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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Uganda**

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## **I. Introduction**

### **A. Overview**

1. Uganda lies astride the Equator between Latitudes 4°N. and 1°S., and Longitudes 29°E. and 35°E. She shares a border with Kenya (East); South Sudan (North); Democratic Republic of the Congo (DRC) (West); Rwanda (South-West); and Tanzania (South). The country covers a total area of 245,000 square kilometres; out of which one-sixth is covered by fresh water. She is home to the source of the River Nile. Fifty eight percent of Lake Victoria, the second largest fresh water Lake in the World, is in Uganda. Uganda is located on the East African Plateau at an average height of 1,100 meters (3,609 feet) above sea level. Uganda is endowed with abundant gifts of nature. It is for this reason that Sir Winston Churchill, former British Prime Minister, rightly described Uganda as the “Pearl of Africa”. The Official languages are English and Kiswahili (a dialect widely spoken in Eastern and Southern Africa). Uganda has a multi-ethnic and multi-lingual population estimated at 31 million (2010). Its estimated gross national income per capita is US \$ 300 (PPP); and Gross Domestic Product (GDP) growth rate of 7%.

2. Uganda’s history has been contextualized and elaborated in order to facilitate appreciation of the evolution of the human rights situation in the country and to give a fair assessment of progress made to date.

3. Uganda completed the process of ratifying and / or domesticating most core International Human Rights Instruments<sup>1</sup>. The compilation of the Initial Report on the International Covenant on Economic, Social and Cultural Rights (ICESCR) has also been accomplished.

4. In order to appreciate the obtaining human rights regime in Uganda, this has to be reviewed alongside the internal, regional and international human rights perspectives.

5. The inter-play between Uganda’s internal legal system, the regional and international obligations assumed through ratification of various core Instruments and other relevant ones, has to be appreciated in the context of the complexities of social, cultural, economic, political and geo-strategic considerations that influence matters in the Great Lakes Region in which Uganda is centrally – located.

### **B. Rationale for the report**

6. This National Report has been prepared on the basis of the UN Resolution 5/1 of 18<sup>th</sup> June, 2007, and the General Guidelines for the Preparation of the UPR Report contained in the UN Human Rights Council (UNHRC) Decision 6/102 of 27<sup>th</sup> September, 2007.

### **C. Methodology**

7. This Report is a result of a nation-wide consultative process involving multi-sectoral stakeholders: Government Ministries, Departments and Agencies; the Uganda Human Rights Commission (UHRC); other national institutions with a mandate to promote and protect human rights and other freedoms; Non-Governmental Organizations (NGOs); Civil Society Organizations (CSOs); private sector policy analysts and institutions; and other human rights activists and consultants. The Ministry of Foreign Affairs coordinated a Working Group that prepared the Report. The Ministry conducted a comprehensive briefing

and training on all aspects of the UPR process to enable members have an in-depth understanding of the rationale, the gamut of Human Rights issues and expected standards for the Report.

8. The compilation of the Report involved analysis of secondary data, International Human Rights Instruments, media reports, reviews of writings of scholars and publicists; and information obtained from partner organizations and independent reports from organizations that monitor the human rights situation in Uganda.

## D. Historical perspective

9. The quasi-federal system of government ushered in following Independence on 9<sup>th</sup> October 1962, was characteristically weak in terms of legal and institutional frameworks. This became a recipe for subsequent instability and violations of fundamental human rights from the start of the nation's life.

10. A serious constitutional crisis ensued in 1966 between the ruling coalition of *Kabaka Yekka* party, led by King Edward Mutesa II, also the titular Head of State; and the Uganda People's Congress (UPC) party, culminating in the exiling of the Head of State. This crisis led to the 1967 abrogation of the Independence Constitution by the UPC faction and its replacement with the so-called "Pigeon-hole" Republican Constitution. Uganda thus became a Republic through authoritarian means characterized by arbitrariness and disregard for rule of law; all of which inter-played in the ushering in of Idi Amin's dictatorship in an army coup staged in 1971.

11. The Army immediately suspended the Constitution; dissolved Parliament; did away with all modicums of democratic institutions of governance; and ruled by Decree. The death sentence was frequently and promptly passed by Military Tribunals; even against civilians for non-military offences despite the existence of civilian courts. A draconian and grossly arbitrary Economic Crimes Tribunal, chaired by military personnel, was established. State entities such as the Public Safety Unit and State Research Bureau were the instruments of murder and terror. Detentions without trial were widespread for the lucky ones upon whom the machinery of death was delayed.

12. Responses to perceived or actual opposition to the regime were brutally suppressed. Arbitrary killings, torture, economic melt-down, racist expulsion of the Asian business community, lawlessness, State-orchestrated terrorism, etc. became the rule. Brain-drain for those able to exit became the norm. Inefficiency, mediocrity, cronyism, nepotism, tribalism / religious favouritism; etc. promoted the violation of the civil, political, social, economic, cultural and other rights of those who did not gain favour from the regime. The regime came to an end in April 1979 as a result of a combined military campaign by exiled Ugandan guerrillas and Tanzanian regular forces.

13. Despite the fall of Amin's regime, the human rights situation did not improve. The returning former exiles, who took charge of State affairs, ushered in unprecedented greed and zeal to loot the country's resources with abandon; culminating in the extended and widened suffering of the *stayees*. Politically-motivated killings and thuggery were a common feature. The inflow of donor assistance was soon suspended, owing to the plunderous activities perpetuated by this *returnee* political intelligentsia.

14. In 1980, amidst such chaos, lawlessness and socio-economic misery, general elections were held, which elections the UPC won but were disputed as they were widely deemed to have been unfair.

15. In those circumstances, Yoweri Museveni, the leader of the Uganda Patriotic Movement party, took up arms and started a five-year guerrilla war in February 1981; under

an umbrella group known as the National Resistance Movement / Army (NRM/A). During that war, the human rights of persons alleged to support the NRA/M were aggravated. The regime in power had neither the morale nor mindset to engage in legal and institutional capacity-building for the betterment of the human rights situation. The State intelligence outfit, styled National Security Agency, turned into a tool for exacting terrorism against opponents of the State.

16. Inevitably, a faction of the Government Uganda National Liberation Army took pre-emptive, self-saving action by staging a coup on 27 May 1985. The human rights situation did not improve. The NRA/M continued its advance towards Kampala and captured State power in January 1986. The new NRM Government, under President Yoweri Museveni, committed itself to ushering in a “fundamental change” for a better Uganda.

