



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

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under article 40 of the Covenant, due in 2008* ****

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Acronyms and abbreviations

ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
ART	Anti-Retroviral Therapy
BLAs	Bilateral Labour Agreements
CAP	Chapter
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CID/CIID	Criminal Investigations Directorate/Criminal Investigations and Intelligence Directorate
CSOs	Civil Society Organisations
EAC	East African Community
EIA	Environment Impact Assessment
EOC	Equal Opportunities Commission
FGM	Female Genital Mutilation
GANHRI	Global Alliance of National Human Rights Institutions
GBV	Gender Based Violence
HIV	Human Immune Virus
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Persons
LPAC	Legal and Parliamentary Affairs Committee
MDAs	Ministries Department and Agencies
MoFA	Ministry of Foreign Affairs
NDP	National Development Plan
IOM	International Organisation for Migration
IRCU	Inter-Religious Council of Uganda
J4C	Justice for Children
JCU	Justice Centres Uganda
JLOS	Justice, Law and Order Sector
LASPNET	Legal Aid Service Providers Network
LASPs	Legal Aid Service Providers
LRA	Lord's Resistance Army
MGLSD	Ministry of Gender, Labour and Social Development
MoJCA	Ministry of Justice and Constitutional Affairs
NAP	National Action Plan on Human Rights
NEMA	National Environment Management Authority
NGO	Non-Governmental Organisation
NIRA	National Identification and Registration Authority
NOGTR	National Oil and Gas Talent Register
ODPP	Office of the Director of Public Prosecutions

PEP	Post Exposure Prophylaxis
PMTCT	Prevention of Mother to Child Transmission
PPTA	Prevention and Prohibition of Torture Act
PRDP	Peace Recovery Development Plan
PSU	Professional Standards Unit
SGBV	Sexual Gender Based Violence
SOP	Standard Operating Procedure
UACE	Uganda Advanced Certificate of Education
UCE	Uganda Certificate of Education
UHRC	Uganda Human Rights Commission
UGX	Uganda Shillings
UNFPA	United Nations Population Fund
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UPS	Uganda Prisons Service
UWEP	Uganda Women Entrepreneurship Programme

Introduction

Background

1. Uganda is signatory to the International Covenant on Civil and Political Rights (ICCPR) which it ratified on 21st June 1995. It should be noted that this was after the National Resistance Movement (NRM) came to power after a protracted peoples struggle against gross violations of human rights. While it is mandatory for all States Parties to periodically present progress reports on observance of the International human rights standards and obligations, every country reserves the sovereign right to do so within the context of each country's historical, constitutional and economic realities.

2. Uganda's struggle for the liberties of the people and restoration of basic human rights dates way back to her time of anti-colonial struggles, and in the days of resistance against unconstitutional and fascist rule soon after independence. Uganda's experience is best appreciated within the general context of what Africa has confronted in the last 600 years. While Africa is a pioneer of human civilization, since 1400AD, the people of Africa have suffered calamities and inhuman social injustices in form of human plunder of Slavery, Colonialism, Neo-colonialism, Genocide, and Marginalization. Therefore, within the African quest to overcome the above dark period, Ugandans since 1921, continued the resistance against the injustices of colonial domination, such as loss of self-determination, confiscation of their lands, denial of economic freedoms, torture, rape and death meted out by the colonizing forces; just to mention but a few. In the earlier Resistance, Omutaka Semakula Mulumba led a radical resistance movement to reclaim Buganda's land rights. This metamorphosed into the Uganda Farmer's Movement of the 1930s–1940s, and formed the foundation of Uganda's independence movement championed by Ignatius Musaazi. The Nyangire rebellion in Bunyoro also resisted colonial oppression and injustices against the people of Bunyoro. After independence in 1962, Ugandans continued to resist injustices including fascist rule occasioned by Idi Amin in the 1970s. The National Resistance Movement has since then epitomized Uganda's contribution to the struggle for meaningful enjoyment of freedom and liberty, human dignity, regional and global peace and security.

3. Uganda, under the National Resistance Movement, and recalling her history which has been characterized by political, constitutional instability and injustices, enacted and gave itself a constitution in 1995, that is acclaimed world-wide as the best guarantor of stability and human dignity. Its uniqueness indeed starts with resolving the question of "who is sovereign?" It is only the Ugandan constitution that defines and bestows power to all people who exercise their sovereignty constitutionally. The same Constitution details political rights and freedoms, and sets up an independent and functional Uganda Human Rights Commission (UHRC) to addresses routinely any flaws in promotion and preservation of the peoples' fundamental rights and freedoms as enshrined in chapter 4 of the Constitution.

4. Moreover, the National Resistance Movement is a tested champion of a Peoples protracted struggle. Like all people's struggles, Ugandan leadership is steadfast on the principles of the right to life; right to own property and above all, ensuring that the army remains a truly disciplined people's force. Such a people's force never engages in torture or extra judicial killings. Way back in 1982, a precedent was set when 03 freedom fighters were executed for killing civilians in the war zone. The same tradition has been institutionalized to date, with another 13 soldiers on record, having been executed for homicide. Since 1986, Ugandans who had been refugees and exiled all over the world have since returned. As a matter of fact, Uganda is now globally acknowledged as a haven of peace and freedom, thus becoming one of the biggest destination for refugees from all over the world. The cities of Uganda are globally rated to be significantly safe. The country's happiness index is rated to be one of the highest.

5. Lately, some criminal elements linked to the terrorist global networks have been threatening to undermine the gains of liberation in Uganda by engaging in cowardly assassinations and terror acts. In confronting these, the Uganda state does not resort to arbitrariness, but rather sticks to the principle of evidence. To date, Uganda is making big

strides in enhancing the use of technical evidence in form of forensics and closed circuit cameras that have been installed in some urban areas and on some highways. The Local Council system, which is in all villages in the country, remain the main bedrock in detecting, reporting in the fight against crime.

6. Uganda has, since 2014, pacified the whole territory for the first time in 500 years. Terror groups such as Joseph Kony-LRA; ADF and the armed cattle rustlers of Karamoja and her neighbors have all been neutralized. However, in the past, these had been meting suffering and inhumane acts on the people. Notable was Joseph Kony, whose methods included brutality in form of de-capitation, cutting off lips, eyes and noses of innocent civilians who did not support him. This has since stopped; and an olive branch was extended to all fighters that had been misled into some of those terror activities.

7. Committed to her historic mission of liberation, sustainable peace, security and stability, the Ugandan state in terms of ideology and doctrine does not abet any form of inhumane behavior within its ranks. On a continuous basis, two methods are employed to remain on its pro people path. Continuous education of the rank and file and strict application of administrative mechanisms. The Ugandan Leader, H.E Yoweri Museveni is on record for his continuous stewardship. In the recent past he issued two detailed educational directives on the issue of torture and on handling crowds, demonstrations and violent riots (Refer to the three Annexes of the Presidents directives and article). The President of Uganda is acclaimed globally for being one of the rare heads of state, who takes off time to personally respond to any misconceptions about the country's Human Rights record. This is a demonstration of political will and confirms that Uganda supports review mechanisms, because of being a champion of promoting and protecting human dignity and freedom throughout her history of Resistance. In a way, anybody doubting respect for rights and freedoms of Ugandans could be equated to an attempt to "preach to the priest" see Appendix 19.

8. The fundamental principles of the National Resistance Movement are; Patriotism, Pan-Africanism, Social economic Transformation and Democracy.

9. At both the National and Regional levels, Uganda's' record of respecting people, their property and a wide range of freedoms is a household reality. Since 1986, state inspired violence, extra-judicial killings and arbitrary rule have become history. It is for the same ideological grounding that Uganda is acclaimed as exemplary in all her Peace Enforcement and Peace Keeping missions all over Africa; starting with the UN-Mission in Liberia and now the African Union Mission in Somalia.

10. The Government of Uganda continues to openly engage with all who are interested in pursuing a peaceful constitutional path. However it's also a fact that some political actors opt to engage in disruptive actions, in the guise of freedom of expression, assembly and association: in some instances some political actors erect bon-fires in the middle of highways and crowded streets as a form of political agitation. Definitely such acts tantamount to unlawful activities and are therefore unacceptable. Demonstrating in busy food markets is an act of economic sabotage which Human Rights defenders ought to condemn.

11. Uganda's Constitution enjoins all citizens to be patriotic and loyal to Uganda. In doing so, Ugandans are aware that the enjoyment of rights and freedoms is inseparable from the performance of duties and obligations.

Political developments since 2005

12. The Constitution sets a strong foundation for a democratic system of governance. Article 1 of the Constitution states that all power belongs to the people who shall exercise their sovereignty in accordance with the constitution and Sub-Article (2) provides that all the authority in the State emanates from the people and the people shall be governed through their will and consent.

13. Article 2 of the Constitution provides for the supremacy of the Constitution and states that the Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout the country.

14. On the 28th of July 2005, a national referendum was held where the people voted to be governed under a multi-party political system. Parliament amended the Constitution and since then periodic general elections for Presidential, Parliamentary and Local Governments have been held in; 2006, 2011 and 2016. In the current Parliament, the political parties represented are; The National Resistance Movement, The Forum for Democratic Change, The Uganda People's Congress, The Democratic Party and the Justice Forum (JEMA). Individuals who do not subscribe to any political party participate as independents for any post. Parliamentary democracy is very vibrant with checks and balances observed between the three arms of State i.e. The Executive, Legislature and Judiciary.

15. The democratic space in Parliament includes representatives of special interest/marginalized groups that include: women, workers, people with disabilities (PWDs), youths and the army (Uganda Peoples' Defence Forces) and independents.

16. The right to political representation above mentioned, applies equally to the Local Government structure at the district and sub-county councils and the lower local Governments to a great extent.

