



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination***

UGANDA

1. The Committee considered the second to tenth periodic reports of Uganda, which were due biennially from 21 December 1983 to 21 December 1999, submitted as one document (CERD/C/358/Add.1), at its 1562nd and 1563rd meetings (CERD/C/SR.1562 and 1563), held on 7 and 10 March 2003. At its 1577th meeting (CERD/C/SR.1577), held on 19 March 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the second to tenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation, and expresses its appreciation for the opportunity to resume its dialogue with the State party after a lapse of 20 years. The Committee hopes that the State party will hereafter ensure the timely submission of its periodic reports, as required by article 9 of the Convention.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add....

B. Positive aspects

3. The Committee welcomes the establishment of the Ugandan Human Rights Commission, which represents a positive step in combating violations of human rights and promoting the implementation of the Convention. In addition, the Committee commends the Commission for the important role it plays in disseminating human rights information, inter alia by introducing human rights education in training schools for police, army and prison officers.

4. The Committee notes with satisfaction that the State party enacted a new Constitution in 1995 which incorporates the basic provisions of the Convention, particularly the right to equality before the law and the prohibition of racial discrimination.

5. The Committee takes note of the adoption of legal measures taken to redress past cases of racial discrimination, namely those concerning compensation for Ugandans of Asian origin who were arbitrarily expelled and their property expropriated after 1971.

6. The Committee notes the considerable investment made by the Government in the area of education and welcomes the information provided by the delegation regarding the extension of the Universal Primary Education programme to all children of school-going age.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the severe political, economic and social difficulties facing the State party have had a negative impact on the situation of the most vulnerable parts of the population, notably children, refugees and minorities. In particular, the Committee notes that poverty, internal armed conflict in the north, and the HIV/AIDS pandemic have added to the difficulties which may exist in the implementation of the Convention.

D. Concerns and recommendations

8. Noting the current efforts made by the State party to develop and modernize its data processing, the Committee regrets the lack of disaggregated data or precise information on the ethnic composition of the population and on the socio-economic situation of ethnic and national groups. The Committee reminds the State party of general recommendations IV and XXIV and calls upon it to include in its next periodic report more complete information on this issue, as well as on the representation of the various ethnic groups in public bodies and institutions.

9. In the light of the constitutional provision stipulating that the State shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason, for the purpose of redressing imbalances which exist in relation to them, the Committee requests that the State party provide in its next periodic report additional information relating to the practical implementation of this provision in accordance with article 2, paragraph 2, of the Convention.

10. While noting with satisfaction the legislative measures and judicial mechanisms in place to ensure the return of property to persons of Asian origin, the Committee regrets that such measures have not been fully carried through, due mainly to insecurity in the country and the lack of adequate administrative measures. The Committee invites the State party to provide in

its next periodic report additional information regarding further possible measures or mechanisms which may be adopted to fully indemnify all the victims of such expropriations and address the increasing number of applications.

11. The Committee notes with concern that no information has been provided in the report on cases relating to the offence of sectarianism, included in the Penal Code in 1998. Accordingly, the Committee recommends that the State party provide such information in the next periodic report, including information on the number of complaints received and cases prosecuted under the Penal Code, as well as on the sentences pronounced against those found guilty and remedies provided to the victims.

12. The Committee also expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention. The Committee recommends that the State party revise its Penal Code in order to implement fully the provisions of article 4.

13. The Committee notes the insufficiency of information on the participation of minorities in the economic and social development of the country. The Committee reiterates its request for disaggregated data on access to health care, housing and employment by persons belonging to ethnic and national minorities.

14. The Committee is concerned by reports of the difficult human rights situation of the Batwa people, particularly in relation to the enjoyment of their rights over lands traditionally occupied by them, and requests information on their situation in accordance with general recommendation XXIII.

15. The Committee expresses concern about allegations of abuses committed by Ugandan forces against members of particular ethnic groups in the Democratic Republic of the Congo. The Committee urges the State party to comply fully with Security Council resolutions 1304 (2000) and 1332 (2000).

16. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

17. The Committee encourages the State party to provide support to the Ugandan Human Rights Commission and to take into consideration the recommendations that the Commission submits to Parliament. The Committee requests that in its next periodic report, the State party provide additional information on the specific activities and achievements of the Commission, particularly with regard to the implementation of the Convention.

18. While acknowledging the efforts that the Government has made to combat HIV/AIDS, the Committee is concerned about the rapid spread of this disease which affects the population

throughout the country, particularly marginalized ethnic groups. The Committee recommends that the State party continue to develop strategies in this regard and that, in this context, due consideration be given to the specific situation of women.

19. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and urges the State party to consider the possibility of doing so.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002 in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

22. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

23. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

24. The Committee recommends that the State party submit its eleventh periodic report jointly with its twelfth and thirteenth periodic reports, due on 21 December 2005, and that it address all points raised in the present concluding observations.