17. Elements of the defeated forces and others regrouped in parts of the North and North-East of the country and started a devastating insurgency (lasting nearly 20 years) which resulted in further serious human rights violations in the sub-region and beyond. While the insurgency has since ended in Uganda, remnants of these groups continue to commit human rights atrocities in the wider Great Lakes Region.

18. It is against such sordid background that entities including the Commission of Inquiry into Human Rights Violations; and the Commission for the Constituent Assembly were instituted. They were all of the view that there was need for a popular social contract that would, through an elaborate legal and institutional framework, guarantee the promotion and protection of human rights in the country. The Constituent Assembly, elected in 1994, in framing the eventual historic 1995 Constitution, took into account those views.

## **II. Human rights legal regime**

### **A. National instruments**

19. Uganda’s human rights legal regime comprises of national, regional and international human rights instruments. These instruments also provide for institutional mechanisms.

#### **1. The Constitution, 1995**

20. The commitment of the Government of Uganda to the attainment of the highest standards of human rights observance at the levels of the applicable legal and institutional set-ups is epitomized in the popularly-debated and adopted, home-grown Constitution of 1995. In its preambular provisions, the mood and tempo of this determination is captured thus:

*“WE THE PEOPLE OF UGANDA:*

*RECALLING our history which has been characterized by political and constitutional instability;*

*RECOGNISING our struggles against the forces of tyranny, oppression and exploitation;*

*COMMITTED to building a better future by establishing a socio-economic and political order through a popular and durable national Constitution based on the principles of unity, peace, equality, democracy, freedom, social justice and progress; ...”.*

21. The Constitution thus guarantees the protection and promotion of fundamental and other human rights and freedoms under both the National Objectives and Directive Principles of State Policy and substantive provisions enunciated under Chapter Four (“the Bill of Rights”). Article 20 (1) expressly states that, “*Fundamental rights and freedoms of the individual are inherent and not granted by the State*”. Article 44 prohibits derogation from particular human rights, namely freedom from torture; freedom from slavery or servitude; right to a fair hearing; and the right to order of *habeas corpus*.

22. Under Chapter Four, those rights and freedoms and protection that an individual or group of individuals is guaranteed under the law are laid down. These include, among others:

- Equality and freedom from discrimination (Article 21);
- Protection of right to life (Article 22);
- Protection of personal liberty (Article 23);
- Respect for human dignity and protection from inhuman treatment (Article 24);
- Protection from slavery, servitude and forced labour (Article 25);
- Right to privacy of person, home and other property (Article 27);
- Right to a fair hearing (Article 28);
- Protection of freedom of conscience, expression, movement, religion, assembly and association (Article 29);
- Right to education (Article 30);
- Rights to family (Article 31);
- Rights of women (Article 33);
- Rights of children (Article 34);
- Rights of persons with disabilities (Article 35);
- Right to a clean and healthy environment (Article 39);
- Economic rights (Article 40); etc.

23. The Constitution also provides for avenues for redress in case of violations of the guaranteed rights and freedoms. It provides for access to the courts by those persons whose rights and freedoms have been infringed (*Article 50*). This not only enables persons to have legal recourse, (including actions instituted by an individual or organization on another’s behalf), but also involves the courts, through such adjudication, in the promotion and protection of these same rights and freedoms. The UHRC also has quasi-judicial powers related hereto. Article 137 (1) specifically provides for the Constitutional Court to handle matters to do with interpretation of the Constitution.

24. The jurisdiction of the High Court of Uganda provides the parameters that guide the exercise of the legal / judicial regime obtaining in Uganda. Under the Judicature Act, Cap 13, the High Court has unlimited original jurisdiction in all matters and such appellate and other supplementary jurisdiction as may be conferred upon it; provided it is exercised in conformity with the written law, the common law and doctrines of equity; any established and current custom or usage; or otherwise, in conformity with the principles of justice, equity and good conscience and any existing custom which is not repugnant to natural justice, equity and good conscience and not incompatible either directly or by necessary implication, with any written law. However, the applied law, the common law and doctrines

of equity shall be in force only insofar as the circumstances of Uganda and of its peoples permit, and subject to such qualifications as circumstances may render necessary. Additionally, Islamic law is also applied in Kadhi's courts where all parties profess Islamic faith on questions of Muslim Law relating to personal status, marriage, divorce and inheritance issues. The body of laws emanating from the Constitution includes Acts of Parliament and subsidiary legislation made thereunder. Others are domesticated international treaties and conventions to which Uganda is Party; customary international law and norms and customs upheld by the community of nations as having the force of law between them.

## 2. Significant national legislation enacted

25. Some enacted national legislation domesticate and or derive their content from different Regional and International Human Rights Instruments, namely:

- **Geneva Conventions Act, Cap 363** – Domesticates certain Geneva Conventions, namely: Geneva Convention Relative to the Treatment of Prisoners of War (1949); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Ship-wrecked Members of Armed Forces at Sea (1949); Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field (1949); Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949).
- **International Criminal Court Act (2010)** – Domesticates the Rome Statute of the International Criminal Court (ICC).
- **Uganda People's Defence Forces (UPDF) Act, Cap 7 (2005)** – Provides for regulations and justice system of the UPDF.
- **Uganda Police (UPF) Act, Cap 303 as amended by Act No.16 (2006)** – Provides for functions, disciplinary code of conduct of the Police.
- **Equal Opportunities Act (2010)** – Establishes the Equal Opportunities Commission (EOC) and thus gives effect to Article 32 (3) and (4) of the Constitution.
- **Persons with Disabilities Act, 2006** – domesticates the Convention on the Rights of People with Disabilities.
- **Children Act, Cap 59** – Contains specific provisions on the care, protection and maintenance of children.
- **Employment Act, 2006** – Has provisions against forced labour, discrimination, sexual harassment; and other rights, e.g. length of working hours, annual leave, maternity and paternity leave; etc.
- **Land Act, Cap 227** – Provides for the rights of women, children or persons with disabilities regarding any decision taken in respect of land held under customary tenure. Since the customs, traditions and practices of the community concerned are to be followed, they must not deny women, children and persons with disabilities access to ownership, occupation or use of land.
- **National Environment Act, Cap 153** – Domesticates the international environment instruments. It expressly provides for the right to a clean and healthy environment and obligates each person to protect the environment. It also establishes the National Environment Management Authority (NEMA); which is responsible for managing and coordinating environmental issues.



- **Prisons Act, Cap 304** – Domesticates the UN Minimum Standard Rules for the Treatment of Prisoners.
- **Prohibition of Female Genital Mutilation Act (2010)** – Domesticates various Legislation that prohibit violence against women and girls.
- **Prevention of Trafficking in Persons Act (2010)** – Domesticates international laws prohibiting trafficking in women, children and others.
- **Access to Information Act (2005)** – Domesticates some aspects of the International Covenant on Civil and Political Rights.
- **Refugee Act, 2006** – domesticates the UN Conventions on the Rights of Refugees.