17. The Political Parties and Organisations Act, 2005, as amended, provides for the National Consultative Forum for all registered political parties and the Inter-Party Organisation for Dialogue (IPOD) is a forum for parties represented in Parliament.

Economy

18. Uganda's economic size in normal terms as at the end of Financial Year 2018 / 2019 was estimated at UGX 109,945 billion with the service sector contributing the largest portion at 53.3% followed by agriculture sector at 20% and industry at 18.5%. The economy grew by 6.1% in FY 2018/2019 and was projected to grow by 6.3% in FY 2019/2020 largely due to the recent public investments that have been undertaken by the Government and the private sector.

19. The financial sector and monetary policy is managed by the Ministry of Finance, Planning and Economic Development and Bank of Uganda. Headline inflation for the period 2012/2013 to 2018/2019 averaged 4.5%. The National Currency Uganda Shillings has remained stable against the United States dollar largely due to inflows from offshore investors, Non-Governmental Organizations, export of commodities, tourism and private transfers and remittances. The private sector has been growing steadily supported by the Government policy of Private Sector led growth.

20. According to the National Population and Housing Census 2014, Uganda's population stood at 34.9 million with an annual population growth rate of 3.0%.

21. Uganda has experienced trade deficits in the last couple of years which have largely been financed by other investments particularly project aid loans and foreign direct investment inflows.

22. Government continues to maintain macro-economic stability and prioritize investment in infrastructure to support inclusive growth.

23. Uganda ratified the International Covenant on Civil and Political Rights (ICCPR) on 21st June 1995 and submitted its Initial Report on 14th February 2003 (/C/UGA/2003/1. Concluding Observations were given on 4th May 2004 (CCPR/CO/80/UGA. This Report combines all outstanding periodic reports, including the 2nd, 3rd and 4th Periodic Reports and reflects the steps taken to implement the recommendations given in 2004. It should be noted that since 2005, a great deal of steady progress has taken place in politics and social economic development of the Country.

24. This Report shows that Uganda has taken various steps to implement the above concluding observations and has in fact done much more. As a flourishing democracy, despite the challenges the country faces as a developing state, Uganda has committed to the protection of civil and political rights as protected by the Covenant. This is because the Government of Uganda believes that without civil and political liberties, human development, welfare, peace and security cannot be realised. This Report illustrates that the

country has taken judicial, legislative and administrative steps to guarantee and protect not only the basic civic and political liberties but also the civil and political rights of specific groups such as women, children, prisoners and persons with disabilities, among others. Various laws and policies that protect and promote the rights have been promulgated and implemented, as well as the adoption of plans, strategies and programmes that positively impact on the rights.

Legislative Developments

25. Since the last reporting period, Government of Uganda has ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, the Maputo Protocol on the Rights of Women in 2010¹ and the Marrakesh Treaty² to Facilitate Access to Published works for Persons who are Blind, Visually impaired or otherwise Print Disabled. Uganda also accepted the individual complaints procedure under the Optional Protocol on Persons with Disabilities in 2008.

26. Parliament has enacted various legislation to promote and protect civil and political rights. In 2005, the Access to Information Act whose objective is to provide for the right of access to information pursuant to Article 41 of the Constitution was enacted. The Act is intended to provide an efficient, effective, transparent and accountable government. The Access to Information Regulations, 2011 which provide for, among others, the procedure of access to information and the cost of requests were issued. In 2013, Government passed the Public Order Management Act to regulate public meetings, and provide for duties and responsibilities of police, organisers and participants in relation to public meetings.

27. Various laws have also been enacted to promote economic, social and cultural rights. The Employment Act of 2006 revises and consolidates laws governing individual employment relationships and provides for general principles including prohibition of forced compulsory labour and discrimination in employment. The objectives of the Employment (Recruitment of Ugandan Migrant Workers Abroad) of 2005 include, to promote full employment and equality of employment opportunities for all, uphold the dignity and rights of Ugandan migrant workers and to provide a mechanism for issuing licenses to recruitment agencies.

28. In 2009 and 2010, Parliament also enacted the Domestic Violence Act, No. 3 of 2010 which criminalizes domestic violence, the Prohibition of Female Genital Mutilation Act No. 5 of 2010 which creates offences related to the harmful cultural practice of FGM and the Prevention of Trafficking in Persons Act No. 7 of 2009 which prohibits trafficking in persons. Other legislations which have been enacted are; The Whistle Blowers Protection Act, 2010, the Refugee Act, 2006, and the Children's (Amendment) Act, 2016.

29. The Government has enacted general and specific laws to give effect to Article 24 of the 1995 Constitution. The Prevention and Prohibition of Torture Act, 2012 (PPTA) is a specific law that gives effect to articles 24 and 44 (a) with respect to human dignity and protection from inhuman treatment. In 2017 the Government issued the Prevention and Prohibition of Torture Regulations which provide among others for a complaint and investigation procedure.

30. Laws have been enacted to domesticate Uganda's obligations and to enhance the protection of human rights. Government passed the International Criminal Court Act (ICC Act) whose purpose, among others, is to give the force of law to the Rome Statute of the International Criminal Court, implement obligations assumed by Uganda under the Statute and make further provision in Uganda's law for the punishment of the international crimes of genocide, crimes against humanity and war crimes. Government enacted the Human Rights (Enforcement Act) 2019 to give effect to Article 50(4) of the Constitution by providing for a procedure of enforcing human rights under Chapter Four of the Constitution.

¹ The Maputo Protocol on the Rights of Women in 2010.

² The Marrakesh Treaty.

Institutional Developments

31. The Government of Uganda adopted Vision 2040; “A transformed Uganda Society from a Peasant to a Modern and Prosperous Country within 30 years”. The vision identifies good governance as the back bone of development processes which ensure services are delivered to citizens. It consolidates the tenets of good governance including protection of human rights, the rule of law, transparency and accountability and stipulates that the respect of human rights and fundamental principles are at the core of government interventions. It also explicitly provides for the integration of the human rights-based approach in policies, legislation, plans and programs in order to enhance the capacity of duty bearers to respect, fulfil and protect human rights; and right holders to know, claim and realise their rights.

32. To give effect to the Vision 2040, the Government of Uganda has adopted two five year National Development Plans (NDP) 2010/11–2014/15 (NDP 1) with the theme “Growth, Employment and Social-economic transformation for prosperity”; the second National Development Plan 2015/16–2019 /20 (NDP II) with the theme, “Strengthening Uganda’s Competitiveness for Sustainable Wealth Creation, Employment and Inclusive Growth”. The Third National Development Plan 20/11 to 25/26 is in the final stages of adoption.

33. The promotion and protection of human rights is well captured under the Justice, Law and Order Sector (JLOS) Sector Development Plan IV, which illustrates the Government’s commitment to respect, and fulfil universally accepted human rights standards. A National Action Plan on Human Rights has been developed and is pending approval of Cabinet.

34. The Government has set up institutions to promote and protect human rights. The UHRC was for the fourth time accredited with an “A” status by the Global Alliance of National Human Rights Institutions (GANHRI) for its compliance with Principles relating to the Status of National Institutions (The Paris Principles). The EOC was inaugurated in 2010 with the mandate to eliminate discrimination and inequalities against any individual or groups of persons including on the grounds of sex, age, race, colour, ethnic origin, birth, political opinion and disability and to take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or customs for the purposes of redressing imbalances against them and to provide for other related matters.

35. The Government has set up mechanisms within Ministries, Departments and Agencies (MDAs) to promote and protect human rights. Parliament established a Committee on Human Rights as one of the standing committees of Parliament to track and report on human rights concerns in every business of Parliament and monitor government compliance with international and national human rights standards. The Committee has developed a checklist to assess compliance with human rights standards. A Human Rights Cabinet Sub Committee and Inter-Ministerial Committee have been created to provide policy and technical guidance. At a sectoral level, the Human Rights and Accountability Working Group has been created within the JLOS to provide in-depth consideration of human rights issues and ensure accountability in service delivery within the sector.

36. Security agencies such as the Uganda Peoples’ Defence Forces (UPDF) and Uganda Police Force (UPF) and Uganda Prisons Service (UPS) have been transformed through professionalization and modernisation programs. They have upgraded their human rights desks to, Directorate of Human Rights and Directorate of Human Rights and Legal Services respectively, UPS has also established the Department of Legal and Human Rights.

37. Human rights desks have been set up within ministries including the Ministry of Justice and Constitutional Affairs (MOJCA) and Ministry of Foreign Affairs (MoFA) to coordinate implementation of the NAP, compliance and reporting to regional and international mechanisms; and in the Office of the Directorate of Public Prosecutions and Chieftaincy of Military Intelligence (CMI) to streamline human rights within their policies, plans, programs and interventions. Focal points have been created within MDAs to ensure human rights are incorporated in institutional plans, programs, policies and budgets and to follow up on implementation.

Judicial Developments

38. In the case of *Uganda v Sekabira & 10 Others*,³ the High Court held that a court cannot sanction any continued prosecution of the persons where during the proceedings, the human rights of such persons have been violated.

39. In the case of *Lugonyu & 3 Others v Attorney General (CONSTITUTIONAL PETITION NO. 24 OF 2009) [2015] UGCC 15* (17 December 2015), The court held that the right to movement may be limited where it is established and justifiable that to do so is for the greater good and to secure the other stakeholders, in this case, the public.

40. In the case of *Basajjabaka v MTN UG LTD (HCCS. NO. 100 OF 2012) [2018] UGHCCD 22*. The court held that the plaintiff's right to privacy was not infringed when the photograph was taken in a public space but his right to privacy was infringed when his image was published on a billboard without his consent. Therefore, the right to privacy outweighed the defendant's freedom of expression.

