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Replies of Uganda to the list of issues in relation to its second periodic report*

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Introduction

1. Uganda being a signatory to the ICCPR submitted her National Periodic Progress Report on observance of Human Rights and Obligations on 19th November, 2020. The report was submitted in compliance with article 40 of the ICCPR and was considered at the 135th Session of the Human Rights Committee which adopted a list of issues on the report.
2. Uganda has studied the issues raised by the Committee and has the honor to provide responses as additional input to the Report submitted. This report, therefore, contains measures that Government has put in place since the submission of the report under review and therefore, covers the period 2020 to 2022. It also contains information on measures that were in existence at the time of reporting but were not captured in the report.

Responses to the issues raised

1. Constitutional and Legal Framework within which the Covenant is implemented (Article 2)

3. In addition to the constitutional provisions, the Government of Uganda (GOU) has enacted laws that facilitate the implementation of the ICCPR. These include; the Anti-Money Laundering Act, 2013 particularly Section 113 (6)(d) which protects a person for whom an extradition has been requested to a State where the person would be subjected to torture or cruel, inhuman or degrading treatment or punishment or where the person would not receive the minimum guarantees in criminal proceedings, as contained in Article 14 of the ICCPR; the National Council for Older Persons Act, 2013 which establishes the National Council for Older Persons and provides for its composition and functions as well as the election of representatives of older persons; the National Council for Disability (Amendment) Act, 2013 introduces Schedule A to provide for elections of representatives of persons with disabilities; Section 104A of the Children's (Amendment) Act, 2016 which prohibits the death sentence for any person below the age of eighteen, in compliance with Article 6(5) the ICCPR; the Data Protection and Privacy Act, 2019 which protects the privacy of the individual and of personal data in compliance with Article 17 of the ICCPR; The Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act, 2019 which outlawed mandatory death penalty in compliance with Article 6 of the ICCPR.

4. Additionally, the Parliamentary Elections (Amendment) Act, 2020, operationalized Articles 32 (1) and 78 (1) of the Constitution to provide for five representatives of older persons in Parliament and the manner of their election; the Political Parties and Organisations (Amendment) Act, 2020 prescribes a code of conduct for political parties and organisations as required by Article 71(2) of the Constitution; the Prevention and Prohibition of Human Sacrifice Act, 2021 criminalizes human sacrifice; the Succession (Amendment) Act, 2022 enhances equal access to property rights for women and addresses cultural and historical injustices in compliance with Articles 2 and 26 of the ICCPR.

5. The provisions of the ICCPR have been applied by the Supreme Court in the determination of the rights of the citizens. The Supreme Court in the case of *Charles Onyango Obbo and Andrew Mujuni Mwenda vs Attorney General Constitution Appeal No.2 of 2002*, applied Article 10 of the ICCPR in determining the definition of the right to freedom of expression. Similarly, the Supreme court in the case of *Uganda vs Thomas Kwoyelo Constitutional Appeal No. 01 of 2012* relied on Article 6 of the ICCPR in the determination of alleged discriminatory treatment in the grant of amnesty. The decisions of the Supreme Court are binding on all the lower courts under the principle of precedents and therefore, the lower courts may apply the ICCPR where it is relevant.

6. Article 2 of the Constitution provides that the Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda and renders any other law or custom inconsistent with any of the provisions of the Constitution, void to the extent of the inconsistency. In light of this, customary practices such as child sacrifice, female genital mutilation and other repugnant practices have been outlawed.

7. The various enactments cited above domesticated specific articles of the ICCPR in consonance with Article 287 of the Constitution which provides for the continuation of treaties and conventions to which Uganda is a party. Additionally, the Constitution recognizes international law and treaty obligations as one of the principles of its foreign policy contained in Objective XXVIII (b) of the National Objectives and Directive Principles of State Policy and Article 45 of the Constitution.

8. Although the National Action Plan on Human Rights (NAPHR) is yet to be processed and approved, its implementation is ongoing through targeted activities and interventions of various Government institutions within the overall framework of their specific mandates. This is backed by the NDP III which references the NAPHR as a guiding document for implementation of Government programs under a human rights-based approach.

9. The GOU has over the years progressively increased funding to the Uganda Human Rights Commission (UHRC) to facilitate the performance of its functions. The GOU financing for the FY 2021/2022 stands at 20.897 billion shillings which is an increase from 18.903 billion shillings in the previous financial year. Cumulatively, the total financing for both the GOU and development partners to-date stands at 21.876 billion shillings.

10. In regards to staffing levels, the UHRC has a total of 193 staff members. It is noteworthy that the Government fully instituted the Commission to enable it have quorum for the tribunal and therefore, perform its functions.

11. The accumulated case backlog is attributed to the Covid-19 restrictions that limited mobility of complainants, witnesses and the Commission's ability to conduct field investigations. UHRC plans to hold special sessions at regional offices with the highest case load; to use Alternative Dispute Resolution methods, particularly mediation; increase resource mobilization within Government and Development Partners through the Access to Justice Sub-Programme as a strategy to plug resource gaps; carry out cases census and weeding out of redundant and abandoned complaints; and map and prioritize the clearance of backlog cases at both investigation and tribunal stages.

12. Different Ministries, Departments and Agencies (MDAs) have developed strategies to clear outstanding compensation awards and are at varied levels of disbursements to victims of human rights violations. There are no outstanding compensation awards against the Ministry of Justice and Constitutional Affairs. The Ministry of Defence and Veteran Affairs (MoDVA) prioritizes payment of compensation awards relating to human rights when settling claims against the Ministry. To date, 20% of the claims have been paid, 14% of the claims were approved and are pending payment and 66% of the claims are still under investigation. In order to clear the outstanding awards, the MoDVA has adopted a system of batching awards following the sequence of receipt from the courts and the UHRC in order to ensure that earlier awards are cleared before subsequent ones. It has put in place an outstanding compensation committee headed by the Permanent Secretary of the Ministry.

13. The payment of outstanding compensation awards by the Uganda Police Force (UPF) is still low owing to limited budgetary allocations. The UPF has, however, devised a number of strategies intended not only to settle payment claims but also to deter Police officers from engaging in human rights violations in the course of duty. The strategies include; invoking individual responsibility against individual violators to pay the awards to the victims; sensitization of officers on the effects of human rights violations to avoid new cases; lobbying for more funds to clear the existing arrears. The Uganda Prisons Service (UPS) has also continued to budget for the payment of compensation awards and is currently in the process of paying UGX 329,588,000/= to 14 complainants which will constitute 100% payment of all outstanding claims against UPS.