## B. Regional instruments

26. These include:

- **The Treaty Establishing the East African Community (EAC Treaty) (1999).** Under the Treaty, the Partner States are committed to promotion of human rights established under international, regional and national instruments. The EAC has major organs relating to the promotion of human rights such as the East African Court of Justice. The Plan of Action on the Promotion and Protection of Human Rights, enacted under the Treaty, which was initially designed for a period of one year (July 2008–June 2009); is under-going review and updating.
- **The African Charter on Human and People's Rights (1981).** The Charter established the African Commission for Human and People's Rights (1986). Its mandate is to promote and protect human rights and interpret the Charter. State Parties are enjoined under Article 62 of the Charter, to submit periodic bi-annual reports. In compliance therewith, Uganda has presented all four periodic reports.
- **The Protocol of the African Charter on Human and People's Rights of Women in Africa / Maputo Protocol. (2003).** Uganda became a party to this Protocol in 2010. The Protocol provides for the legal framework for the elimination of discrimination against women. It contains provisions on the rights to dignity; right to life; integrity and security of the person; and elimination of harmful practices. The provisions of this Charter are in conformity with Article 33 of Uganda's Constitution.
- **The African Union Convention on Internally Displaced Persons in Africa (2009).** The Convention was adopted at the Kampala AU Special Summit on Refugees, Returnees and Internally Displaced Persons [IDPs]. It provides a legal framework for protecting, assisting and finding solutions for millions of IDPs in Africa, as well as prevention of future displacement by addressing root causes of displacement.
- Under the **International Conference of the Great Lakes Region** framework, Uganda subscribes to the following Protocols, among others:
  - Protocol on Democracy and Good Governance;
  - Protocol on Economic Development;
  - Protocol on Humanitarian and Social Issues.

### **C. International instruments**

27. The International Human Rights Instruments Uganda has ratified (years indicated in bold), include:

- Charter of the United Nations Organization [1945] [**1962**]
- International Covenant on Civil and Political Rights [1966] [**1995**]
- International Covenant on Economic, Social and Cultural Rights [1966] [**1987**]
- Statute on the Establishment of the International Criminal Court [Rome Statute] [1998] [**2002**]
- Convention on Rights of the Child [1989] [**1990**]
- International Convention on the Elimination of All Forms of Discrimination [1965] [**1980**].
- Convention on Elimination of All Forms of Discrimination against Women [1979] [**1985**]
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment [1984] [**1986**]
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [1990] [**2006**]
- Convention on the Rights of People with Disabilities [1998] [**2006**]

## **III. Institutional framework**

### **A. The legislature**

28. Article 79 (1) of the Constitution empowers Parliament to make laws on any matter for the peace, order, development and good governance of Uganda.

29. Pursuant to the above mandate, Parliament has enacted several laws<sup>2</sup> operationalising the constitutionally-enshrined human rights and freedoms of citizens. Parliament has also established several bodies with powers to monitor, promote and protect human rights. These bodies include: the UHRC; EOC; Anti-Corruption Court; National Council for Children; National Council for Persons with Disabilities; etc.

### **B. The judiciary**

30. The Constitution, under Chapter 8, establishes the Judiciary as an independent and separate arm of Government. It plays an important role in the promotion and protection of human rights and freedoms.

31. Article 129 of the Constitution provides for the courts of Judicature as the Supreme Court; the Court of Appeal; the High Court; and such subordinate courts as Parliament may by law establish. Pursuant to this provision, Magistrates courts were established by the Magistrates Court Act, Cap 16; while the Local Council courts were established by Act 13 of 2006.

32. Article 132 of the Constitution provides that the Supreme Court shall be the final court of appeal. It also provides that an appeal shall lie to the Supreme Court from such decisions of the Court of Appeal or the Constitutional Court as may be prescribed by law.

33. Article 137 of the Constitution provides that the Court of Appeal shall constitute itself as the Constitutional Court when any question as to the interpretation of the Constitution is brought before it. Persons whose constitutional rights have been infringed upon by any Act of Parliament or any other law or by any act or omission by any person or authority, can petition the Constitutional Court for a declaration and for redress where appropriate.

34. The High Court of Uganda, as provided for by Article 139 (1) of the Constitution, has unlimited original inherent jurisdiction in all matters and such appellate and other jurisdiction conferred upon it by the Constitution or other law. This includes allegations of human rights violations.

35. The War Crimes Division was set up within the High Court pursuant to the passage of the International Criminal Court Act, 2010, which domesticated the Rome Statute of the ICC. The War Crimes Division is set to begin operations with the first person to be tried being Thomas Kwoyelo (LRA commander); for crimes ranging from wilful killing, taking hostages, extensive destruction of property and causing serious injury to people.

### **C. Uganda Human Rights Commission**

36. Article 51 of the Constitution establishes the UHRC as an independent National Human Rights Institution; and Article 52 empowers it 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;
- visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;
- establish a continuing programme of research, education and information to enhance respect of human rights;
- recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights or their families;
- create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;
- educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;
- 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; and
- monitor the Government's compliance with international treaty and convention obligations on human rights.

37. In the performance of its functions, the UHRC has powers of court 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; to question any person in respect of any subject matter under investigation before the Commission; to require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission; and to commit persons for contempt of its orders. If satisfied that there has been an infringement of a human right or freedom, the Commission may order:

- the release of a detained or restricted person;

- payment of compensation; or
- any other legal remedy or redress.

## **D. Inspectorate of Government/Ombudsman**

38. The Inspectorate of Government (“IGG”) is created under Article 223 of the Constitution, and is empowered under Article 225 to:

- promote and foster strict adherence to the rule of law and principles of natural justice in administration;
- to eliminate and foster the elimination of corruption, abuse of authority and of public office;
- to promote fair, efficient and good governance in public offices;
- supervise the enforcement of the Leadership Code of Conduct;
- promote fair, efficient and good governance in public offices;
- stimulate public awareness about the values of constitutionalism in general and the activities of its office in particular, through any media and other means it considers appropriate.

39. Under Article 227 of the Constitution, the IGG shall be independent in the performance of its functions; but shall be responsible to Parliament. Furthermore, under Article 230, it has power to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or public office.

## **E. Equal Opportunities Commission**

40. Pursuant to Article 32 (3) and (4) of the Constitution and Principle VI of the National Objectives and Directive Principles of State Policy, the EOC was established to give effect to the State’s constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the grounds of race, sex, age, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition, or custom for the purpose of redressing imbalances which exist against them; and provide for other related matters. Article 180 (2) (c) enjoins local governments to effectuate the provisions of Article 32.