41. In *Attorney General v Suzan Kigula & 417 others* (Supreme Court No.3 of 2006), the Supreme Court outlawed the mandatory death sentence on grounds that it took away judicial discretion. In *Uganda v Yiga Hamidu and 2 Others* (High Court Criminal Case Session No.112 of 2016) the Court recognised the existence of the offence of marital rape and held that the accused forceful engagement in sexual intercourse with the victim claiming that she was his wife was a violation of her rights under the 1995 Constitution and other international and regional conventions on the protection of the rights of women against any form of discrimination or sexual abuse to which Uganda is party.

Response to the Committee's concluding observations and recommendations

Status of the Covenant in domestic law

Para. 6: The State party should clarify the status of the Covenant in domestic law.

42. Since submitting the Initial Report, Uganda has taken additional steps to domesticate the Covenant. This has included the enactment and review of several laws that deal with such matters as participation in political life; protection of interest groups as women, children, refugees and persons with disability; prohibition of torture; protection of victims of crime and witnesses; and human rights enforcement, among others. These laws are illustrated under the various provisions discussed in this Report and are summarised below. In addition to the laws, the State Party has adopted policies, created mechanisms and improved existing laws to ensure that victims of violations and abuses get access to remedies. The State Party has also taken several steps to create awareness on the rights in the Covenant and promote human rights education.

43. In 2005, Parliament enacted the Access to Information Act, No. 6 of 2005. This Act provides for the right of access to information, prescribes the classes of information and the procedures for obtaining access to that information. This Act enhances enjoyment of the right to receive information as protected by Article 19 of the Covenant. In 2011, the Access to information Regulations⁴ were issued to provide for procedural matters.

44. In 2012, Parliament enacted the Prevention and Prohibition of Torture Act. The Act provides for the crime of torture and gives effect to the obligations of Uganda as a State Party to the United Nation's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other related matters as well as protecting the right to freedom from torture as contained in Article 7 of the Covenant.

45. In order to domesticate several Covenant rights related to employment, including Article 22 which provides for the right to form and join a union, Parliament in 2006 enacted several labour laws. These include the Employment Act of 2006; the Labour Unions Act,

³ H.C. Cr. Case No. 0085 OF 2010.

⁴ The Access to information Regulations, SI No. 17 of 2011.

No. 7 of 2006; and the Labour Disputes Arbitration and Settlement Act, No. 8 of 2006. The Employment Act prohibits discrimination in employment; sexual harassment; employment of children and forced labour; provides for rights and obligations in employment by both employers and employees; discipline and termination and emphasize the need for a fair process during hearings before termination or disciplinary action; and remedies and offences. The Labour Union Act No. 7 of 2006 which provides for the right to Unionize, prohibits employers from interfering with the right to associate, the procedure of registering a labour union, immunity and protection of unions and staff taking part in union activities including industrial action, among other provisions. The Labour Disputes Arbitration and Settlement Act, 2006 generally provides for industrial relations and different fora for handling employment related disputes which include the Labour Officers and the Industrial Court.

46. To make the work place safe, Parliament in the same year enacted the Occupational Safety and Health Act, 2006 which provides for general duties of employees and employers, manufactures, industries and factories to keep their premises safe for all stakeholders. The duties on the part of the employer include the duty to provide protective gear and ensure that the same is used, to provide safe premises, supervise the health of the workers, and to provide alternative employment in case the workplace becomes unsafe, among others. The employees also have obligations to report dangerous occurrences, to take care, to withdrawal from dangerous situations, as circumstances present themselves. Prior to these laws, Parliament had enacted the Workers Compensation Act to provide for compensation for employees injured or who die in the course of employment. All these laws are aimed at ensuring the protection of the right to work in a safe place for persons.

47. To enhance the protection of the rights of the child as provided by Article 24 of the Covenant, Parliament in 2016 amended the Children Act Cap 59. The amendment strengthens provisions on guardianship, prohibits harmful cultural practises, sexual exploitation and harmful employment, provides for conditions of inter-country adoption which are more stringent to avoid child trafficking and creates a National Children Authority as the main body in charge of enforcement of the provisions of the Act, among other provisions. All these are aimed at granting more protection to the rights of children.

48. In 2009 and 2010, Parliament enacted several laws which together domesticate the protection of several rights which include: The Domestic Violence Act, No. 3 of 2010 which defines domestic violence to include physical, psychological and economic violence. The Act provides for punishment for perpetrators and remedies for victims which may include compensation. The Act provides for the courts that can hear domestic violence cases which include the family and children's courts where the victim is a child; The Prohibition of Female Genital Mutilation Act, 2010 creates offences related to the harmful cultural practise of FGM. The offences include the offence of female genital mutilation, aggravated FGM and carrying our FGM on one's self among others. The act provides for interim relief for children who have been or are likely to be victims of the practice which take the form of protection orders. The Prevention of Trafficking in Persons Act, 2009 prohibits trafficking in persons, creates related offences, punishments, prevention against trafficking in persons and protection of victims, among other related matters.

49. The legislation enacted to promote the right to a remedy is the Human Rights Enforcement Act 2019. This law gives effect to Article 50 of the Constitution by providing for the procedure for the enforcement of the human rights protected by the Bill of Rights of the Constitution. Among others, the law defines remedies victims are entitled to, which include compensation, restitution, satisfaction and a guarantee of non-repetition, among others. In addition, the law imposes personal liability on public officials who abuse human rights. Other laws enacted are indicated in Annex I to this report.

50. To raise awareness about the provisions of the Covenant, the UHRC takes the lead as the constitutionally mandated institution to create awareness on human rights in the country. The UHRC has used several methods to create awareness. According to the 20th Annual UHRC's Report, 2017, in the year 2017 for example, the UHRC sensitised a total of 23,469 people through 178 community meetings conducted in 56 districts. Out of the 23,469 people sensitised, 13,345 were male and 10,124 females. In the year 2016 according to the 19th Annual UHRC report, a total of 51,986 people were reached through community

barazas which was a 64% increase from the past year. According to the 18th Annual UHRC Report, a total of 43,878 were sensitised in 2015. These were drawn from governmental institutions, security agencies, schools, cultural and religious institutions and grassroot community members. This was a 54% increase from 28,488 that had been sensitised in the year 2014. The UHRC also conducted community barazas and in 2015 31,694 people attended from 72 districts as opposed to 22,621 who attended in 2014. Of the 31,694 attendees in 2015, 20,664 were male while 11,030 were female. The low levels of attendance by females are largely attributed to the patriarchal nature of most of the societies which dictates attendance of meetings as the role of men, and domestic chores that keep most women at home, among others.

51. According to the 21st Report of the UHRC, between 2014 and 2018 alone, through the barazas, the Commission reached 154,106 persons. With respect to road shows, the 21st Report shows that the UHRC reached 177,181 persons for the period 2015–2018. For the year 2018 only, the Commission through the road shows reached 68,353, of whom 42,831 were male and 25,524 were female (refer to Appendix 2).

52. In 2017, UHRC targeted selected personnel of the Uganda Police Force (UPF) and the Uganda Peoples' Defence Forces (UPDF) among others. These were sensitised on various human rights standards vital in the execution of their duties. UHRC trained total of 1,465 security personnel from UPF and UPDF, 1,292 of whom were male and 173, female. Out of the total number of security personnel trained, 361 were UPDF officers (353 male, 8 female) police officers (939 male, 165 female). The security officers were drawn from 30 districts under six of UHRC's regional offices; namely, Mbarara, Fort Portal, Hoima, Jinja, Gulu and Moroto.

53. The UHRC has also held human rights awareness sessions in secondary schools. This is aimed at inculcating the love and spirit of human rights and peace at an early stage. These sessions were followed with the formation of Human Rights and Peace Clubs and strengthening the already existing ones. As at 31st December 2017, there were 328 human rights and peace clubs countrywide, comprising of 13,980 members (6,657 females and 7,323 males).

54. The Equal Opportunities Commission (EOC) has held several trainings, media engagements, public and community dialogues, translating and education and Communication materials in major languages. They have also done these through partnerships with State and Non-state actors. According to the 4th EOC annual report of the year 2016/17, the Commission trained Local Government Leaders and NGOs/CSOs on gender responsive planning and budgeting and its mandate generally. A total of 204 participants were reached by this training, 98 female and 106 male. The Commission also held public dialogues in the districts of Arua, Mityana, Kampala and Kabarole. These were largely on the mandate of EOC.

55. In February 2019, the Uganda Police Force adopted a Human Rights Policy. One of the purposes of this Policy is to mainstream human rights in all the processes, procedures and activities of the force. This includes building the capacity of police personnel to understand and protect human rights.

56. The Uganda People's Defence Forces (UPDF), Uganda Prisons Service (UPS) and Uganda Police Force (UPF) have developed training manuals.

57. The Ministry of Education and Sports has also incorporated human rights education in the school curriculum through the National Action Plan for Human Rights Education in Uganda of 2016–2021. According to the plan, some of the good practices that have been encouraged include:

- (i) Establishment of Human Rights and Peace clubs in Schools and other clubs such as scouting and girl guides, among others;
- (ii) Encouraging publication of Human Rights Magazines in Schools, for example Your Rights magazine; and
- (iii) Celebrating international human rights days such as the World Press Day.

Decisions of the Uganda Human Rights Commission

Para. 7: The State party should ensure that decisions of the Uganda Human Rights Commission are fully implemented, in particular concerning awards of compensation to victims of human rights violations and prosecution of human rights offenders. It should ensure the full independence of the Commission.

58. Article 54 of the Constitution states that the Commission shall be independent and shall not, in the performance of its duties be subject to the direction or control of any person or authority. The Government is committed to ensuring that victims of human rights violations and abuses get access to effective remedies. As indicated in the Initial Report, the Constitution under Article 50 allows any person who alleges that a right in the Bill of Rights has been violated to approach the Constitutional Court for redress under Article 137.