14. The Constitution was developed through a highly consultative process involving all Ugandans and therefore embodies the wishes and aspirations of the citizens of Uganda. The Constitution mandates the President to appoint members to the UHRC and Article 51 requires the approval of the appointees by Parliament. This ensures oversight over the appointing mandate of the executive and therefore the appointment is not unilateral. Further, Article 54 establishes the independence of the UHRC in the performance of its duties without the direction or control of any person or authority. This is buttressed by Article 56 of the Constitution which ensures tenure of office for the members of the Commission by limiting

their removal from office to the same standard set for the removal of a High Court Judge. The UHRC's independence is further guaranteed by the fact that the Commission only reports to Parliament on the state of human rights and publishes its annual reports for purposes of accessibility by the public.

15. The National Transitional Justice Policy, 2019 was developed through a consultative and participatory process involving victims, war affected communities, civil society organizations, cultural and religious leaders, local government and other stakeholders. The consultations informed the Government recognition of the traditional justice mechanisms such as *mato oput*, *ailuc*, *tono ci coka*, etc. as practiced by some communities in Uganda; amnesty and reparations as transitional justice mechanisms which better resonate with local people's sense of justice. One of the guiding principles of the Policy is victim centeredness.

16. Various steps have been undertaken to implement the National Transitional Justice Policy, 2019 including dissemination of the Policy to the public through regional radio programmes, print and electronic media; development of manuals and guidelines to facilitate traditional and informal justice; ensuring accountability through effective prosecutions before the International Crimes Division of the High Court; approval of the establishment of a Department within the Ministry of Internal Affairs to lead coordination and implementation of the Policy. The Amnesty Commission, working hand in hand with the traditional leaders and the community, resettles and reintegrates ex-combatants and abductees.

17. Other interventions include, training of reporters and victims in agricultural management skills to empower them to earn a living, including provision of handy tools such as hand hoes and spray pumps as well as in metal fabrication skills and these are now operating their respective workshops as a business enterprise and sustaining themselves. Government provides the training on an assessment of needs basis to ensure long term skill empowerment as opposed to cash handouts. Government is also implementing the ICC victims' compensation fund in the affected areas. To address psychosocial issues and enhance conflict management, regular dialogue and reconciliation meetings are held between reporters and the communities in the affected districts.

18. Government intends to operationalize the policy through enactment of a transitional justice law whose principles have been submitted to Cabinet Secretariat for scheduling for Cabinet consideration and approval. This approval will inform the roadmap for the drafting, debate and enactment of the Transitional Justice Bill.

2. Anti-Corruption Measures (Articles 2 and 25)

19. GOU continues to expand its policy, legal and institutional framework and further strengthen anti-corruption enforcement action. In 2018, Government passed the Zero Tolerance to Corruption Policy to provide, guide and support a holistic framework for fighting corruption for national transformation and development. In 2019, Government developed and adopted the 5th National Anti-Corruption Policy 2019–2024 to guide in the implementation of the Zero Tolerance to Corruption Policy, 2018. In addition, anti-corruption legislative amendments have been enacted. These include the Anti-Money Laundering (Amendment) Act, 2017, the Public Procurement and Disposal of Assets (Amendment) Act, 2021, the Leadership Code (Amendment) Act, 2021; and the Whistle Blowers Act, 2010.

20. In regard to the institutional framework, in 2018, Government put in place a State House Anti-Corruption Unit (SHACU) with a hotline where the public can make its reports to enhance coordination of anti-corruption enforcement actors with greater oversight by the H.E. the President. For the period from 1st July, 2020 to 30th September, 2022, SHACU recovered a total amount of UGX 41.6 billion from inflated Covid-19 relief food prices; UGX 4.5 billion from Local Governments; UGX 3.6 Billion from inflation compensation of Bukasa Inland Port Affected Persons; and UGX 2.9 billion worth of drugs stolen from the Joint Medical Stores. In 2020, the Leadership Code Tribunal (LCT) was operationalized to enforce the Leadership Code Act, 2002 as amended. The LCT has since concluded cases which resulted in fines totalling UGX 10.9 million.

21. Anti-corruption enforcement, both criminal and administrative has also been progressively enhanced. For instance, for the last three financial years, the Office of the

Auditor General (OAG) carried out 6,763 Financial compliance Audits through which loss of funds was averted and UGX 175 billion was recovered. The Public Procurement and Disposal of Public Assets Authority (PPDA) completed planned performance audits and planned preparatory audits. The Office of Director of Public Prosecution (ODPP) initiated prosecutor led investigation composed of detectives, financial experts and hand writing experts which has quickened and improved the quality of investigations. For the period 1st July, 2020 to 30th September, the ODPP has prosecuted 261 cases of which 110 resulted in convictions. In the same period, the IG registered a total of 3,417 cases, investigated 26 high profile cases and 1,324 other corruption cases in MDAs and Local Governments which resulted in the recovery of misused public funds from public officials amounting to UGX 18.2 billion. Additionally, the IG prosecuted 86 corruption cases and obtained 34 convictions.

22. The Government has embraced automation of key public services and some anti-corruption enforcement interventions to enhance efficiency. The Financial Intelligence Authority (FIA) has rolled out the GoAML electronic analytical and reporting system to all financial institutions, telecommunication companies and 48% of forex bureaus and money remitters. The IGG automated its asset and liabilities declaration system for public leaders and all civil servants, to enable a greater capture and verification of wealth declarations. The PPDA is rolling out the Electronic Government Procurement system as one of the reforms to enhance efficiency, transparency and accountability in procurement and counter corruption. To eliminate impunity, the Anti-Corruption Court Division was strengthened with addition of more judges.

3. Non-Discrimination (Articles 2, 19, 20 and 26)

23. Government enacted the Equal Opportunities Commission (EOC) Act, No. 2 of 2007 to operationalize Articles 21 and 32 of the Constitution which guarantee freedom from discrimination. The Act established the Equal Opportunities Commission whose mandate is to give effect to the State's constitutional mandate to eliminate discrimination and inequality amongst any individual or group of persons on several grounds including any other reason created by history, tradition or custom for the purpose of redressing imbalances. Government also enacted the Public Finance Management Act, 2015 which introduced gender and equity responsive planning in budgeting. Pursuant to this, and Section 4.2(1) of the 2017, Treasury Instructions, the EOC annually develops a comprehensive assessment report on compliance of the ministerial policy statements, the national and program budget framework papers with gender and equity requirements including ensuring redress of discrimination in service delivery.

24. EOC Tribunal has the powers of court and since it was established in 2014, it has concluded 2,732 cases relating to discrimination, marginalization and exclusion.

25. Article 50(1) of the Constitution provides that any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened is entitled to apply to a competent court for redress which may include compensation. This Article was operationalized by Section 23 of the EOC Act which provides that any person or group of individuals may lodge a complaint relating to discrimination and the complaint must be heard within six months. The Commission conducts tribunal hearings relating to discrimination and appropriate remedies including compensation, declaratory orders and recommendations are granted. The Commission also carries out investigations into matters of discrimination and marginalization and makes recommendations to the Minister.