41. The mandate of the Commission is to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of: organs of State; Statutory bodies and agencies; public bodies and authorities; private businesses and enterprises; NGOs; and social and cultural communities are compliant with equal opportunities and affirmative action in favour of marginalized groups.

## **F. Other constitutional and legal bodies on human rights issues**

### **1. Public Service Commission**

42. The Public Service Commission, established by Article 165 of the Constitution and the Public Service Act Cap 288, is an independent body charged with human rights aspects

of promotion of the principles of natural justice in appointments, promotion and discipline of officers in the public service, including district service commissions.

## **2. Electoral Commission**

43. Article 60 of the Constitution establishes the Electoral Commission (EC) as an independent body. In the performance of its functions, it is mandated, among other things, to ensure that regular free and fair elections are held; to hear and determine election complaints arising before and during polling; and to formulate and implement voter educational programmes. The Electoral Commission Act, Cap 140, operationalises Article 60 of the Constitution.

## **3. Uganda Law Reform Commission**

44. The Uganda Law Reform Commission, established under Article 248 of the Constitution and operationalised by the Uganda Law Reform Commission Act, Cap 25, is mandated to undertake reform of all the laws; including those related to human rights issues.

## **4. Other Commissions**

45. The Constitution also establishes other service commissions, namely: the Education Service Commission (Article 167); the Health Service Commission (Article 169); and District Service Commissions (Article 198).

## **G. Collaboration with international development partners**

46. Uganda has engaged both international and bilateral development partners in pursuing human rights-related development agendas within their respective mandates and available resources. Such partners include: the UN system's Country Team, especially the UNDP, OHCHR, WFP, UNICEF, UNHCR, UNFPA, WHO; and also the IOM, IMF / World Bank; etc. Uganda is among the few countries that host an OHCHR; which office has had very cordial working relations with Government.

47. At the bilateral level, the collaboration goes beyond the realm of enhancement of the human rights agenda to include sectors directly linked to the overall national development agenda.

## **H. Human rights, national security, peace, stability and the sovereignty nexus**

48. The Constitution, 1995, provides for the institutions of the Uganda People's Defence Forces [UPDF]; the Uganda Police Force (UPF); Uganda Prisons Service; National Security Council; intelligence services; etc. These are in place to secure the sovereignty of the people and territorial integrity of Uganda; within their separate but complementary mandates. Article 221 of the Constitution compels security agencies to observe and respect human rights and freedoms whilst in pursuit of their respective mandates.

## **I. Human rights and regional integration**

49. In the purposive placing of human rights at the centre-stage of the regional integration agenda, the EAC Treaty places the promotion and protection of human rights as

one of the fundamental principles of regional integration and underscores the conviction of Partner States that a threat to human rights in one State is a threat to human rights in others.

50. At the level of the wider Great Lakes Region, concerted efforts are being pursued at various levels to address threats posed by terrorist groups such as: LRA; Allied Democratic Front; National Army for the Liberation of Uganda; People's Redemption Army; *Interahamwe*; Al Shabaab; and Al Qaeda.

## **J. National Development Plan**

51. Uganda's NDP is designed to guide Uganda's development up to 2015. The Plan specifies five-year incremental actions to achieve the 30-year National Vision framework and enable Uganda to graduate from a least-developed (LDC) to a middle-income country. It prioritizes infrastructure, energy, health, education, water and human capacity building as key sectors for strategic intervention. The Plan emphasizes public-private partnerships and a continuation of export-led and market-driven development by 2015.

52. The NDP also has a chapter on human rights mainstreaming in the wider Social Development Sectors. It acknowledges the UHRC as the principal institution for promoting human rights. Key human rights-related tenets include promotion of equity in access to opportunities and democratic control of the resources of the country in all areas. The Chapter was developed in consultation with various human rights related sectors. It outlines commitments and strategies for enhancing in-built systems for promotion and protection of human rights.

## **IV. Civil and political rights**

### **A. Right to life vis-à-vis the death penalty**

53. Article 22 of the Constitution provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a Court with competent jurisdiction in respect of a criminal offence and the conviction and sentence having been confirmed by the highest appellate court. The right to life is extended to the life of an unborn child. The retention of the death penalty for capital offences was a result of the findings of the Constitutional Review Commission of 2005 to the effect that the majority of citizens supported it.

54. In the exercise of their powers, Courts of Law have power to decide whether a conviction on the above crimes carries the maximum penalty of death or any other sentence.

55. In the landmark case, **Attorney-General versus Susan Kigula and 417 Others, Constitutional Appeal no.3 of 2006**, the Supreme Court held that various provisions of the laws of Uganda which prescribed a mandatory death sentence were inconsistent with the Constitution insofar as they were contrary to the principles of equality before the law and of fair trial. The Court further held that "*where after three years from the date of sentence no decision has been made by the Executive to carry out the Court Order for execution of the convict, the death sentence shall be deemed commuted to imprisonment for life without remission*".

56. The above ruling by Court means that the death penalty is no longer mandatory for capital offences and leaves the decision whether or not to impose the death penalty solely in the hands of the presiding Judge; basing on consideration of all the relevant circumstances surrounding a particular case.

57. In addition a person sentenced to death may receive reprieve through the exercise of the Prerogative Mercy by H.E. the President in accordance with Article 121 of the Constitution.

## **B. Protection of freedom of conscience, expression, movement, religion, assembly and association**

### **1. Freedom to assemble and to demonstrate together with others peacefully and unarmed**

58. The Constitution, under Article 29 (1) (d), prescribes the right to freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition. However, this should be read together with other provisions in the same Constitution. These include: Article 43, which provides that in the enjoyment of the rights and freedoms prescribed in the Constitution, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest. Article 17 also provides for duties of a citizen, which include: the duty to respect the rights and freedoms of others; to protect and preserve public property; and to cooperate with lawful agencies in the maintenance of law and order.

59. The Constitution, therefore, in guaranteeing rights and freedoms of the individual, also imposes obligations and duties on the same individual while in the enjoyment of those rights and freedoms.