59. In addition, several laws prescribe remedies for victims. The Prevention and Prohibition of Torture Act, 2012 for instance section 6 makes provision for restitution for not only the victim but also members of his or her family or dependents, where necessary. This law also provides for rehabilitation, which could include medical and psychological care. Section 129B of the Penal Code (Amendment) Act 2007 also provides for compensation for victims of defilement.

60. The Prevention of Trafficking in Persons Act, 2009 in section 15 guarantees victims the right to restitution to cover the following:

- (a) The costs of medical and psychological treatment;
- (b) Costs of physical and occupational therapy and rehabilitation;
- (c) Costs of necessary transportation, temporary housing and child care;
- (d) Costs of re-integration in society; and;

(e) Any other costs that the court may deem fit. In section 15, the Act guarantees victims the right to compensation for the following: (a) Physical injury; (b) emotional distress; (c) pain and suffering; (d) loss or damage; and (e) any other damage that the court may deem fit.

61. To strengthen human rights enforcement, Parliament has enacted the Human Rights Enforcement Act, 2019. This law provides guidance on the procedures of enforcing human rights before the courts of law as well as the powers of the courts. The law was passed as a constitutional imperative under Article 50(4), which requires Parliament to make laws for the enforcement of the human rights in the Constitution.

62. Since 2005, the UHRC Tribunal has registered and adjudicated several cases which have resulted into relief for victims of human rights violations. For instance, in the year ending December 2017, a total of 5,027 cases were registered by the UHRC. This presented a 16% increase in the number of cases received in the previous year, which the Commission attributes to increases in awareness raising sessions such as community barazas, radio talk shows, among others. The Commission however notes that of all the cases received, only 682 related to their mandate. Cases that fall outside the UHRC's mandate are referred to the relevant agencies. . Refer to Appendix 3, for more information on the number of cases received by UHRC from 2005 to 2018.

63. The Government is committed to respecting and implementing decisions from judicial and quasi-judicial bodies. This includes decisions from the courts of law as well as those from the UHRC and EOC. It is for this reason that Government has over the years tried as much as possible, within the limits of its resources, to pay any financial awards given as compensation for victims of violations. To facilitate the payment of awards by the Ministry of Justice and Constitutional Affairs (MoJCA), UHRC, through the Office of the Registrar, issues a clearance letter to every award holder, introducing them to the Office of the Solicitor General and MoJCA for payment. This is done after the expiry of 30 days required for lodging any appeals against such awards. The letter is accompanied by all the documentation relevant for the processing of the award.

64. In November, 2016, The President Yoweri Museveni, directed Ministry of Finance, Planning and Economic Development to ensure that the UGX 5 billion required for UHRC tribunal awards to compensate victims of human rights violations be fully paid in the Financial Year 2017/2018. This is reflected in the increment of compensations made. See Appendix 4.

65. There has been a change arising from the decentralization of payments to ministries, departments and agencies which arose from the Budget Call Circular FY2016/2017 dated 9th September 2015 Ref. BPD 86/107/02 from the Permanent Secretary/Secretary to the Treasury coupled with a Directive from the President Yoweri Museveni in his letter dated 9th November 2016 which emphasized that all obligations that arose in the period in review and onwards are to be settled by the responsible MDAs.

Conformity of the Anti-Terrorism Act with the Covenant

Para. 8: The State party should review the Anti-Terrorist Act with a view to ensuring that the provisions set out in sections 10 and 11 are in full conformity with the Covenant.

66. The Anti-Terrorism Act 2002 was amended by The Anti-Terrorism (Amendment) Act 2017. The object of the amendment was, among others to expand the definition of terrorism and acts of terrorism; and to criminalize terrorism financing. This amendment was done in line with international obligations under the International Convention for the Suppression of the Financing of Terrorism, 1999 and was a welcome development.

Polygamy

Para. 9: The State party should take legislative measures to outlaw polygamy in addition to strengthening its on going awareness-raising campaigns.

67. Article 31 of the Constitution provides for the rights of the family and states that marriage shall be entered into with the free consent of the man and woman intending to marry. Article 37 provides for the right to culture and states that every person has a right as applicable to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition or religion. Polygamy is legal under the Customary Marriages Registration Act Cap 248 and the Marriage and Divorce of Mohammedans Act Cap 252. Many ethnic groups in Uganda have cultures that practice polygamy as legal customary marriages.

68. In addition, Article 21 (2) provides that a person shall not be discriminated on sex, race, colour, tribe, culture, religion or disability. Hence, the Government has taken several steps to promote non-discrimination and equal rights of men and women. With regard to customs and traditions that affect the principle of equality of men and women, the Government established the Equal Opportunities Commission in 2012 to address issues of discrimination and marginalisation. The EOC established a Tribunal to adjudicate on disputes relating to marginalisation, discrimination and other acts which undermine the principle of equal opportunity. The Tribunal has held a number of countrywide hearings to address complaints received from the districts of Sheema, Bushenyi, Mbarara, Ibanda, Busia, Wakiso, Mubende and Mukono. The Commission also receives and registers complaints and out of 221 complaints registered in this period, 189 were resolved (85%), demonstrating the Commission's commitment to fast tracking the complaints management mechanisms. Appendix 6 captures the complaints resolved by the Equal Opportunities Commission from 2010 to 2018.

69. Government recognises that there are several cultural practices that affect the dignity of women and has taken progressive steps in redressing them. These practices include FGM, domestic violence, demand for refund of bride price upon dissolution of marriage, child marriages, among others. Recent developments include a court decision that held the refund of bride price upon the dissolution of marriages to be unconstitutional and a violation of the dignity of women in the case of Mifumi v AG (Constitutional Appeal No. 2 of 2014). This has been followed by by-laws in some parts of the country reflecting the court decision, especially in the Eastern district of Tororo where the practise was rampant.

70. The Judiciary has since 2003 handed down several decisions which advance equality between men and women. In these cases, Government has taken steps to correct anomalies in the laws as guided by the courts. In the case of Uganda Association of Women Lawyers (FIDA) & 5 Others V Attorney General (Constitutional Petition No 2/2003), the Constitutional Court held that Section 4 of the Divorce Act which sets out separate grounds for divorce for men and women is unconstitutional. In Mifumi v Attorney General (Constitutional Appeal No. 2 of 2014), the Constitutional Court declared the cultural custom and practice of demanding for the refund of bride price to be unconstitutional. Similarly, in Law and Advocacy for Women in Uganda Vs Attorney General (Constitutional Petition No. 13 of 2005 and No. 5 of 2006), the Court declared some provisions of the Succession Act (Chapter 162 of Laws of Uganda) to be unconstitutional for violating the right to equality. The case also annulled section 154 of the Penal Code Act, which defined the offence of adultery to exclude extra-marital intercourse by a married man with an unmarried woman but did not exclude intercourse between a married women and unmarried man.

Female genital mutilation

Para. 10: The State party should take appropriate measures, as a matter of priority, to outlaw and penalize female genital mutilation and to effectively eradicate it in practice.

71. Article 2 (2) the Constitution states that if any law or any custom is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency be void. In 2010 Parliament enacted the Prevention of Female Genital Mutilation Act. Various stakeholders have undertaken awareness raising sessions on the effects of FGM and the provisions of the Act.

72. Since the last reporting period, Government has developed the National Policy and Action Plan on the Elimination of Gender Based Violence in Uganda (2016), the National Referral Pathway Guidelines for Prevention Response to Gender Based Violence cases in Uganda (2013), Guidelines for establishment and Management of GBV Shelters in Uganda (2013) as well as Guidelines for Prevention and Response to Female Genital Mutilation (2012) to combat the practice of FGM.

73. The case of *Law and Advocacy for Women v The Attorney General Constitutional Petition No.8 of 2007*. The Petitioners challenged the custom and practice of FGM practiced by several tribes in Uganda, as being inconsistent with the 1995 Constitution. Court held that the practice of FGM violate the rights of women enshrined in Article 21, 22, 24, 32(2), 33 and 44 of the Constitution and declared the practice unconstitutional and prohibited.

74. As a result of Uganda's strengthened referral and reporting mechanisms, the reporting of FGM cases has increased, as have arrests and prosecutions. Since 2013, at least 62 arrests have been made, with 33 prosecuted and sentenced across the six districts where FGM is practiced the most.

75. In addition, Government has established, together with development partners, 13 GBV shelters in the Sebei and Karamoja sub-regions. The shelters provide clinical services, legal protection, counselling and psychosocial support and reintegration services, among others. GoU facilitated the construction of 22 boarding schools in Karamoja, to keep the girl child in schools, given that there are higher levels of FGM and early marriage in this region. Due to government's sustained efforts, attitudes about the continuance of FGM are on the decline. See Appendix 7.

76. These initiatives are supplemented by the continued sensitisation of the populace about the dangers of FGM, providing economic empowerment to traditional surgeons to deter them from continuing with the practice and prosecuting any perpetrators acting in contravention of the law.

Gender based violence

Para. 11: The State party should adopt effective measures to prevent domestic violence, punish offenders and provide material and psychological relief to the victims. It should also train law enforcement officials, in particular police officers, to deal with cases of domestic violence.

77. Gender Based Violence (GBV) is a threat to women's freedom, liberty and security of the person. Government has taken the following measures to address this issue: The Penal Code (Amendment) Act, 2007 which introduced the offence of aggravated defilement which occurs among other instances, where the defiler is HIV positive, is a person in authority over the child, is related to the victim or where the victim is below 14 years. The enactment of the Domestic Violence Act No. 3 of 2010 which addresses violence in a domestic setting which affect mainly women. The Sexual Offences Bill before Parliament is under consultation by stakeholders. The Office of the Director of Public Prosecutions has also recently operationalized the Department of Gender, Children and Sexual Offences, that is supposed to coordinate the handling and management of prosecutions of all cases involving sexual violence. This will help in the expeditious handling of sexual violence related cases by officers with the requisite expertise to ensure justice for victims.