26. Uganda has comprehensive anti-discrimination legislation that facilitates meaningful realization of the rights of freedom from discrimination. Government through the Uganda Law Reform Commission reviews legislation to ensure that it is in tandem with prevailing social, cultural, political and international context and revises the legislation accordingly. Therefore, if Uganda finds it necessary to adopt new legislation, this position may be revised.

27. Uganda does not arrest or prosecute any persons on the basis of their sexual orientation as the same would be contrary to its constitutional and statutory framework. However, no one is above the law regardless of rank, status or sexual orientation and people in conflict

with the law should not allege persecution based on sexual orientation as a defensive measure to evade criminal liability and justice.

28. All the laws in Uganda arise from the Constitution and reflect the aspirations of her people and conforms to their acceptable social and cultural norms. There is no targeted or deliberate action by any institution to discriminate, stigmatize and harass or met out violence against people in custody based on their sexual orientation or gender identity.

29. The UPF developed and implements a Police Human Rights Policy as a measure to ensure a human rights-based approach in policing. The UPF set up the Professional Standards Unit that monitors performance of officers and ensures that accountability of its officers for human rights transgressions, among others. Special trainings in partnership with Uganda Human rights Commission and Human Rights awareness and Promotion Forum (HURAPF) have been conducted in all police regions around Uganda to sensitize officers to pay attention to various gender issues when handling suspects. The UPF has in place different detention facilities to cater for males, females and minors at most central police stations around the country. These include Kampala, Mbale, Mbarara, Fort Portal and Mukono Central Police Stations.

4. Gender Equality (Articles 3, 23 and 26)

30. Article 26 of the Constitution provides for the right of all persons to own property either individually or in association with others. Article 32 of the Constitution specifically addresses discrimination against women and provides that laws, cultures, customs and traditions which are against the dignity, welfare and interests of women or any marginalised group are prohibited.

31. Further, Article 33 guarantees the rights of women to equal opportunities in political, economic and social activities and requires the state to provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement, taking into account their unique status and natural maternal functions in society.

32. Section 27 of the Land Act, Cap. 227 protects the rights of women to own, occupy and use land under customary tenure by declaring any decision which denies women access to ownership, occupation and use of land to be in contravention of Articles 33, 34 and 35 of the Constitution. Section 39 of the Land Act makes it mandatory to obtain written spousal consent before any transactions relating to matrimonial property can take place. Section 5 of the Land Act, requires the Land Committee to safeguard the interest and rights of women in the land which is the subject of application. Section 57 of the Land Act establishes the District Land Boards and reserves at least one third of the membership for women.

33. Government enacted the Succession (Amendment) Act, 2022 which uses gender neutral language to ensure equal application of the law irrespective of gender and this has cured discrimination based on gender. It also entitles a spouse to the family home whether a will exists or not and any attempt at or eviction is an offence, thus repealing the previous position that hitherto meant that a surviving female spouse would lose her matrimonial home upon the likelihood of her remarriage while the law was silent on what happened to a surviving male spouse.

34. The Courts have been crucial in implementing the non-discrimination laws. The import of the recent decision of the Court of Appeal in *Civil Appeal No. 100 of 2015; Ambayo Joseph Waigo versus Aserua Jackline* is that parties to a marriage have equal rights during divorce to the extent that matrimonial property is shared in accordance with the contribution made irrespective of gender. The decision of the Court of Appeal is binding and all subordinate courts.

35. The purpose of the Marriage and Divorce Bill, 2009 is to provide for marital rights and duties, among others. Part VIII of the Bill, provides for common ownership and equal access to matrimonial property as a safeguard against discrimination of women in regard to land and property rights. Further, Part IX of the Bill provides for the treatment of property at dissolution of marriage and gives the courts discretion to equitably divide the property among the spouses taking into consideration the circumstances of each case. It also provides that any

property that may individually be acquired by either spouse during the period of separation shall remain the property of the spouse who acquired it.

36. The Marriage and Divorce Bill, 2009 was successively considered in the 7th Parliament (2001–2006), 8th Parliament (2006–2011), 9th Parliament, (2011–2016) and the 10th Parliament (2016–2021) without enactment owing to contestation of some of the clauses of the Bill. Government is still studying the contested provisions and will at an appropriate time reintroduce the Bill in Parliament.

5. Counter terrorism measures (Articles 2, 4, 7, 9 and 14)

37. Section 19 of the Anti-Terrorism Act 2002 permits an officer authorised by the Minister to intercept communications of persons for specified reasons including suspicion of commission of the offence of terrorism to safeguard the interests of the public; to prevent the violation of fundamental rights and freedom of persons from terrorism; prevention or detecting the commission of any offence under the Act; and to safeguard the national economy from terrorism. The restricted circumstances under which interception of communication is permissible, coupled with the requirement to obtain authorisation of the Minister prior to interception of communication, provide safeguards against abuse.

38. As earlier discussed, the right to access legal redress for victims of human rights violations is majorly enshrined in the Constitution; the Equal Opportunities Commission Act, the Uganda Human Rights Commission Act and the Human Rights (Enforcement) Act. A person who claims and proves that their fundamental human rights have been violated is entitled to redress which may include compensation.

39. Under the FIA Act, the Authority may freeze accounts. In execution of that mandate, the accounts of some NGOs were frozen on suspicion that they were involved in terrorism financing activities. The freeze on the accounts of the NGOs were subsequently lifted following further investigation and due process.

6. Violence against Women and Domestic Violence (Articles 2, 3, 6, 7 and 26)

40. Despite Government's efforts to fight GBV and domestic violence, the vices have persisted due to the entrenched cultural mindset of the patriarchal society in the context of African traditions. Government has stepped up her interventions including dissemination of relevant laws and policies to the local community leaders, the public and police to ensure awareness and enforcement of the legal provisions therein; and the establishment of GBV shelters for victims of SGBV to ensure protection and support successful prosecution of cases.

41. UPF has put in place policy and institutional measures in response to violence against women and girls including sexual and domestic violence. These include; the establishment of the Sexual Offences Department, Child and Family Protection Unit (CFPU) and Forensics Directorate; the inclusion of modules on Gender, Human Rights and Child Protection in the curriculum for the initial training of police officers; establishment of SGBV desks at all police stations countrywide; providing specialized trainings on SGBV to the desk officers across the country; setting up and operationalization of a temporary shelter and interview room for SGBV victims at CID Headquarters and participating in the SGBV Special court sessions; acquisition of video and audio equipment to aid in conducting thorough interviews of children in a friendly environment. Government has also established various coordination committees that bring together key stakeholders in the prevention and response to SGBV. These include the National GBV Reference Group, the Medical-Legal Coordination Committee to bring together, health workers, Office of The Directorate of Public Prosecution, Judiciary and Police in order to discuss challenges involved in the criminal justice chain to ensure access to justice for victims/ survivors of SGBV.