60. Article 212 provides for the functions of the UPF which include: protecting life and property; preserving law and order; preventing and detecting crime; and cooperating with civilian authority and other security organs and with the population generally. This Constitutional provision is operationalised by the Police Act. Section 35 provides thus: *“If the responsible Minister is of the opinion that it is desirable in the interests of public tranquillity, he or she may, by statutory instrument, declare that in any particular area in Uganda (hereafter referred to in this section as a “gazetted area”), it shall be unlawful for any person or persons to convene an assembly at which it is reasonable to suppose that more than twenty-five persons will be present unless a permit has been obtained under sub-section (2) by that person or those persons to convene the assembly”*. Pursuant to Section 35 of the Act, the responsible Minister has gazetted some areas for public assemblies and demonstrations. This practice is commonly undertaken in many countries worldwide.

61. However, the Constitutional Court, in the case of **Muwanga Kivumbi versus. Attorney-General, Constitutional Petition No. 9 of 2005**, held that: *“Section 32 (2) of the Police Act authorizing the Police to prohibit assemblies including public rallies or demonstrations is unconstitutional. Clearly, it would be giving Police powers to impose conditions which are inconsistent with the provisions of Articles 29(1) (d) of the Constitution which guarantee the enjoyment of the freedom to assemble and demonstrate”*. The Court, however, saved the powers of the Police to maintain law and order. In so doing, the Court recognized a fundamental Constitutional tenet.

62. It is equally important to read the Constitutional provisions on the right to public assemblies and demonstrations together with Section 65 of the Penal Code, Cap 120, which defines unlawful assemblies and riots. The law requires the organizers of public assemblies and demonstrations to inform the UPF to facilitate arrangements for their peaceful conduct; and for such public assemblies and demonstrations to take place in gazetted areas. This requirement has, at times, not been fully appreciated by organisers of public assemblies and demonstrations resulting in some mistakes of infringement of human rights by some law enforcement agents. In such cases, Government has been prompt and firm in response by holding such persons individually accountable for their actions.

63. The UHRC, in consultations with the UPF, has developed guidelines for promotion and protection of the right to public assemblies and demonstrations. The UHRC has recommended that Government takes these guidelines into consideration when finalizing the draft Public Order (Management) Bill.

## **2. Freedom of association**

64. Article 29 (1) (e) of the Constitution guarantees the right to freedom of association, which includes freedom to form and join associations or unions (e.g. trade unions, political and other CSOs). There are currently 6063 CSOs in Uganda. In the case of political parties, these provisions have been operationalised through the Political Parties and Other Organizations Act. In a 2005 referendum, Ugandans voted in favour of lifting the ban on political parties; which was effected in a Constitutional amendment. In the new political dispensation, 38 political parties registered and were allowed to participate freely in the February / March 2011 elections. Uganda. Government also introduced the National Consultative Forum and the Inter-Party Organization for Dialogue as mechanisms for political parties to discuss political issues of interest.

## **3. Freedom from torture, cruel, degrading and inhuman treatment or punishment**

65. Articles 24 and 25 of the Constitution guarantee protection from torture, cruel and inhuman treatment or punishment. Insofar as torture is concerned, Uganda ratified the Convention against Torture in 1986 and is in the process of domesticating it through the enactment of the Anti-Torture Bill. The draft Bill, prepared in consultation with, among others, a coalition of CSOs, is now before Parliament. The Bill includes provisions to the effect that persons who torture others will be held individually liable for their acts.

66. Uganda is party to the Robben Island Guidelines for the Prevention and Prohibition of Torture and is obliged to implement its provisions. The enactment of the Prisons Act in 2006 was marked as a milestone in reforming the Prisons Service. The Act, among other provisions, recognizes the rights and freedoms of in-mates and the rights of children to be detained separately from adults. Government has also initiated the 'Education – for – Inmates' program.

67. A Professional Standards Unit (PSU) has been established within the UPF to receive, investigate and take disciplinary action against UPF Officers found acting outside the law or infringing on rights of ordinary persons. Under the provision of Section 70 of the Police Act, Cap 303 as amended by Act No.16, 2006, a member of the public is entitled, without prejudice to any legal redress available to him / her, to make a complaint against any Police Officer. General complaints made include those related to mismanagement of cases; misconduct of Police Officers; unlawful arrests / detention; corruption, and torture / assault.

68. There has been a great improvement in the performance of the PSU as demonstrated by a number of indicators. For instance, corrupt practices by UPF Officers reduced from 208 cases in 2009 to 155 in 2010. This can be attributed to the Unit's expansion through the establishment of regional offices; acquisition of more personnel and equipment; and constant sensitization through the media. The Unit has created a network with other organizations and stakeholders e.g. Amnesty International, Human Rights Network (HURINET), IGG, and Anti-Corruption Coalition. Through this kind of networking, so many cases have been handled jointly.

69. The UPDF Act (2005) establishes the following force-disciplinary mechanisms: Unit Disciplinary Committee; Field Court Martial; Division Court Martial; General Court Martial; and Court Martial Appeal Court. The decisions of the Court Martial Appeal Court are subject to the right of appeal in a civilian Court of Appeal. The UPDF also has a



Directorate for Human Rights to ensure the observance and protection of human rights within and by the army and train staff as appropriate.

70. The UPDF also trains its staff on issues of observance and protection of human rights and has included in its training manual, provisions prohibiting torture or any other acts that may be described as cruel and inhuman.

71. The strategy of Government to instil discipline, professionalism and build capacity within the security forces, has contributed immensely to the level of improved human rights enjoyment in the country. It has also made it possible for Uganda and her citizens to be a major player in UN and AU peace support missions; e.g. AMISOM, UNAMID and UNAMIS; as well as in regional efforts to address the problem of the terrorist groups in the region.

#### **4. Right to be detained in gazetted places**

72. Places of detention are published in the Official Gazette. However, at times affected persons are ignorant about this information. Government has made considerable effort, within limited resources, to better-equip the UPF, through, *inter alia*, providing standard facilities at Police Stations; building capacity especially for the investigation teams to enable them carry out speedy investigations within the stipulated times; and engaging in continuous community policing aimed at crime prevention. This is also demonstrated by the recent construction of Police structures to cater for the detention facilities for child offenders and women.

73. The places of detention are situated within the buildings of the various Police Stations and Posts spread across the country. The entire Police detention cells have been gazetted; just like the Stations and Police Posts. 37% of the Police Stations country-wide have sanitation facilities found inside the cells; while 63% have toilets outside the detention facility.

#### **5. Right to security of person and property**

74. The Bill of Rights in the Constitution guarantees personal liberty, dignity, fair hearing; etc. There are also elaborate frameworks for the rights of suspects with regard to arrest and appearance before a judicial officer within stipulated times. Pursuant to the accountability requirement enshrined in Article 221 of the Constitution, the UPF, the UPDF and Prisons authorities have internal accountability mechanisms, such as the Codes of Conduct and internal complaints and disciplinary systems, for checking conduct of officers within their respective ranks.

