for torture and also affects the kind of treatment, rehabilitation programme and legal redress a torture victim or survivor would receive.

Form 4 is in line with the Istanbul Protocol on documentation, including but not limited providing an opportunity for a thorough and comprehensive examination including methods used both physical and psychological which evidence cannot be obtained by solely utilising the Police Form 3 the Uganda Police which is a prevalent form to use for documentation of torture. Therefore, access to justice for victims is hampered as it leaves both prosecutors and judges with insufficient evidence to prosecute cases of torture and award appropriate

¹ The Istanbul Protocol of 1998 is a manual on effective documentation and investigation of torture. The guidelines in this manual are recognised by the United Nations. It has recently been revised to 2022.

punishment including reparation and compensation awards respectively.

Second obstacle victims of torture and ill treatment experience are the lack of access to the rehabilitation services and the lack of a national rehabilitation strategy.

On 28th September 2023, following an engagement meeting with the Ministry of Health's department on Rehabilitation and Disability in Kampala, the relevant actors agreed to include ACTV in the process of developing rehabilitation standards for survivors of torture to have a comprehensive National Rehabilitation policy for Uganda which is cognisant of the special needs survivors and victims of torture and ill treatment as people. This process is a rejuvenation of a rehabilitation policy in a draft form since 2012. The collaboration and openness by the State to coordinate with civil society organisations to create a holistic rehabilitation policy is welcomed by ACTV.

In addition to these achievements, ACTV continues to build the capacity of State health workers. For example, in Kasese district in the Western Region we trained health care workers on the use of the Istanbul Protocol 2022 and Form 4 of the 2017 Regulations to the Prevention and Prohibition of Torture Act. If this community empowerment strategy is leveraged across the country, this approach will enable geographical accessibility of services at community level for the torture survivors around Uganda. Community based approaches besides institutional rehabilitation efforts should serve as a benchmark to Uganda in ensuring consistency and frequency in accessing basic holistic care for victims and survivors of torture.

Thank you for your attention and ACTV looks forward to engaging with the Commission to prevent and end the use of torture in Uganda.