42. These responses have yielded positive results. By the end of the year 2021, a total number of 5,745 cases against children were taken to court, out of which 794 cases secured convictions; close to 600 officers have been trained on Trafficking in Persons; 169 female juveniles were hosted at the shelter during the year 2022; 753 cases of children have been heard in the SGBV special court sessions at the High Court and Chief Magistrates Courts in 2022. The conviction rates stand at 85% of all cases reported in 2022.

43. Furthermore, the GBV prevalence rate has reduced to 22% of women aged between 15 to 49 years and 8% of men in the same age bracket. The prevalence rate among expectant mothers has also reduced to 11%. Owing to this, Government instituted a sub program under the Ministry of Gender Labour and Social Development to address gender-based violence coupled with increased funding towards the fight against GBV for the period 2015/2016 to 2020/2021 and improved management of victims, thus a reduction in the cycle of violence (suicide, hatred and vengeance) physical injuries, death, health and psychological problems as well as exclusion and discrimination.

7. Death Penalty (Article 6)

44. The Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act, 2019 which was prompted by the Supreme Court decision in the case of *Attorney General v Susan Kigula & 417 Others (Constitutional Appeal No.03 of 2006)* amended the Penal Code Act and the Anti-Terrorism Act, 2002 to outlaw the mandatory death penalty that had hitherto been prescribed by these laws. The Act restricts the death penalty to the most serious crimes and in the most exceptional cases and under the strictest limits. It also removes the restriction on mitigation in the case of convictions that carry a death penalty and restricts the discretion of court to pass a sentence of death in exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate. Therefore, intentional killing on account of commission and conviction of a crime is no longer mandatory in Uganda. Further, Section 104A of the Children's (Amendment) Act, 2016 prohibits the death sentence for any person below the age of eighteen. This is in compliance with the ICCPR.

45. In the exceptional cases where the death penalty is imposed, it goes through a rigorous review by the Supreme Court, to ascertain that the sentence was the most befitting in the circumstances. The law requires the registrar of the court that passes a sentence of death on any person, to transmit to the Supreme Court a copy of the judgment and proceedings of that court within thirty days after the conviction for confirmation, where the convicted person does not appeal the sentence within the prescribed time. The Supreme Court only confirms the sentence of death where it is satisfied that the circumstances of the case warrant the imposition of the death sentence, otherwise the court imposes an appropriate sentence or makes any other orders as it deems fit.

46. If the Supreme Court confirms the sentence, it sends a report to the Advisory Committee on the Prerogative of Mercy which has a duty to advise the President, within six months after confirmation of the death sentence, on whether the sentence should be carried out. This is a constitutional requirement under Article 121(5). The President, acting on the advice of the Advisory Committee of Prerogative of Mercy, may grant a pardon either free or subject to lawful conditions, grant a respite either for an indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence, substitute a less severe form of punishment or remit the whole or any part of the punishment imposed.

47. A sentence of death imposed by a court of judicature or a court or tribunal established under the Uganda People's Defense Forces Act, 2005 is only carried out after it has been confirmed by the Supreme Court, and upon an order of the President. This is in compliance Article 22 of the Constitution of Uganda which provides that no person shall be deprived of the right to life except in the execution of a sentence passed in a fair trial in a court of competent jurisdiction, in respect of a criminal offence under the laws of Uganda, and the conviction and sentence has been confirmed by the highest appellate court and Article 121 of the Constitution which provides for pardon and prerogative of mercy of the President.

48. It follows therefore, that pardon and a full right of appeal are available to people sentenced to death regardless of the crime committed. Even when a convict does not appeal, the sentence goes through an appellate procedure for confirmation, at the instance of the responsible judicial officers as required by law.

49. In regard to commutation, Government has taken action to implement the decision in the case of *Attorney General versus Susan Kigula and 417 others; Constitutional Appeal No. 03 of 2006*. Three prisoners who had been sentenced to death prior to 1989 were immediately released. All death sentences confirmed by the Supreme Court before 2006 and not carried

out were commuted to life imprisonment, benefiting approximately 139 prisoners. In 2009 the courts commenced the re-sentencing of prisoners on death row, and as a result of this, the number of death row inmates reduced from 505 in 2011 to 120 in 2022. This constitutes 117 men and 3 women on death row.

50. Although Uganda has not abolished the death penalty, it is worth noting that the Government has not carried out any execution for more than two decades. Indeed, the last execution took place in 1999.

51. The Government takes note of the objective of the Second Optional Protocol to the ICCPR to abolish the death penalty. Government continues to consider its position on the ratification of outstanding treaties, including this instrument. The ratification process in Uganda requires stakeholder consultation leading to Cabinet consideration. Therefore, any consideration of process of the ratification shall follow the stakeholder decision.

8. Right to Life and Excessive Use of Force (Articles 3, 6–7)

52. The law provides for the use of reasonable force and the circumstances are provided for under the Criminal Procedure Code Act Cap. 116, the Police Act, Cap. 303, the Uganda Prisons Act, the Police Human Rights Policy and Standard Operating Procedures (SOPs) on the Use of Force and Firearms. The Police leadership has condemned the use of excessive force and directed the Force's Human Rights and Legal Directorate to ensure that every police officer accused of using excessive force towards civilians is charged in civil or criminal courts if the available evidence establishes such facts. In consequence of this directive, several errant officers have been charged in court.

53. Uganda held its 2021 General Elections amidst the Covid-19 pandemic. By the very nature of election campaigns, there was increased movement and the threat to the spread of Covid 19 was high. This required Government to enforce Standard Operating Procedures to curb the spread while at the same time facilitating the right to vote and political participation. The Electoral Commission following guidance from the Ministry of Health developed and adopted SOPs in consultation with all the presidential candidates. The Electoral Commission opted for a hybrid election where campaigns and consultations were mainly electronic and to a limited extent, physical participation.

54. Unfortunately, some political leaders defied the Electoral Commission and Ministry of Health Election guidelines with impunity and held big rallies putting many people at risk. This defiance climaxed into the incited violence and riots of 18th November 2020, which led to the regrettable loss of lives. It should however be noted that these incidents were premeditated, riotous and violent assemblies which law enforcement quelled to enforce law and order to ensure security and stability of the country and its citizens. The Government investigated the events and has embarked on the process of compensation for individual victims. However, some victims and families have opted to obtain redress through courts of law.

55. Following the fatal attacks of civilians and security installations by a militia group disguised as cultural 'Royal Guards', with an intention of creating a "State of Yiira" under the presidency of King Charles Wesley Mumbere, a Government negotiating team approached King Mumbere for a peaceful surrender of the suspects and weapons that had been robbed from Police Officers and disbanding of the militia, but he refused to heed. Government was compelled to undertake a joint operation by UPF and UPDF and the palace was accessed amidst stiff resistance. On account of the gravity of the murders and attacks on security personnel and civilians, the use of proportionate force was inevitable to secure the lives and property of the Bakonzo generally. The involvement of the Uganda Peoples' Defense Forces (UPDF) is provided for under Section 44 (1) of the Uganda Peoples Defense Forces Act, 2005, and Article 209 of the Constitution. The operation led to recovery of exhibits inclusive of guns and ammunitions, pangas (machetes), knives and catapults but also the arrest of some militias and the deaths of people including, police officers.