#### **6. Freedom of speech and expression**

75. Article 29 (1) (a) of the Constitution guarantees freedom of speech and expression. The Press and Journalists Act, Cap 105, is in place to ensure press freedom, provide for a Council responsible for mass media and for establishment of an Institute of Journalists. Media reforms in the early 1990s allowed Uganda to develop a vibrant free media. Enjoyment of this freedom is demonstrated by the number of independent Government and privately-owned media outlets that are functional. Independent print media outlets have offered a range of opposition views some of which are often highly critical of the Government. There are 245 private Radio Stations, 15 Television Stations and more than 2 dozen daily and weekly newspapers; reporting freely on local politics and other developments. There is unrestricted internet usage and the number of internet service providers has grown rapidly in recent years; although access remains limited mostly to major urban centres.

76. Judicial pronouncements and legislative amendments regarding media laws presumed to be inconsistent with the Constitution have played an important part in entrenching media freedom. Several provisions namely, on publication of false news, sedition, etc. which tended to restrict media freedom, have been declared unconstitutional and are being scrapped off Uganda's penal laws. The Constitutional Court, in **Andrew Mujuni Mwenda and the East African Media Institute versus Attorney-General, Constitutional Petition No. 3 of 2006**, declared the law on sedition as redundant and should thus be removed from the Penal Code.

77. Following the July 2010 terrorist attacks in Kampala which cost about 78 lives, orchestrated by various terrorist groups in the region, (e.g. Al Qaeda; Al Shabaab); etc.), Government strengthened counter-terrorism measures and strategies, including through the enactment of the Regulation of Interception of Communication Act, 2010. This approach is practiced by many countries around the world to counter terrorism.

## **7. Right to vote/universal adult suffrage**

78. Article 59 of the Constitution guarantees Ugandan citizens of 18 years and above the right to vote. Uganda held Presidential, Parliamentary and Local Council elections in 1996, 2001, 2006. The most recent elections were held in February and March 2011. It was widely acknowledged that these elections were more peaceful compared to the past elections. This was also confirmed in the reports of various international observers. This was because the EC was, among other improvements, more facilitated than before; more computerized in the registration process; and faster in delivery of results to the main tally centre. Courts of Law are currently addressing instances of complaints from some of the aggrieved parties. It should be noted that because of limited resources and capacity to carry out massive country-wide voter education, some challenges still exist in our electoral process.

79. Government has identified areas requiring further improvement in the electoral process, namely: the management of the Voters' Register, which will be improved with the issuance of the National Identity Cards; the printing of Voters' Cards and their security; and conduct of appropriate civic and voter education by UHRC and the EC, respectively. Government is considering positive comments made by some of the international observers to improve the electoral process.

# **V. Economic, social and cultural rights**

## **A. Economic growth stimulus strategies**

80. Government affirms its role, pursuant to Principle XI of the National Objectives and Directive Principles of State Policy enshrined in our Constitution, to promote national development. Government recognizes poverty as a negative cause and effect in the promotion and enjoyment of human rights. It has put in place a package of stimuli to address this problem especially in rural areas. This package includes programmes such as: 'Prosperity for All' ("*Bonna baggagawale*"); National Agricultural Advisory Services (NAADS); Savings and Credit Cooperatives Organizations (SACCOs); Northern Uganda Social Action Fund (NUSAF); Youth Empowerment Fund; etc. Implementation of this package is yielding positive results and contributing to the realization of the Millennium Development Goals (MDG).

81. Government is committed to ensuring that Uganda gets out of the LDC's group to a middle income country in the medium term. Government is also committed to ensuring that

proceeds from our natural resources now being exploited, such as oil, are invested into productive sectors of the economy.

## **B. Right to health**

82. Government recognizes the positive correlation between a healthy population and productivity. It is in that context that the health sector is one of the areas for priority strategic intervention. A National Health Policy (NHP) was adopted in 2009 followed by a Health Sector Strategic Investment Plan (HSSP). In addition, the MDG Acceleration Framework (MAF) to facilitate prioritization of interventions under maternal health sector is in place. The Framework assists in the identification of bottlenecks that impede implementation of these interventions and identifies solutions thereto and sustain or accelerate impact on the ground. Based on the application of the MAF, the Government will develop a joint action plan for maternal health to consolidate sector commitments, and tap the commitments of other stakeholders such as NGOs, the private sector, bi- and multi-lateral donors and the UN system in Uganda, towards accelerated progress.

83. In 1992, Government established the Uganda AIDS Commission (UAC) to coordinate the National Strategy to Combat HIV/AIDS. The UAC is joined in this effort by several NGOs, including the world famous AIDS Support Organization (“TASO”).

84. Owing to these multiple health-sector efforts, life expectancy increased from 45 years in 2003 to 52 years in 2008; HIV prevalence has stabilized at between 6–7% in 2008 up from 30% in the 1980s; polio and guinea worms have nearly been eradicated though concerns exist about the re-emergence of polio cases due to cross-border migration. Prevalence of other vaccine-preventable diseases has declined sharply. Several measures, including the provision of free treated mosquito nets to children below five years of age and pregnant women have reduced mortality.

85. Between 1995 and 2005, Under-Five Mortality Rates declined from 156 to 137 deaths per 1,000 live births. Infant mortality rates decreased from 85 to 75 deaths per 1000 births. Maternal mortality rates reduced from 527 to 435 per 100,000 live births between 1995 and 2006. We acknowledge that despite the slight drop in maternal mortality rates, it is still short of the 2015 MDG’s target of 131. Government is committed to making more budgetary allocations to the health sector this Financial Year. Shs. 24 billion (Twenty-Four billion shillings) has been earmarked to improve maternal and reproductive care, in addition to rehabilitation of Mulago National Referral Hospital and building of a maternal and child health-care centre. This will supplement the US\$ 130m committed in last year’s budget to improve maternal and reproductive health over five years. Uganda’s elimination of user-fees at State-run health facilities earlier in 2001 has resulted in an 80% increase in visits.

86. Malaria, Tuberculosis and HIV/AIDS remain the leading causes of morbidity and mortality. Seventy percent (70%) of overall child mortality is due to malaria, acute respiratory infections (ARIs), diarrhoea and malnutrition. Non-conventional diseases are an emerging problem. These include hypertension, cardio-vascular diseases, diabetes, chronic respiratory diseases, mental illness and accident-based injuries. There is need to address the challenges related to human and logistical resources under this sector.