78. Government has developed the *National Male Involvement Strategy for the Prevention and Response to Gender Based Violence (GBV) in Uganda, 2017* in recognition that the males are a partner in prevention of the vice. The Ministry also developed Guidelines for the provision of psychosocial support for Gender Based Violence Victims/Survivors 2016 and established 13 GBV shelters that provide comprehensive services to survivors such as psychosocial support, rehabilitation, mediation and re-integration of the survivors. The guidelines emphasise the following guiding principles; victim or survivor-based approach to services, Human Rights Based Approach of empowering citizens as rights holders and government agencies as duty bearers in the enforcement of Human Rights, the "do no harm" principle, safety and confidentiality, among others.

79. In addition to the above, the Government has with the support of the United Nations Population Fund (UNFPA) worked with the Judiciary to establish special courts for GBV cases which reduced case backlogs and made it more effective to address GBV cases. This was introduced in 2018 and by December 2018, more than 1000 cases had been concluded in more than 8 centres country wide. This ensures that GBV cases are handled expeditiously to ensure justice is served and prevent further trauma and abuse.

80. Government in 2007 revised the National Gender Policy, with its goal being stated as to "Achieve gender equality and women's empowerment as an integral part of Uganda's socio-economic development". The purpose is stated as to establish a clear framework for identification, implementation and coordination of interventions designed to achieve gender equality and women's empowerment in Uganda. This is in addition to guiding to all stakeholders in planning, resource allocation, implementation and monitoring and evaluation of programmes with a gender perspective.

81. Uganda Peoples' Defence Forces, the Uganda Police Force and Uganda Prisons Service have incorporated SGBV in their training curriculum and established departments to handle Sexual and Gender based Violence. In addition, there has been strengthening of reporting procedures of SGBV like Police Form 3 which was inadequate for recording complaints of sexual violence has been revised.

82. Government has also dealt with the problem of sexual harassment, especially in the context of employment. The Employment (Sexual Harassment) Regulations, 2012 were passed to streamline the employment sector on what amounts to sexual harassment and put in place safety measures to address and prevent sexual harassment at the work place. The Regulations defined "sexual harassment in employment" and impose various obligations on employers, which includes having in place a sexual harassment policy. This is in addition to putting in place mechanisms to investigate and punish sexual harassment. The Regulations criminalise sexual harassment.

83. Government has also taken steps to improve the economic status of women so as to reduce their vulnerability to GBV. For instance, the Government has adopted measures to protect the land rights of women. In 2013, Government adopted the National Land Policy. In this Policy, Government commits to promoting the land rights of women. For instance, the Policy commits to ensuring that both women and men enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination. In 2008, Parliament enacted the Mortgage Act (No. 8 of 2009). This Act protects “matrimonial property” from being mortgaged without the consent of a spouse. In 2013, the Supreme Court affirmed the right to equal share of matrimonial property upon dissolution of a marriage (Case of *Rwabinumi vs Bahimbisomwe*, *Supreme Court Civil Appeal No. 10 of 2009*).

84. Through the MGLSD, Government established the Uganda Women Entrepreneurship Programme (UWEP) and Youth Livelihood Programme. These initiatives are aimed at improving access to financial services for women and equipping them with skills for enterprise growth, value addition and marketing of their products and services. The Programme is designed to address the challenges women face in undertaking economically viable enterprises including the limited access to affordable credit, limited technical knowledge and skills for business development, limited access to markets as well as information regarding business opportunities. As of 2018, 103,770 women from 8000 projects had benefitted from UWEP (UWEP Annual Report, 2018).

Internally displaced persons

Para. 12: The State party should take immediate and effective measures to protect the right to life and liberty of the civilian population in areas of armed conflict in northern Uganda from violations by members of the security forces. In particular, it should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord’s Resistance Army.

85. By the time Uganda submitted the Initial Report, the country was still grappling with the Lord’s Resistance Army (LRA) insurgency in Northern Uganda which resulted in loss of lives from criminal acts of rebels as well as displacing many persons. By 2004, it was estimated that over 1,600,000 persons in Northern Uganda had been displaced because of the civil war. The National Policy for Internally Displaced Persons was adopted by Government in 2004 with principles for provision of assistance to Internally Displaced Persons. While making provision for the management of the situation in the IDP Camps, the Policy provided for voluntary return and resettlement of IDPs to their homes and place of habitual residence based on accurate and objective information. The Policy commits to supporting those returning to their homes among others through the provision of a resettlement kit. In a bid to promote sub-national development, the National Development Plan I (NDP I) committed to rebuild and empower communities to participate in the recovery, resettlement and re-integration. This was to be achieved through emergency assistance to IDPs and implementing a resettlement programme. This was to be done under the Peace Recovery and Development Plan (PRDP). Indeed, as a result of our commitment, a display of best practices and achievements, Uganda in October 2009 hosted a Special Summit of the African Union at which the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention). Uganda ratified this Convention on 29/01/2010, just a couple of weeks after its adoption.

Death penalty

Para. 13: The State party is urged to limit the number of offences for which the death penalty is provided and to ensure that it is not imposed except for the most serious crimes. The State party should also abolish mandatory death sentences and ensure the possibility of full appeal in all cases, as well as the right to seek pardon or commutation of the sentence.

86. Article 22 of the Constitution provides for the right to life and states that no person shall be deprived of life intentionally except in execution of a sentence passed by a court of competent jurisdiction in respect of a criminal offense under the laws of Uganda and sentence has been confirmed by the highest Appellate Court. Uganda has taken several

steps to reform the law towards removing the mandatory death sentence. At the moment, although Uganda maintains the death penalty, in several laws for capital offense. See Appendix 8.

87. The Supreme Court in 2008 outlawed the mandatory death sentence on the ground that it took away judicial discretion. This was in the case of *Attorney General v Suzan Kigula & 417 others (Supreme Court No. 3 of 2006)*. Following this landmark decision, several attempts have been made to implement the same and they include:

(i) Three prisoners who had been sentenced to death prior to 1989 were immediately released. All death sentences confirmed by the Supreme Court before 2006 were commuted to life imprisonment, benefiting approximately 139 prisoners. All remaining inmates (whose death sentences have not been confirmed by the Supreme Court) will be re-sentenced by the High Court. 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 has drastically reduced from 505 (453 men and 34 women) in 2011 to 211 (200 men and 11 women) in 2015;

(ii) The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act recently passed by Parliament with the objective to enforce the Susan Kigula ruling by amending the Penal Code Act, Cap 120, the Anti-Terrorism Act, 2002 and the Uganda Peoples Defence Forces Act, 2005 which still provide for mandatory death sentencing. The Act provides for a number of offences that attract the death penalty;

(iii) In 2013, the Judiciary issued the Constitutional (Sentencing Guidelines for Courts of Judicature) (Practice) Directives to mitigate various challenges that the country's judiciary face in sentencing and ensuring uniformity in the use of sentencing discretionary powers. These have highlighted the fact that the death penalty is no longer mandatory;

(iv) Even with the death sentence on the statute books, the last execution is reported to have taken place in 2005.

88. About the safeguards of the implementation of the death penalty, the same cannot be meted on children since under section 89 (11) of the Children's Act, a child can only be sentenced (only to a maximum of 3 years in prison and cannot be sentenced to death penalty. Pregnant women can also not be sentenced to the death penalty but to life imprisonment instead. This is by virtue of Section 103 of the Trial on Indictments Act.

HIV/AIDS

Para. 14: The State party is urged to adopt comprehensive measures to allow a greater number of persons suffering from HIV/AIDS to obtain adequate antiretroviral treatment.

89. Parliament of Uganda enacted The HIV and AIDS Prevention and Control Act 2014 which provides for a trust fund to support persons suffering from the disease to obtain adequate anti-retroviral treatment. The Government of Uganda was among the first countries to recognise the threat that the HIV/AIDS scourge posed to the enjoyment of the right to life and has as such made tremendous efforts in reducing HIV incidence, HIV related mortality, infant HIV infection and HIV prevalence where the National Strategic Plan targets were surpassed. The recent Uganda Population-Based HIV Impact Assessment (2016–2017) results revealed that the country has made significant progress in reducing the HIV prevalence from 7.3% in 2011 to 6% in 2017. There is an estimated 1,300,000 people living with HIV and AIDS in Uganda of which 73% know their HIV positive status. Of those who are HIV positive, there are 67% who are on ART and close to 60% are virally suppressed. There has been scale up of Prevention of Mother to Child Transmission (PMTCT) services and there are more than 95% of mothers accessing the PMTCT services. Uganda has also introduced free Post Exposure Prophylaxis (PEP) to handle exposure to HIV in accidental contact as well as for victims of sexual offences.

90. Uganda adopted decentralisation as a system of governance under Chapter 11 of the Constitution. Health services were some of the services that were decentralised, and as a

result, emergency medical care, including increased access to ART is available in all referral hospitals in Uganda for free. Many private hospitals offer the same services. The status of availability of medical services can be said to have greatly improved since the decentralisation of the same.

91. There are also increased Government awareness campaigns on the scourge of HIV/AIDS, abstinence, faithfulness between couples/sexual partners and the benefits of safe male circumcision as a measure of combating HIV/AIDS.

Child abduction

Para. 15: The State party should take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to face the abduction of children, and to reintegrate former child soldiers into society.