56. The UPF passed a human rights policy to guide the police officers' observance of human rights. Human rights training is one of the core subjects taught to all recruits in the training curriculum at all Police training schools from inception. This is augmented by continuous refresher courses and trainings aimed at equipping the officers with relevant

knowledge and skills. In the last 4 years, in partnership with the UHRC, UNOHCHR and civil society organizations approximately 22,000 officers have been trained on human rights.

57. In the UPS, a number of officers have undergone Human rights training at the Law Development Centre to equip them with the necessary skills and knowledge in protection and promoting of human rights in the course of execution of their duties. The number of officers trained in the FY 2018/2019 is 11 (6M/5F); FY2020/2021 is 32 (25M/7F); FY2021/2022 and 34 (25M/9F). HRs training including the use of force is included in the basic training at the Prisons Academy and Training School (PATS), Luzira; FY 2018/2019 – 706; FY 2019/2020 – 1,753; FY 2020/2021 – 2,018 and FY2021/2022 – 2,250.

58. The UPDF has also mainstreamed human rights training including the use of reasonable force on the syllabi for all military training institutions right from the recruit training level to the top most level, the National Defence College. The UPDF conducts specialized courses jointly with the UPF and the UPS and brings on board members of the defense forces of the EAC Partner states to ensure that each group learns and adopts best practices from the other during training. This training is facilitated by a human rights manual that has been integrated into the military training curriculum and over 40,000 personnel have been trained.

59. Uganda follows an effective police/security forces accountability system. Oversight within the UPF is by disciplinary courts as part of a police complaints system. In addition, there is a Professional Standards Unit and a Police Authority whose statutory body is mandated to monitor the activities of the UPF throughout the country.

60. External oversight mechanisms of the security forces include; the UHRC; the Committee of Parliament on Human Rights; the Parliamentary Committee on Defence and Internal Affairs; the IGG and the Cabinet Standing Committee on Human Rights. In respect of the UPS, Section 109 of the Prisons Act, 2006 provides for Visiting Justices who carry out impromptu inspection of the detention facilities to monitor human rights observance, awareness and adherence.

9. Prohibition of Torture Inhumane and Degrading Treatment or Punishment of Persons Deprived of their Liberty (Articles 7 and 10)

61. The Government does not condone acts of torture and holds accountable any officers found culpable of engaging in acts of torture. The security forces in the performance of their duties ensure and maintain equality of all before the law irrespective of individual political affiliations. Any victims of torture are encouraged to legal redress in the courts of law. The remedies are provided for in the Human Rights (Enforcement) Act, 2019; the Prevention and Prohibition of Torture Act, 2012 and the Prevention and Prohibition of Torture Regulations, 2017.

62. Further, there are no persons held incommunicado. Article 23 of the Constitution which grants a detainee the right to legal representation, the right to a next of kin being informed of the detention and allowed reasonable access to the detainee. Furthermore, Articles 23(9) and 44(d) of the Constitution re-affirm the right to an order of habeas corpus as a non-derogable and inviolable right and therefore, cannot be suspended. Uganda has a vibrant judicial system and all organs of Government respect the law and adhere to court orders as a practice, including the writ of habeas corpus.

10. Liberty and Security of the Person (Article 9)

63. In addition to what has been stated above, there is no arbitrary detention of persons irrespective of their profession or political affiliation. The GoU strongly disassociates herself from the alleged arbitrary and incommunicado detention of people. The law enforcement and security agencies only detain suspects in compliance with Article 23 of the Constitution.

64. The GOU strongly disassociates itself from the alleged detention of people beyond 48 hours. Article 23 (4) (b) of the Constitution provides for release of a detainee not later than 48 hours from their arrest if not charged before a court of competent jurisdiction.

65. The Inspector General of Police and the Minister of Internal Affairs have issued guidelines to police officers to only conduct arrests following completion of investigations linking the suspects to the crimes. This is intended to safe guard the right to liberty.

66. The Government respects court orders. Therefore, any person who alleges violations including forcible disappearance has a right to apply to court for a writ of habeas corpus and approach other Government institutions for redress.

67. In Uganda, there are specialized institutions charged with investigations like the Directorate of Criminal Investigations under UPF as well as UHRC which carry on their work professionally and independently. Any person who alleges that there is an enforced disappearance should report to these institutions to conduct investigations into the matter.

11. Treatment of Persons Deprived of Their Liberty (Article 10)

68. Whereas the current prison population stands at 75,024 as at December, 2022 which is higher than the designated holding capacity, Government continues to take measures to increase accommodation capacity and improve living conditions of prisoners by construction of new facilities and expansion of existing facilities which are fairly well-built, suitable for human habitation and conform to human rights standards. Government has also undertaken reforms in its criminal justice system aimed at minimizing custodial sentences that put pressure on the available facilities. These include, development of parole guidelines, training of social workers to help reduce recidivism in prisons; ticketing system for most traffic offences, decriminalization of vagabond cases; and rolling out of offender reintegration programs and; community service orders for minor offences under the Community Service Act, Cap. 115.

69. All prisoners have access to clean water. 63% of the prisons have access to piped water while the rest have access to clean water through boreholes, rain water harvesting tanks, supply by bowser trucks and sometimes shallow wells which water is treated. The prison wards are well ventilated to let in natural light during the day and have access to electricity or alternative light from solar energy and lamps. UPS provides prisoners with sanitary and cleaning requirements including soap, shavers, uniforms and beddings. All female prisoners are provided with sanitary pads and under garments.

70. Adequate food is provided both by the Police and Prisons in line with the Police Human Rights Policy and the Prisons Act, 2006 respectively. All the prison units offer three wholesome, nutritious and well-prepared meals per day. Prisoners living with HIV/AIDS are provided an extra special diet. Drinking water is available to all prisoners.

71. In compliance with Article 24 of the Constitution, the Penal Code (Amendment) Act, 2007 abolished corporal punishment following the ruling of the *Constitutional Court in Constitutional Reference No.10 of 2000; Simon Kyamanywa vs Uganda* which declared corporal punishment as inhuman, degrading as a sentence for crime and therefore.