## **C. Right to education**

87. Uganda adheres to the Universal Declaration on Human Rights (UDHR), which advocates for free compulsory elementary education for all people. Article 30 of the Constitution guarantees all persons the right to education. Furthermore, Principle XVIII of the National Objectives and Directive Principles of State Policy, mandate the State to

promote free and compulsory basic education, and to take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible. Parliament has enacted several laws to operationalize these Constitutional provisions, namely: the Education Act; Children Act; University and Other Tertiary Institutions Act; etc. The Government introduced free Universal Primary Education (UPE) in 1997 and Universal Secondary Education (USE) in 2007. Through the Education Sector Strategic Investment Plan (1997–2003) and Vision 2025, the Government made a commitment to addressing education as a development priority.

88. The increased political and financial support to UPE is a promising sign of greater domestic and international attention to creating a basis for effective recognition and implementation of the right to education. Integration of human rights into the sectoral strategy for education has been facilitated by the successes registered under UPE. This has created an environment for translating the right to education into a reality. In 2007, USE was introduced to cater for the growing number of Primary School leavers who were dropping out of school for lack of school fees. This policy has seen a tremendous increase in the numbers enrolled.

89. Government remains committed to improving education. The share of the national budget to education has been on the increase; i.e. from 13.7% (1990) to 24.7% (2008). In the 2010/2011 budget, funds for the education sector increased to Shs. 1.13 trillion from Shs. 1 trillion in 2009. An additional Shs. 115.9 billion has been allocated in the Financial Year 2011/2012.

#### **D. Right to clean and healthy environment**

90. Article 39 of the Constitution provides that every Ugandan has a right to a clean and healthy environment. The National Environment Act, 1995, is the framework law on environment. It established the NEMA as the principal Government Agency for the coordination and management of environmental issues. Government takes seriously the challenges posed by climate change on the enjoyment of human rights. Uganda participates actively in regional and global efforts to mitigate and ameliorate the effects of climate change.

91. Uganda ratified the World Health Organization's Framework Convention on Tobacco Control in 2002 and has undertaken implementation measures pursuant thereto. Parliament also enacted the National Water and Sewerage Corporation Act and the Local Government Act. Government adopted the National Water Policy in 1999. This Policy is based on the principle, "some for all", rather than "all for some", adopted from the 1990 "New Delhi Statement" to guarantee access to water for all. The major challenge here remains resource constraints which limit access, particularly of the rural areas, to environmentally-clean and healthy facilities.

#### **E. Right to decent accommodation**

92. The Ministry of Lands, Housing and Urban Development and Kampala Capital City Authority (KCCA), with support from the Governments of Belgium and France, are embarking on the Kampala Integrated Environment Management Project, and the Kampala Urban Sanitation Project respectively.

93. The KCCA is also engaged in the formulation of a strategy to uplift slums. The formulation of a National Slum Upgrading Strategy will lead to a detailed policy framework on slums and an Action Plan that will provide a basis for a national effort

towards the realization of the MDGs Goal 7, Target 11 which aims at improving the overall living conditions of the people living in slums.

## **F. Right to work and rights at work-places**

94. Article 25 of the Constitution guarantees workers protection from slavery, servitude and forced labour. The Employment Act, 2006, promotes and protects the right to work. Other laws that protect the safety and other rights of workers include: the Occupational Safety and Health Act; National Social Security Fund Act; Workers Compensation Act; and the Labour Disputes and Settlement Act. All these laws have been enacted in line with standards set by the International Labour Organization (ILO).

95. An Employment Policy is in place and Government has established a Youth Employment Fund to provide seed capital for unemployed youth to start small businesses. Government is also expanding establishment of Vocational Training Institutions to provide skills for youth. The following regulations have also been approved:

- Employment Regulations, 2011
- Employment (Sexual Harassment) Regulations, 2011
- Labour Unions Regulations, 2011
- Access of Union Officials to Work-Places, 2011
- Check-off Regulations, 2011
- Employment (Children) Regulations, 2011
- Workers' Compensations, 2011
- Industrial Court (Rules of Procedure), 2011
- Labour Disputes Arbitration and Settlement (Mediation and Conciliations) Regulations, 2011.

## **VI. Rights of marginalized groups**

96. Article 32 of the Constitution provides for affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. The Equal Opportunities Commission Act is intended to promote the elimination of discrimination and marginalization of such individuals and groups. Government has developed a data-base on ethnic minorities stipulating their livelihood, challenges and policy areas for interventions. A Program and an Action Plan on Minorities are also being developed.

### **A. Rights of children**

97. Current estimates put the proportion of children to the total population to be at 56%. The Children Act, (Cap 95), contains the broad spectrum of rights for children that include: rights to education; medical treatment; protection from economic and social exploitation; separate detention places in case of arrest for criminal offences; etc. It establishes the National Council for Children.

## **B. Rights of women**

98. There is a separate Ministry for Gender, Labour and Social Development with mandate to handle, *inter alia*, gender-related issues. A National Council for Women is functional. Article 33 of the Constitution guarantees the rights of women. The Domestic Violence Act, 2010, seeks to protect victims of domestic violence and punish perpetrators. To curb the practice of female genital mutilation (FGM), which is still practiced by some communities, Parliament passed the Prevention of Female Genital Mutilation Act, 2009. It criminalizes the practice of FGM, provides for the prosecution of offenders and seeks to protect victims.

99. Government has adopted the following policies to support gender mainstreaming: National Gender Policy; Equal Opportunities Policy (and its Action Plan); National Policy on Disability and Elderly; National Youth Policy; Employment Policy; National Child Labour Policy; and the National Policy on HIV and World of Work. The National Action Plan on Women was adopted to promote gender mainstreaming in all development plans and programmes. It also promotes affirmative action in political representation at various positions e.g. each of the 112 districts has an elected Woman District Member of Parliament; and girls are added 1.5 points in entry into institutions of higher learning. The National Development Plan also contains specific action plans to mainstream gender issues in all aspects of development.

## **C. Rights of people with disabilities**

100. Parliament enacted the People with Disabilities Act, 2006. This Act is in line with the UN Convention on the Rights of People with Disabilities (PWDs). The Act promotes affirmative action for PWDs in: education, access rights, voting rights, right to work, etc. Since 2001, PWDs have been represented in both Parliament and Local Councils. Pursuant to enactment of the Equal Opportunities Commission Act, Government has a Cabinet Minister responsible for PWD issues. The National Council for Disability Act, 2003, establishes the National Disability Council.