92. The LRA is no longer present in Uganda and therefore there is no abduction of children by the LRA in Northern Uganda. With regard to the reintegration of former LRA child soldiers, the UPDF set up the Child Protection Unit as a specialised unit to handle former child soldiers before they were handed over to rehabilitation centres which were providing psychosocial rehabilitation, reintegration services and vocational training. The UPDF also developed Standard Operating Procedures (SOPs) in line with recommendations of the United National Security Council Working Group on Children and Armed Conflict (S/AC.51/2010/11) and best practice applicable to children under the age of 18 years.

Use of firearms

Para. 16: The State party should ensure that law enforcement officials are prosecuted for any disproportionate use of firearms against civilians. Additionally, it should continue its efforts to train police agents, members of the military and prison officers to scrupulously respect applicable international standards.

93. The Firearms (Amendment) Act, 2006 regulates the possession of firearms. The UPDF Act, 2005 provides for prosecution of law enforcement officers who disproportionately use firearms against civilians. The Police (Amendment) Act 2006, provides for the regulation of Police Officers, including the disciplining of errant officers responsible for human rights violations. The Prisons Act, 2006 provides for regulation of the use of firearms. In addition, the UHRC trains personnel of the Uganda Police Force (UPF), Uganda Prisons Service (UPS) and the Uganda Peoples Defence Forces (UPDF) on various human rights standards in the execution of their duties.

94. In addition to the above measures, Government has taken remedial measures, including disciplining errant officers responsible for abuse of firearms. These are tried by the relevant disciplinary bodies and courts under the codes applicable to them. This includes the Police Code of Conduct under the Police Act Cap. 303 and the UPDF Code of Conduct under Seventh Schedule of the UPDF Act, 2005.

Arbitrary detention and torture

Para. 17: The State party should take urgent and effective measures to prevent arbitrary detention and torture by State agents. It should thoroughly investigate any alleged case of arbitrary detention and torture, prosecute those held responsible and ensure that full reparation is granted, including fair and adequate compensation.

95. Article 24 of the Constitution provides for respect for human dignity and protection from inhuman treatment and states that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. Article 44 of the Constitution prohibits derogation from the freedom from torture and cruel, inhuman or treatment or punishment. Article 23 provides for the protection of a person's liberty and *habeas corpus*. Article 28 provides for a right to a fair hearing.

96. Parliament enacted the Prevention and Prohibition of Torture Act, 2012 to give effect to Articles 24 and 44 (a) with respect to human dignity and protection from inhuman

treatment. The definition of torture in the Prevention and Prohibition of Torture Act (PPTA) is consistent with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

97. Section 2 of the PPTA defines torture as: any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official capacity or private capacity for such purposes as-

- (a) Obtaining information or a confession from the person or any other person;
- (b) Punishing that person for an act he or she or any other person has committed, or is suspected of having committed or of planning to commit; or
- (c) Intimidating or coercing the person or any other person to do, or to refrain from doing an act.

98. Other relevant legislations on the subject are; the Domestic Violence Act, 2010, Female Genital Mutilation Act, 2010, the Prevention of Trafficking in Persons Act, 2009, the Whistle Blowers Protection Act, 2001, the Refugee Act, 2006, and the Children (Amendment) Act, 2016.

99. In 2017, Government issued the Prevention and Prohibition of Torture Regulations which provide among others a complaint and investigation procedure. In 2006, Ministry of Education and Sports issued a circular to all institutions banning corporal punishment. Government has developed a National Strategic Plan on Violence Against Children in Schools (2015–2020); and A Handbook on “Alternatives to Corporal Punishment” which introduces the concept of positive discipline was developed, published and disseminated throughout the country.

100. In May 2017, the President Yoweri Museveni issued a directive concerning torture to the; Chief of Defence Forces, Inspector General of Police and Director General of Intelligence Services prohibiting use of torture on suspected criminals.

101. The UHRC has continued to investigate complaints at its own initiative or on a complaint made by any person or group of persons against the violation of any human right including freedom from torture, cruel, inhuman or degrading treatment or punishment.

102. The Judiciary handles cases of arbitrary detention and torture to ensure prosecution and full reparation as in the case of *Behangana and Anor versus the Attorney General (Constitutional Petition No .53 OF 2010) (2015) UGCA 6 (12 October) 2015* court found that the arrest and detention of the petitioners contravened Article 23 of the Constitution. Court also found that the assault on the petitioners during arrest and while in police custody contravened Article 24 though the act did not amount to torture it was cruel, inhuman and degrading treatment. The Court pointed out the need for adding as parties the perpetrators, and their supervisors, of impugned actions in their personal capacity so that they can face civil consequences for their wilful disregard of the fundamental rights and freedoms of the people of this country.

103. In *Abdu Rashid Mbazira & 21 Ors v Attorney General, Mis Cause No 210 of 2017*, Court ordered that the suspects be subjected to an independent medical examination to ascertain torture allegations while in detention.

104. In the case of *Issa Wazembe V Attorney General (CIVIL SUIT NO. 154 OF 2016) [2019] UGHCCD 181*, the court awarded the plaintiff UGX 50,000,000/= (Fifty Million) for the illegal detention and *or incommunicado* detention of 10 months from November 2007–August 2008 and UGX 15,000,000 (Fifteen million Uganda Shillings) as punitive damages.

105. Further in *Kopia Moses v Kintu Job and Taika Jackson (High Court-MC-No. 0016 of 2013)*, the court ordered that the continued detention of the applicant in Kamuge Prison as a judgement debtor was unlawful.

Conditions in places of detention

Para. 18: The State party should terminate practices contrary to article 7 and bring prison conditions into line with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. It should also take immediate action to reduce overcrowding in prisons as well as the number of persons detained on remand.

106. Government has undertaken a number of interventions to address the problem of long-stays in pre-trial detention by doing the following:

(i) The Trial on Indictments Act, the UPDF Act and the Magistrates Courts Act provide for bail for accused persons on fulfilment of the stated conditions or in exceptional circumstances. The law therefore makes an application for bail a constitutional right although it can be granted or denied at the discretion of Court;

(ii) The Judiciary and the Office of the Director of Public Prosecution (ODPP) have in an effort to reduce on the time spent on pre-trial remand (particularly after committal) come up with some innovations like the Plea Bargaining policy where the suspects are given an opportunity to approach the ODPP when ready and willing to plead guilty to the offence for a lesser sentence in consideration of not wasting Courts time and meagre resources on a full trial. Plea Bargaining is provided for under the Judicature (Plea Bargaining) Rules of 2016;

(iii) In 2010, the Judiciary, introduced the Quick-Win Case-backlog Reduction Strategy. This Strategy was focused on reduction of case backlogs by ensuring coordination of activities among stakeholders in the justice system in dealing with matters of case backlog. By 2011, the implementation of the Strategy, which included the among others the holding of special sessions, saw the settlement resolution of over 80,000 case;

(iv) The National Legal Aid Policy which proposes Government funded delivery of legal aid services to all poor and vulnerable persons in order to enhance speedy processing of cases and promote fair and impartial trials has been drafted. The Cabinet Memorandum for approval of the draft policy and the principles for the drafting of the Bill is before Cabinet for review and adoption. Community service has been instrumental in reduction of custodial sentences that ultimately increase prison congestion. The Community Service Act (Cap 115) of the Laws of Uganda defines community service as “non-custodial punishment by which after conviction the court, with the consent of the offender, makes an order for the offender to serve the community rather than undergo imprisonment.” By way of examples, in 2011/2012, prisons were saved of about 8000 inmates as a result of community service orders. In the last ten years, 2008–2018, a total number of 96,032 offenders benefitted from community service. The Ministry of Internal Affairs has established the Directorate of Community Service and developed a handbook on the same to ensure proper management of the same.

107. The state of places of detentions is critical in the realisation of the right to personal liberty. It is for this reason the UHRC is mandated by Article 52(1)(b) of the Constitution to visit jails, prisons and other places of detention or related facilities with the view of assessing and inspecting the conditions of inmates and make recommendations. According to the 20th UHRC annual report, in 2017, the UHRC visited several places of detention including Makindye Military Police barracks and Nalufenya Police Station to assess the conditions of detention. The Parliamentary Committee on Human Rights also visited Nalufenya to assess the conditions of detention. These efforts helped in ensuring that people deprived of their right to personal liberty are accessed and their rights monitored.

108. The Government has taken the following steps in eliminating congestion in places of detention.

(i) Construction and renovation of prisons. New prisons include Kitalya, Minimax (with a capacity of 2,000 prisoners), Kyangwali and Butyaba. Expanded prisons include Mutukula, Nebbi, Adjumani, Ragem, and Orom-Tikau;

(ii) Use of non-custodial sentences and initiatives to reduce pretrial remand periods. These include:

(a) Plea bargaining which reduces the time spent on remand as discussed under Article 9 below;

(b) Non-custodial sentences like cautions, community service under the Community Service Act, Chapter. 115, the express fines under the Traffic and Road Safety Act, 1998, among others;

(c) Release on bond with or without sureties where circumstances permit, under the Police Act;

(d) Special SGBV sessions which have disposed of several cases.

109. As a result of the above measures, the UPS prisons holding capacity increased by 16,612 inmates in 2016/17 from 14,421 in 2010/11. The new prisons have provided more space and modern facilities, including proper sanitation.

110. The state of health has been improved by the establishment of health units in 55 prisons and a prisons' National Referral Hospital at Murchison Bay Prison. Prisoners also have unfettered access to other public hospitals.

111. The population of female prisoners account for 4.5% of the prison population. Government appreciates the unique needs of female inmates and has taken special measures to address these. The measures adopted include the following:

(i) Female prisoners are separated from male prisoners;

(ii) Female prisoners are attended to only by female staff;

(iii) All female prisoners in the 17 female prisons are provided with mattresses and beds;

(iv) Adequate sanitary towels are provided to all female prisoners in custody.