72. In the same vein, Section 81(2) of the Prisons Act, 2006 prohibits corporal punishment.

12. Elimination of Slavery, Servitude and Trafficking in Persons (Articles 2, 7, 8 and 26)

73. Government has made tremendous efforts to increase identification of perpetrators and improve prosecutions and conviction of perpetrators of trafficking in persons. These include the passing of the National Action Plan (NAP) for the Prevention on Trafficking in Persons (2019–2024) which provides detailed mechanisms to handle all forms of trafficking. As an institutional measure, the Coordination Office for Prevention of Trafficking in Persons (COPTIP) continues to host and act as a Secretariat for the inter-ministerial Task Force consisting of Government MDAs and Civil Societies Coalition against Trafficking in Persons (UCATIP). The International Organization for Migration (IOM) is an observer on the Task Force. The MDAs have put in place measures to fast-track TIP related issues for example, the Office of the Director of Public Prosecution established a specific desk for TIP cases in the Ministry of Internal Affairs, Interpol and CID headquarters.; putting in place a management information system of all companies recruiting persons to work abroad and setting up of the Anti-Trafficking in Persons Department of the UPF. Government has also trained investigators, prosecutors and judicial officers handling TIP cases which has led to

increased identification, prosecutions and conviction of perpetrators of trafficking in persons. Further, community sensitization activities have been conducted to raise awareness on human trafficking, smuggling and slavery. Government has deployed labour officers at the main exit points to control trafficking in persons.

74. Government has developed the National Referral Guidelines for Management of Victims of Trafficking aimed at strengthening a coordinated and structured approach to assisting victims, thereby providing a basis for action for the various stakeholders in the fight against trafficking in persons. The Government continues to implement the Prevention of Trafficking in Persons Regulations, 2019 which spell out responsibilities of the law enforcement, medical professionals, and civil society members to combat trafficking, and Part III of the Prevention of Trafficking in Persons Act provides for the protection, assistance and victim support in various ways including compensation, restitution, health and social services, counseling and psychological assistance.

75. Government has partnered with relevant stakeholders such as The Human Trafficking Institute, United Nations Office on Drugs and Crime (UNODC) which has trained investigators on TIP, Willow International which provides shelter to victims, International Justice Mission (IJM) which has supported construction of a shelter and Kyampisi Child Care Ministry which provides assistance to victims of TIP.

76. Government established the Elimination of Child Labor Policy; a multi-sectoral task force on elimination of child labor and a comprehensive National Child Policy, 2020, to ensure that all children are protected from all forms of exploitation.

77. Government has put in place legislative measures to address the issue of children living on the street. The Kampala Capital City Child Protection Ordinance 2022, criminalizes child labour and begging and prescribes parental responsibility to ensure the protection of every child from harmful or hazardous employment and prohibits child sexual exploitation. The Ordinance augments the Children's Act, Cap. 59 which incorporates the international standards under the Convention on the Rights of the Child (CRC) and provides stringent conditions and an elaborate process to combat illicit guardianship and adoption of children.

78. The Prevention of Trafficking in Persons Act, 2009 and the Regulations made under the Act, domesticated international requirements or standards for suppression of the trafficking in persons. The prevention of trafficking in persons is highlighted in the NDPIII as one of the interventions under the Governance and Security Programme.

13. Administration of Justice (Articles 2 and 4)

79. Government has made deliberate efforts to increase the number of judicial officers and their terms and conditions of service, to facilitate the administration of justice. This is enabled by the Administration of the Judiciary Act, 2020. By the end of 2022, the Judiciary was sourced with 72 High Court Judges, 394 Magistrates and 54 Registrars. A further recruitment exercise is ongoing.

80. Article 28 of the Constitution guarantees the right to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. This right includes the presumption of innocence, right to be informed promptly, right to police bond, bail, right to be tried without undue delay and access to legal representation. This right is non derogable. Government does not condone the violation of the right to a fair trial and any alleged violation can be challenged before the courts of law.

81. It is not a practice of the Government to rearrest bailed suspects within the court premises. Any rearrest after the grant of bail would be informed by new evidence linking the suspect to new offences that necessitate fresh charges bail notwithstanding.

82. Article 128 of the Constitution provides for judicial independence and requires that the courts shall not subject to the control or direction of any person or authority.

83. Government strengthened the legal and regulatory framework on legal representation. The Judiciary's Law Reform Committee approved the Judicature (Legal Representation at the Expense of the State) Rules, 2022 which streamlined the management of the State-funded legal representation in the administration of justice.

84. Further, the Justice Centres Uganda (JCU), a project of the Access to Justice Sub-programme hosted in the Judiciary, has expanded from the initial four offices in 2011, to 14 legal aid offices around the country.

85. Additionally, the Advocates (Amendment) Act, 2010 and the Advocates (Legal Aid to Indigent) Regulations, 2007 established the Pro-bono Scheme of the Law Council which currently has 1,800 Advocates enrolled to offer free legal aid services to indigent and poor persons in Uganda. The lawyers are required to provide 40 hours of their services annually or payment in lieu of the service towards providing legal services to the indigent.

86. The Legal Aid Bill, 2020 that had been tabled before the 10th Parliament lapsed and a new bill, the National Legal Aid Bill, 2022 has been referred to the Committee on Legal and Parliamentary Affairs for consideration. The Government will provide the required financial resources to implement this bill once passed into law within the available resources.

87. Section 119(1) (h) of the UPDF Act provides for persons who are subject to military law including every person found in unlawful possession of arms, ammunition or equipment ordinarily being the monopoly of the Defence Forces or other classified stores. Government has lodged an appeal against the judgement in the case of *Rtd. Captain Amon Byaruhanga, Hasibu Kasita, Mathias Rugira & 167 others versus Attorney General*. Government will abide by the decision of the appellate court.

88. Article 23 (3) and (5) (b) of the Constitution protects the right to access to legal representation of one's choice to all persons whether in detention or not. The Constitution allows persons to either represent themselves or choose a legal representative. Access by lawyers of their clients in detention is free.

89. There is no arbitrary detention, intimidation and harassment of lawyers including those working on human rights cases. Many of the alleged cases of break-ins were never reported to police. For those that were reported, investigations were conducted but the suspects were never identified and evidence remained insufficient for meaningful prosecution and the cases remain open.

14. Right to Privacy (Article 17)

90. The Police Act provides for searches with or without warrants where there is reasonable suspicion that there is or there is about to be commission of a crime. This is applicable to every person irrespective of political inclination.

91. In pursuance of the mandate of the Police under Article 212 of the Constitution and Section 4 of the Police Act Cap. 303, Government established a CCTV Camera system as a surveillance tool to help in detection and prevention of crime. Phase I and II of the National CCTV Project was completed and an assessment and evaluation conducted identified a gap in regulatory framework. Government is developing a regulatory framework to address social privately-owned cameras and issues of privacy during phase 3 of the project. The evidence obtained through surveillance is put through the admissibility test by the court to determine whether or not it can be relied on.

92. The Regulation of Interception of Communications Act, 2010 provides for lawful interception and monitoring of certain communications in the course of their transmission through a telecommunication, postal or any other related service or system in Uganda and for the establishment of a monitoring centre. The interception of communication is only permissible for purposes of protecting life; preventing drug trafficking or human trafficking, actual threat to national security, national economic interest, public safety and national interest involving the State's international relations or obligations. Interception of communication can only be made with a warrant issued by a designated judge to an authorized person under the law. Therefore, the interception of Communication Act is in tandem with Article 43 of the Constitution and does not facilitate violations of the right to privacy. Noteworthy is that section 4 of the Regulation of Interception of Communications Act, 2010 provides for an application to be made before a judge who may issue a warrant for interception of communication.