101. Government is also compiling its Initial Report on the UN Convention on the Rights of PWDs. The draft Report will be presented in time as per the applicable UN Treaty Body guidelines. Consultations are on-going with the relevant stakeholders. Challenges still exist over provision of access facilities for PWDs to and within private / commercial properties. Government is also engaging institutions of learning to adopt the use of brailles; and for universities and other higher institutions to use voice-abled computer programmes as learning aides. Government is also conducting sensitization and legal rights' programmes for the PWDs. There is also a programme on community-based rehabilitation aimed at supporting the PWDs in skills training and capacity building. Uganda hosted the Disability Forum formed during the Commonwealth Heads of Government Meeting (CHOGM) of 2007 in Kampala. Government has also put in place the Social Cash Transfer Program to help the elderly access basic education and health care.

## **D. Rights of indigenous people**

102. Uganda has indigenous communities who include the Batwa in the West; Benet in the Mt. Elgon region; the Tepeth in Karamoja; and others in other remote locations. While it is acknowledged that their situation is still unsatisfactory, Government is actively seized of the matter and continues to pursue the delicate path of accommodative dialogue with them; with a view to minimizing any disruptive approaches to the lifestyle and traditions of the concerned communities.

## **E. Rights of refugees**

103. The Refugees Act, 2006, provides for a legal mechanism for the protection of refugees. Its provisions are in conformity with the UN Conventions relating to the Status of Refugees (1951) and (1967); and others. The AU Convention on Internally Displaced Persons (IDPs) was adopted at the 2009 Kampala Summit on IDPs, Refugees and Returnees. The Convention, which Uganda has ratified, provides a legal framework for protecting, assisting and finding solutions for millions of IDPs in Africa; as well as prevention of future displacement by addressing root causes of displacement. Uganda has, since independence, been a major host to a number of refugees from neighbouring countries, e.g. Rwanda; DR Congo; Sudan; Kenya; etc.

## **VII. Corruption**

104. As part of efforts to strengthen governance, Government has put in place the necessary legal and institutional frameworks to fight corruption. These include: the Ministry of Ethics and Integrity; the Leadership Code Act; Anti-Corruption Act; etc. International Conventions such as the UN Convention against Corruption; and the UN Convention against Trans-national Organized Crime, have been ratified. Independent institutions such as: IGG; Directorate of Public Prosecutions; Public Accounts Committee of Parliament; Anti-Corruption Court; etc. are in place. Oversight committees of Parliament are all chaired by members from Opposition Parties. Government is committed to strengthening the investigative and prosecutorial functions to ensure that cases of corruption are handled expeditiously and irrespective of status of accused persons. For example, the NRM Government is on record to have put an Army Commander, a Chief of Military Intelligence and a Chief of Staff on trial for cases of alleged fraud and embezzlement of public funds.

## **VIII. Sexual orientation issues**

105. Article 31(2a) of the Constitution prohibits marriage between persons of the same sex. Sections 145 and 146 of the Penal Code prohibit same sex relations. While the Constitution, under Chapter Four, guarantees rights of persons, it also imposes duties and obligations on them to ensure that in the enjoyment of such rights, they do not infringe on the rights of others. Those who practice and / or support lesbian, gay, bisexual, transgender and intersex (LGBTI) issues continue to push for their recognition as a right. There is information of covert recruitment, of especially our children and youth, into such practices which we consider to be detrimental to the moral fabric of our society. In Uganda, there is an overwhelming consensus that such practices are untenable; and thus culturally and legally unacceptable. It is our considered opinion that such practices remain a matter of private choice. There should be no promotion of those practices.

## **IX. Challenges and recommendations on way forward**

106. During the consultative process, some challenges and / or constraints in the promotion, protection and enjoyment of human rights were identified. These included, among others, in the areas of: capacity building and quality service delivery; mainstreaming of human rights issues in all aspects of governance; poverty; public awareness of human rights issues; corruption; infrastructural development; climate change; etc.

107. Government has adopted a recommendation for a National Action Plan (NAP) to be developed as part of a follow-up mechanism on issues raised in this Report and the anticipated recommendations from the results of the UPR review. Elements for consideration under such a NAP include, but are not limited to:

(a) A dedicated entity and comprehensive coordination mechanism on human rights issues which spell out processes and frameworks for ratification, domestication and implementation of Instruments; and measures for monitoring, evaluation and reporting on implementation.

(b) Specific measures to strengthen capacities of various human rights institutions, including:

- provision of requisite resources (i.e. financial, human, logistical, technical, technological etc.) as well as human resource development to enable them to fully and effectively fulfil their respective mandates; and
- Capacity building for Local Councils on matters of law and human rights especially in areas of para-legal training, community policing, complaints management; etc.

(c) A well-defined strategy for sensitization and raising of public awareness from the grassroots to the national level (including for law enforcement and security personnel) on human rights issues through, *inter-alia*:

- Civic education by UHRC;
- Voter education by the EC; and
- Inculcating human rights in the education curriculum of schools.

(d) Ways and means to address the challenge of a costly justice system; especially for the poor. Measures needed include:

- Making the legal process less technical and more affordable; and
- Strengthening and promoting *pro bono* legal services (legal aid) and small claims courts.

(e) A strategy for mainstreaming human rights in all aspects of governance.

(f) Strengthened and / or broadened anti-corruption measures such as:

- Timely and effective investigative and prosecutorial procedures;
- Comprehensive forfeiture laws and practices against all those found guilty of corruption;
- Imposition of stiff custodial sentences;
- Strengthened oversight function of Parliament on accounting, procurement, and internal audit function, including Parliament directly vetting officials handling such functions;
- Strengthened use of Information Communication Technology in financial management systems and transactions; and
- Wide dissemination of the Whistle-blowers' Protection.

(g) A Competition Policy and Law; and establishment of a Competition Regulatory Commission to regulate competition-related issues in the market.

(h) Creation of an independent body to determine emoluments, pensions and gratuity in all arms of State.



- (i) A review of Parliamentary Rules of Procedure to set time limits for disposition of Bills before it.
- (j) Address issues pertaining to actual or perceived geographical and other imbalances in public sector employment;
- (k) Conducting internal annual periodic reviews.

## **X. Conclusion**

108. It is evident from the foregoing that Uganda has adequate legal, policy and institutional frameworks and measures for addressing issues pertaining to the sustainable promotion, protection and enjoyment of human rights. These frameworks and measures have contributed to successes realized in areas such as: HIV/AIDS control; access to education through UPE and USE; gender mainstreaming; inter-faith harmony; vibrant media; democratic governance; etc. Government is committed to continue strengthening cooperation, coordination and partnerships with all stakeholders, including development partners; with a view to achieving a sustainable path in the promotion and enjoyment of human rights in the country.

### *Notes*

<sup>1</sup> Referred to in Paragraphs 26 and 27 of this Report.

<sup>2</sup> Paragraph 25 of this Report.

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