112. As indicated above, Government is implementing measures to address the rights of women incarcerated with children and expectant mothers. In addition to the measures illustrated under Article 3 above, Government has established separate wards for mothers with children in all female prisons. This is in addition to providing 15 prisons with dairy cattle to provide nutritional supplements to expecting mothers and children staying with their mothers in prison. Further to this, day care centres have been established at Gulu, Luzira, Mbarara, and Mbarara female prisons to cater for the children.

113. It is the duty of Uganda Prison Service (UPS) to protect the rights of pregnant prisoners, prisoners incarcerated with children and those of their children and to ensure special care. In 2006, Parliament enacted the Prisons Act to further align our laws with the international standards defining the rights of prisoners. The Act guarantees and makes provision to protect pregnant mothers, mothers with infants and their children. Section 59(3) provides that a female prisoner, pregnant prisoner or nursing mother may be provided special facilities needed for their conditions. In section 59(4), the Act provides that an infant referred to in subsection (2) shall be supplied clothing and other necessities of life by the State until the infant attains the age of 18 months in which case the officer in charge shall, on being satisfied that there is a relative or friend of the infant able and willing to support it, cause the infant to be handed over to the relative or friend. The Act in section 59(5) provides that where there is no relative or friend who is able and willing to support the infant, the Commissioner General may, subject to the relevant laws, entrust the care of the infant to the welfare or probation authority as the Commissioner General may approve for that purpose.

114. It is the objective of the prison system to rehabilitate offenders and enable them to live a meaningful life. This is the reason Government has ensured that prisoners in Uganda go through a reform and rehabilitation program. Measures intended for this include the following:

(i) Formal education, which is from primary to secondary, and integrates with national education system. Luzira prison has a functional, Murchison Bay Primary

School and allows for secondary exams to be administered. In 2018 Uganda National Examinations Advanced Certificate (UACE) exams, 21 of the 30 prisoners who sat for the same qualified for admission to university. The UPS has entered into an agreement with the University of London, which has allowed inmates in Luzira to register and study for diplomas in law. Some have graduated from this programme;

- (ii) Functional adult literacy, which teaches such things as reading and writing;
- (iii) Vocational skills training, which imparts such skills and carpentry, crop production, metal works and fabrication; tailoring, and printing;
- (iv) Counselling and guidance;
- (v) Psychological treatment;
- (vi) Spiritual and moral rehabilitation;
- (vii) Socialisation programmes, such outdoor games, music, and dance and drama;
- (viii) Life Skills Training; and
- (ix) Entrepreneurship Training.

115. See Appendices 10–14.

116. The Government continues to treat juvenile offenders according to international standards and best practices. According to The Children’s Act (as amended), children are not supposed to be detained with adults in any detention facility (section 94(6)). At police level, the law requires Police Officers to caution the children and only use detention as a matter of last resort. When children are found to be in conflict with the law, they are imprisoned in reformatory homes and not ordinary prisons. Uganda has seven (7) of such facilities from the previous five (5). The new centres include Arua and Kabale Remand Homes. Progressively, Government is dealing with this problem by ensuring that all children are registered at birth and issued with a birth certificate and that all adults are registered and issued with a National Identity Card which shows one’s age.

117. In order to protect the rights of child victims and children in conflict with the law, Government has adopted special handbook for the Office of the Director of the Director of Public Prosecutions entitled: *Prosecuting Child-Related Cases in Uganda: A Handbook for the Directorate of Public Prosecutions*.

118. According to the JLOS Sector performance report of 2016/17 the number of children arrested was 7.9 per 100,000 child population as compared to 10.1 per 100,000 child population in 2010/11 and the percentage of children who received non-custodial sentences stood at 71.4% against a target of 85%. Children diverted after investigations increased from 52.6% to 80%. However, the number of children on remand per 100,000 child population increased from 1.5 to 2.1 against a target of 0.8 this was partly explained by the high number of capital cases in which children are jointly charged with adults and the slow investigation of cases coupled with lack of sureties for some juveniles to access bail.

119. A UNICEF supported programme Justice for Children (J4C) has through its work with the JLOS actors and its coordinators continuously engage the trial magistrates and advocates for non-custodial sentences for children in conflict with the law, hence resulting in a reduced number of juvenile offenders ending up in the remand homes. Of the total 2,587 juveniles sentenced in 2016/17, 739 received custodial and 1,848 (71.4%) received non-custodial sentences compared to 2015/16 were 427 (22.7%) received custodial and 1,455 (77.3%) received non-custodial sentences. The increased number of noncustodial sentences issued is attributed to the continuous engagement of stakeholders, sensitization, and advocacy on children rights.

120. A total of 3,376 of the 7,039 juveniles released were resettled across the J4C programme sites between July 2016 and June 2017. This implies that 34% of juveniles released were resettled in their respective communities up from 18.8% in 2012/13. They comprised of abandoned children, lost and found children and children at risk of violation. The majority were resettled by the in-charge Family and Child protection officer who traces their homes and relatives regardless of the distance.

Para. 19: The State party should abolish imprisonment for debt.

121. Although Uganda laws still provide for imprisonment for civil debts, recent judicial interpretations are aligning the law with Article 11 of the Covenant. In the recent case of *Opio v Obote & 2 Ors (Miscellaneous Civil Applications No. 0081 and 0082 OF 2018 (Consolidated)) [2018] UGHCCD 39 (24 August 2018)*, the High Court stated that when applied to honest debtors incapable of paying dues for reasons beyond their control, civil imprisonment has the undesirable effect of subverting justice by being turned into a tool of harassment of a person just because of his or her poverty. It leaves both the debtor deprived of his or her liberty and creditor still destitute. That to avoid this outcome, the creditor must therefore satisfy the Court that the debtor is guilty of wilful refusal or culpable neglect to pay the debt. The Court stated that mere omission to pay should not result in arrest or detention of the judgment-debtor. Before ordering detention, the court must be satisfied that there was an element of bad faith, not mere omission to pay.

Child labour

Para. 20: The State party should adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with article 24 of the Covenant. It should also provide for effective sanctions against those involved in such practices.

122. Article 34 of the Constitution prohibits economic exploitation of children. The Children's Act and the Employment Act also prohibit exploitation of Children.

123. The Government has done the following to end child labour in Uganda:

- (i) Coordination and support the tripartite conferences as well as promotion of public private partnership where concerns of child labour and exploitation are discussed;
- (ii) Documentation on how many organizations and institutions are implementing child labour activities in line with the sustainable development goals to inform policy, planning and programming;
- (iii) Implementing the National Action Plan on Elimination of Worst Forms of Child Labour and Uganda Child Labour Policy 2006;
- (iv) Organising capacity building of labour officers with support from MGLSD, ILO, Industrial Court, platform for Labour Action, Uganda Insurers Association, Insurance Regulatory Authority, Uganda Medical Association;
- (v) Establishment of National child labour steering committee to coordinate child labour activities;
- (vi) Holding quarterly national child labour steering committee meetings under the chairmanship of the MGLSD (Labour department is the secretariat) all the social partners and documented some of the best practices on addressing hazardous child labour;
- (vii) Implementing an All Actors Approach (Triple A) for addressing child labour;
- (viii) Establishment of support structures/synergies with existing structure through routine, spot and complaint induced inspections;
- (ix) Integrated child labour inspection check list for workers;
- (x) Continuous sensitization and awareness creation especially on world day of the African child celebrated on 12th June every year, more so having joint commemoration events where all partners, government, labour unions, employers working together and delivering the message;
- (xi) Enforcement of the laws by prosecuting errant employers.

124. In line with the obligations under the Covenant, Article 25 of the Constitution of Uganda, 1995 provides for protection against slavery, servitude and forced labour as a non-derogable right. Parliament has enacted the following legislations in support:

- (i) The Prevention of Trafficking in Persons Act, No. 7 of 2009 that provides for the prohibition of trafficking in persons, creation of offences, prosecution and punishment of offenders, prevention of the vice of trafficking in persons and protection of victims of trafficking in persons;
- (ii) The Employment Act, 2006 which prohibits forced labour and the employment of children under the age of 12 years and provides conditions under which children above 12 to 16 can work like doing light work and work that does not interfere with their education, or physical or spiritual upbringing;
- (iii) Government issued the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 for the proper coordination of migrant workers abroad;
- (iv) In 2013, Government of Uganda issued Guidelines for placement of Ugandan Workers abroad which area aimed at better management of recruitment and mobility of employees to foreign countries. These provide for the process of licencing labour exportation firms, accreditation of foreign employers, advertisement of jobs abroad, standards of operations of recruitment agencies, among others.

125. In 2015, Government adopted the National Action Plan for Prevention of Trafficking in Persons in Uganda whose objectives include to: prevent trafficking in persons through vibrant awareness campaigns and operational preventive measures; build the institutional capacity of relevant stakeholders to be able to provide effective protection and assistance to victims of trafficking in persons; and enhance the capacity of stakeholders with appropriate skills and capabilities for effective detection, investigation and assistance to victims of trafficking in persons. The National Awareness Strategy has been developed to guide awareness raising on the existence of trafficking in persons and how to cooperate with enforcement agencies for easy resource and investigations in case one is for a victim of crime. In March 2013, the Coordination Office for Prevention of Trafficking in Persons (COPTIP) was established in accordance with Section 21 of the PTIP Act.

Administration of justice

Para. 21: The State party should take steps to remedy shortcomings in the administration of justice in order to ensure full respect for the judicial guarantees enshrined in the Covenant. It should revise its legislation and practices, in particular with regard to the above-mentioned concerns.

126. Article 128 of the Constitution guarantees independence of the Judiciary and states that; in the exercise of judicial power, the courts shall be independent and shall not be subjected to the control or direction of any person or authority. One of the measures Government has adopted to address the access to justice challenges of its people, including ensuring access to legal services for the indigent, is by drafting the Legal Aid Policy and Bill. Once these are passed, the policy and legal aid law will result into the establishment of a comprehensive state funded legal aid scheme and better regulation of the legal aid field to ensure the provision of quality services.