93. The HIV and AIDS Prevention and Control Act, 2015 in recognition of the right of privacy, prohibits disclosure and release of HIV test results by a medical practitioner or other

qualified officer to any other person other than the person tested. The Act, however provides for exceptions to this general principle and permits a medical practitioner to disclose the results to a parent or guardian of a minor; a parent or guardian of a person of unsound mind; a legal administrator or guardian, with the written consent of the person tested; a medical practitioner or other qualified officer who is directly involved in the treatment or counselling of that person, where the HIV status is clinically relevant; any other person with whom an HIV infected person is in close or continuous contact including a sexual partner, if the nature of contact, in the opinion of the medical practitioner or other qualified officer, poses a clear and present danger of HIV transmission to that person; a person authorized law; or any other person as may be authorized by a court; and any person exposed to blood or body fluid of a person tested.

94. The privacy of personal data is governed by the Data Protection and Privacy Act, 2019; the Registration of Persons Act, 2015; the Registration of Persons (Access and Use of Information) Regulations, 2015. The National Identification and Registration Authority (NIRA) requires that entities that require access and use of information on the National Identification Register sign a memorandum of understanding with NIRA as well as a Data Protection and Privacy Addendum committing to abide by the Data Protection and Privacy Act, 2019. In addition, all requests for access and use of information on the register are accompanied by either a court order or consent of the data subject except if by law the entity is required to receive information. An audit to access compliance with the Data Protection and Privacy Act, 2019 was Conducted by the Personal Data Protection Office under the National Information Technology Authority-Uganda (NITA-U) and NIRA was found to be compliant.

95. Section 4 of the Data Protection and Privacy Act establishes a personal data protection office which is responsible for personal data protection and enforcement of the Act. the Data Protection and Privacy Regulations, 2021 to guide the implementation and enforcement of the Act.

15. Freedom of Expression (Articles 19 and 20)

96. The Computer Misuse Act, 2011 (CMA) was enacted to make provision for the safety and security of electronic transactions and information systems; to prevent unlawful access, abuse or misuse of information systems including computers and to make provision for securing the conduct of electronic transactions in a trustworthy electronic environment. In this era of convergence and interconnectivity occasioned by the internet, the Act provides a basis for reprimand of violators of other peoples' rights and freedoms prone to abuse by criminally minded individuals through the use of computer systems.

97. The minimum broadcasting standards contained in Schedule 4 of the UCC Act, 2013 are a summary of best practices and conventional tenets for a professional, accountable and responsible broadcasting sector. The Uganda Communications (Consent) Regulations, 2019 explain in detail what is expected of every broadcaster in Uganda. Other specific regulatory instruments the Standards for General Broadcast Programming in Uganda, Standards for Religious Broadcasting as well as the Standards for Election Reporting. The sector operators and their associations such as the National Association of Broadcasters, Rural Broadcasters Association and the general public are extensively consulted and their views are fully considered during formulation of the Regulations, Standards and Guidelines.

98. Similarly, Government passed the Uganda Communications (Consumer Protection) Regulations, 2019 which extensively provide for the rights of the consumers of communication services and also provides for the procedure through which consumer complaints are handled. These Regulations ensure that UCC is responsive to the complaints raised by consumers of communications services and that necessary measures are taken to protect the rights of consumers and the wider public. These standards guarantee the enjoyment of freedom of speech and expression in Uganda.

99. The provisions of the Uganda Communications Commission Act are clear, relevant and are serving a legitimate purpose. Government has not identified any need to amend or repeal these provisions, but takes note of Constitutional Petition No.5 of 2019; *Unwanted witness Vs Uganda Communications Commission and the Attorney General* challenging

certain definitions as vague, incapable of being understood and overly broad. Government will abide by the decision of court.

100. The Government enacts laws to achieve specific national goals and objectives. None of the existing laws in Uganda was passed to target any specific category of people based on their political inclination. All media houses in Uganda are expected to operate in a non-partisan way in compliance with their statutory and license obligation to ensure balance in their reporting. Under the Uganda Communications (Content) Regulations, 2019 media operators are required to ensure balance and diversity of opinion during their programs. Paragraph (d) of the Minimum Broadcasting Standards prescribed in Schedule 4 of the UCCA, 2013 provides that a broadcaster shall ensure that where a program that is broadcast is in respect of a contender for public office, each contender shall be given equal opportunity on such a programme. UCC has been able to use these provisions of the law to direct broadcasters including the national public broadcaster, UBC TV and its radio stations, to host politicians from all political parties and this has greatly helped to engender free debate and democracy in Uganda.

101. With respect to the accreditation of journalists, this measure was instituted by the Media Council in accordance with the Press and Journalists Act, 1995. Accreditation of journalists is not unique to Uganda and did not start with the 2021 General elections. In Uganda, implementation of this initiative followed many consultative processes with stakeholders in the media industry and although a few players were not keen on its implementation, the wider industry coped with the requirements and this did not negatively affect media freedom in Uganda as affirmed in *Constitutional Petition No. 2 of 2014; Centre for Public Interest Law & 2 others vs Attorney General*.

102. GOU strongly believes that the safety of journalists and media workers is essential to preserve the fundamental right to freedom of expression. Government has put in place effective laws and measures to establish a safe and enabling environment for journalists and media workers to work without fear of violence. These include the Press and Journalists Act, Cap. 105 which established the Media Council that is mandated to regulate the conduct of journalists; arbitrate disputes between the public and the media; and the State and the media. Additionally, Government has continued to hold accountable any public officer who violates the rights of journalists in the practice of their profession.

103. Government has continued to take steps to provide a conducive and enabling environment for Human Rights Defenders (HRDs) as partners in development in line with SDG 16. The Human Rights Defenders Protection Bill, 2020 whose policy is to provide a framework for the recognition and protection of their work in order to freely operate, is currently being processed. At the institutional level, UHRC set up an HRDs Desk which monitors and reports on issues concerning HRDs.

16. Right to Peaceful Assembly (Article 21)

104. Art. 29 (1) (d) of the Constitution guarantees the right to freedom to assemble and demonstrate together with others peacefully and unarmed and to petition. Art.43 (1) of the Constitution provides for permissible limits to the enjoyment of this right. In line with this, the *Constitutional Petition No. 56 of 2013; Human Rights Network and four others versus Attorney General* declared Section 8 of the Public Order Management Act, which gave powers to an authorized police officer to prevent the holding of a public meeting, unconstitutional, thus section 8 is no longer law in Uganda.

105. In line with its approach to contain the spread of Covid-19, Government published a road map for what was called a 'scientific campaign' that was applicable to all political affiliations. The Political Parties and Organizations (Conduct of Meetings and Elections) Regulations, 2020 were issued to enable political parties or organisations to sponsor candidates for nomination for General Elections without compromising the health and safety of its members or the public.

106. As the Covid-19 pandemic spread eased, campaign rallies were allowed with a maximum of 70 people which was later increased to 200 people. The Minister of Health issued the Public Health (Control of COVID-19) Rules, 2022 and the Public Health (Requirements and Conditions of Entry into Uganda) Order, 2022 which revoked all the

Covid 19 health measures except wearing facial masks in public and health examination of incoming travelers.

17. Freedom of Association (Article 22)

107. Section 29 (2) of the Non-Governmental Organizations (NGO) Act provides for a list of requirements for registration of an NGO. Additional requirements are provided for in Regulation 4 of the NGO Regulations, 2017. Further, NGOs are required to obtain a permit in accordance with section 31 of the NGO Act. An NGO is expected to submit financial statements, annual returns and a report of the audited books of accounts by a certified auditor to the Bureau; and declare and submit estimates of its income and expenditure, budget, work plan, information on funds received and the sources of funds in accordance with section 39 of the NGO Act.

108. The requirement for registration as a regulatory tool is not unique to NGOs but is rather a general concept applicable to other professionals and sectors such as lawyers, medical practitioners and players in the insurance and energy sector in Uganda. The regulatory role need not be overemphasized.

109. The Item 15 of the Second Schedule of the Anti-Money Laundering Act, provides that an NGO is an accountable person with duties under Part III of the Act in relation to adopting measures to prevent money laundering. Section 8 of the Anti-Money Laundering Act requires all NGOs to report monetary transactions exceeding 1000 currency points. Further, Section 39 of the NGO Act requires an NGO to submit a report of its accounting policies and how the policies have been applied in preparation of their financial statements; how the NGO has complied with the provisions of the Act and its constitution relating to financial matters.

110. In the past 5 years, a total of 63 NGOs have been suspended for different reasons relating to non-compliance with the NGO Act and its Regulations. 31 of these were subjected to due process that they complied with and have since been cleared to resume operations. Of the remaining 32 NGOs that have not been cleared to resume their operations, 3 NGOs have pending cases in court, 5 NGOs have had their permits revoked and certificates cancelled and the remaining 24 NGOs are yet to fully comply with the Act.

111. Section 44 (f) of the NGO Act prohibits an NGO from engaging in any act which is prejudicial to the interests of Uganda and the dignity of the people of Uganda. Section 40 (1) of the Act imposes criminal sanctions on an Organization or person who fails or refuses to produce to the Bureau a certificate, permit, constitution, charter or other relevant document or information relevant for the purposes of the Act; knowingly gives false or incomplete information for the purpose of obtaining a permit or other requirement; operates contrary to the conditions or directions specified in its permit; or engages in any activity that is prohibited by the Act.

18. Participation in Public Affairs (Articles 25 and 26)

112. The suspension of access to the internet was done within the parameters of the law and was necessitated by receipt of credible information of cyber-attacks and use of social media platforms to promote hatred, incite violence and undermine the democratic electoral processes. In order to maintain peace and harmony in during the General elections, it was the most reasonable and proportionate measure through which the Government could guarantee the protection of the Ugandan public, since prior efforts by the Government and its agencies to engage with media companies like Facebook, Twitter and Google to moderate extremist content that was being broadcast through these platforms had proven futile.

113. The Commission in accordance with Section 16 of the Electoral Commission Act accredited 277 international observers and 2,540 local observers categorized as individuals, groups and institutions including civil society organizations, the academia, religious groups, the media and political parties/organizations.

114. Electoral campaign financing is provided for under Section 14A of the Political Parties and Organizations (Amendment) Act, 2010 which mandates Government to contribute funds or other public resources towards the activities of political parties or organisations

represented in Parliament. It is on the basis of this that the Government has provided financial support to political parties.

115. The Political Parties and Organizations Act 2005, provides for the control of financial contributions to political parties from foreign sources and prohibits such financing from illegal sources.

116. At the commencement of the electoral campaigns for the 2021 general elections the Electoral Commission banned all fundraising activities to avert the possibility of candidates offering inducements to voters and institutions. The Government does not condone bribery of voters.

117. The EC held meetings with the Uganda Broadcasting Council and the Association of Media Owners and encouraged them to provide equal access of media houses to all candidates at affordable rates despite the it being a liberalized industry.

118. Government enacted the Presidential Elections (Amendment) Act 2020; the Political Parties Organisations (Amendment) Act, 2020; the Electoral Commission (Amendment) Act 2020, the Parliamentary Elections (Amendment) Act, 2020; the Parliamentary Elections (Amendment) (No.2) Act, 2020; the Local Governments (Amendment) Act, 2020, and the Local Governments (Amendment) (No.2) Act, 2020 to among others, incorporate recommendations made by the Supreme Court in Presidential Election Petition No.1 of 2016. The Presidential Election Petition No. 1 of 2021 was withdrawn without any coercion.

119. Government carried out mass registration of citizens to ensure everyone participates in political and public affairs. The National Identification and Registration Authority (NIRA) continues to register all citizens that among others facilitates citizens' right to vote. The Electoral Commission (EC) registered a total of 18,103,603 voters to participate in the 2020/2021 General Elections out of an estimated 19.5 million eligible voters.

120. The appointment of members of the Electoral Commission (EC), subject to Article 60 of the Constitution is through nomination of members who are approved by the Appointments Committee of Parliament and are appointed by the President. The Appointments Committee of Parliament is chaired by the Speaker with membership comprising of the Deputy Speaker, Leader of Opposition and members of Parliament representing Political parties and Independents. The Committee is fully empowered to endorse or reject any nomination.

121. Article 36 of the Constitution of Uganda Protects of right of minorities to participate in decision-making processes, and requires that their views and interests be taken into account in the making of national plans and programmes. Government developed and maintains an up-to-date database on ethnic minorities which guides in planning and programming for the interests of these communities.

122. Government developed a National Culture Policy in line with SDG 5 classifies indigenous people/ethnic minorities in accordance with the United Nations (UN) classification system of indigenous persons. Progress has been realised by the setting up of a national Indigenous People's Reference Committee to address issues of ethnic minorities in an integrated manner.

123. Uganda has demonstrably taken action to ensure representation of minorities in decision making. Two Members of parliament to represent the Ik and the Tepeth were elected in February 2016 following creation of the two constituencies within their ethnic minority communities. The Ethur were also granted a district of Abim in 2006 and they are represented by two members of Parliament. In 2018, 11 Batwa were elected to various positions in Local Councils in the 8 districts where they are resident.

Conclusion

124. In Conclusion, Uganda is committed to upholding the rights and freedoms enshrined in the ICCPR and continues to put in place the requisite institutional, legal and policy measures to progressively consolidate the human rights achievements achieved so far.