127. There are various laws in place to regulate the quality of legal services. They include the Advocates Act Cap. 267 and the regulations made there under like the Advocates (Professional Conduct) Regulations, the Advocates (legal Aid to indigent Persons) regulations of 2007. The Law Council regulates private legal practice and legal aid service providers. In the year 2016/17, for example, the Uganda Law Council concluded 150 cases against errant Lawyers; inspected 700 law firms and 13 Universities offering law programmes Country wide. Under their umbrella, the Legal Aid Service Providers Network (LASPNET), 54 LASPs have come together to ensure that their services of a proper quality and appropriately focused.

128. At the moment, although there is no mandatory legal requirement for provision of free legal aid services to non-capital offenders, Government is through JLOS working in partnership with private legal aid service providers (LASPs). For quality purposes, the LASPs are regulated by the Uganda Law Council. In addition, legal aid is provided by such institutions as the Uganda Law Society, the Legal Aid Clinic of the Law Development

Centre, the Public Interest Law Clinic and the Refugee Law Project, both of the School of Law, Makerere University.

129. In addition to the above, the Judiciary in 2010 with the support of the Justice, Law and Order Sector (JLOS) Secretariat established the Justice Centres (JCU) to provide free legal services to poor, vulnerable and marginalized. JCU operates one-stop-Centres with a broad range of legal aid services to all categories of vulnerable people in the community, identified through a means and merit test. Some of these services include legal representation, mediation, referrals, awareness creation and outreach, as well as psychosocial support. JCU seeks to bridge the gap between the supply and demand sides of justice while at the same time empowering individuals and communities to claim their rights and demand for policy and social change. JCU currently operates four Centres in Mengo, Hoima, Lira and Tororo and two Service Points in Jinja and Masaka.

130. The JLOS Annual Performance Report of 2016/17 that tracked the proportion of persons in need of legal aid that accessed legal aid services, shows that the same increased to 75.6% from 23 %. A total of 32,976 clients sought legal aid services from either ULS, or LASPNET members of which 75.6% (24,936) received legal aid services.

131. The Government recognises distributive justice and informal mechanisms of dispute resolution. In 2006, Parliament enacted the Local Councils Courts Act of 2006. This law streamlines the local council courts and clarified their jurisdiction, powers and procedures. These courts can hear and determine the following cases: Debts, simple contracts, assault, battery, conversion, damage to property, trespass, disputes in respect of land held under customary law, disputes concerning marriage, marital status, separation, divorce of proof of parentage especially where the marriage is a customary one, disputes relating to identity of a customary heir and bailment.

132. On measures undertaken to ensure speedy trials, the Government created High Court circuits, has recruited more Judicial Officers. Recently even Court of Appeal has been holding upcountry sittings. Government has also introduced plea bargaining sessions under the Judicature (Plea Bargaining Rules), 2016 where accused persons that are willing to plead guilty have their sentences bargained. This has enhanced accountability of the accused persons, while reducing on resources, congestion in prisons and case back log. As seen under Article 9 above, in 2018 alone, 885 cases were handled under plea bargaining. See Appendix 18.

133. By June 2017, there were 51,772 detainees in prisons. 51.8% of these being on remand. The average length of stay on remand was 10.4 months for capital offences and two months for non-capital offences after committal. In terms of general case disposal, 46,036 cases were handled by Magistrate's courts, 1,359 by the High Court and 79 by the Court of Appeal and hence case backlog reduced to 24% in 2017 from 35% in 2016, while case disposal grew by 64% from 86,000 in 2011/2012 to 175,556 cases in 2016/2017. Some of the cases were disposed of after the 47 plea bargain sessions held in the financial year. In addition, by 30th June 2017, the average caseload per Criminal Investigations Directorate (CID) officer was 22 files, the caseload per State Attorney was 245 cases (down from 820) while the average time taken to process forensic investigations was 90 days compared to 210 days in 2010/2011.

134. To enhance the right to a fair, speedy and public hearing, in 2017 the Judiciary implemented various strategies. This included the opening of 9 new High Court circuits, (raising their number to 20), innovative case disposal options including plea bargaining was done and rolled out to all High Court circuits. The courts also now allow live media coverage of court proceedings to enhance public trials. The other initiatives in this respect include:

- (i) The introduction of Special Courts to handle special cases expeditiously. These include the children and family courts, the international crimes division of High Court, the Anti-Corruption Court, and the small claims procedure under the Judicature (Small claims Procedure Rules SI 25 of 2001 where cases of below U. Shs 10,000,000 are heard and determined in a tribunal like kind of setting (refer to Table 15 for more information on anti-corruption);

(ii) The Judiciary has also introduced the Court Annexed Alternative Dispute Resolution in light with Article 126 of the Constitution but also to handle the issue of case backlog. These are established under the Judicature (Mediation) Rules SI No. 10 of 2013. There are also the case management draft rules now before the Rules Committee of the Judiciary for consideration and approval. The Magistrates Courts Act, Trial of Indictments Act and Civil Procedure Act, Evidence Act are also under review by the Uganda law reform Commission and Ministry of Justice and Constitutional Affairs to ensure that the same can achieve fairer and speedy trials;

(iii) The office of the Directorate of Public Prosecutions has been strengthened. There are 112 stations across the country and 450 state attorneys. All courts receive prosecutorial services and the prosecution rate is currently standing at 63%;

(iv) Access to courts is being improved by constructing ramps at court premises. This has already been done at the High Court in Kampala.

135. As a result of implementation of various measures, disposal of cases by the Sector grew by 50% to 175,556 cases at the end of implementation of the Third Strategic Investment Plan in 2016/17 from 116,367 cases in 2012/13 at the start of implementation of the periods, and case backlog reduced from 35% in 2010/11 to 24% in June 2017, while conviction rates in criminal matters increased by 32% to 65% in 2016/16 from 49% in 2010/11. This was possible because of increased staff numbers and training, adoption of new programmes such as plea bargaining, ADR, diversion of cases from the formal system, retooling of institutions, and public awareness programmes among others.

136. The Judiciary has taken several steps to deal with the problem of corruption in the judicial processes. The measures include such initiatives as the Judiciary Anti-corruption Action Plan, the Judiciary Inspectorate of Courts, the Judiciary Integrity Committee, the Judiciary call centre, the Court Users Committees like at the Anti-corruption Court, Court open days where courts interact with and receives feedback from the public and court users, and printing and displaying user friendly messages against corruption at court premises.

137. The Judicial Services Commission is also constitutionally mandated to hear and determine cases involving alleged misconduct involving judicial offices under the Judicial Service Commission Act, 1997 and the Judicial Service (Complaints and disciplinary) Regulations, 2005.

138. Over the years, the performance of the Anti-Corruption Court as far as the disposal of cases is concerned has been improving. This has resulted from the logistical support and capacity building the Court has received from Government.

139. Since the last reporting period, the Government has also established additional specialised courts to hear and determine specialised cases. These include the Industrial Court established under the Labour Disputes (Arbitration and Settlement) Act of 2006 that hears labour related disputes, the Court Marshal Courts established under the Uganda Peoples Defence Forces Act of 2005 that hears cases involving serving military officers, among others. These specialised courts have ensured better and quicker access to justice for ordinary Ugandans as their proceedings are quicker, they have judges who are experts in the field of adjudication, they are relatively flexible as compared to the ordinary Courts and have less case backlog.

140. The Industrial Court for example handles all labour related disputes that were hitherto filed in the ordinary courts in the categories of claims, references, appeals, miscellaneous applications (executions) and mediations. Since its establishment, the Court has registered a total of 2,427 cases and disposed of 437. In the year 2016/17 for example, the court registered a disposal rate (as % of filed cases) of 29% and a case clearance rate (as a % of total cases) of 15%, with the highest disposal rates in matters relating to mediation and labour miscellaneous applications (34% and 30% respectively). The performance reflects a steady improvement in disposal rates from 8% in 2014/15 to 14% in 2015/16 and 29% in 2016/17. In terms of actual cases handled, in 2015, the court concluded 14 cases, in 2016, 22 cases, 41 cases in 2017 and 25 in the year 2018. The court also started holding sessions up country and one such session was held in Lira where 16 cases were disposed of.

Freedom of association

Para. 22. The State party should ensure the full enjoyment of the right to freedom of association, in particular in its political dimension. The Committee considers that the State party should ensure that the general elections scheduled for 2006 effectively allow for multiparty participation.

141. The right to freedom of association is guaranteed under Article 29 of the Constitution and the right to vote is guaranteed under Article 59. Every citizen of Uganda of eighteen years of age or above the age of 18 years enjoys the right to vote. The same Article enjoins the State to take all necessary steps to ensure that all citizens qualified to vote register and exercise their right to vote.

142. In the 2005, a referendum was held where Ugandans voted to restore a multi-party political system and Parliament amended Article 72 of the Constitution to allow for political parties to take part in political contestations. In the same year, Parliament enacted the Political Parties and Organisations Act, 2005 grants every citizen the right to form or join a political organisation of his or her choice and participate in the politics and elections under such parties. Under the Political Parties and Other Organizations Act, several political parties have registered and are allowed to participate freely in the elections and governance.

143. During the reporting period, Uganda has held three national elections for the president, members of Parliament and Local Governments in 2006, 2011 and 2016. The President, Members of Parliament and Local Councils are elected for a five-year term.

144. The elections are governed by the Presidential Elections(Amendment) Act of 2005 , the Political Parties and Organizations Act of 2005, the Parliamentary Elections Act of 2005 (As amended), and the Electoral Commission Act of 1997 (As amended) and the Local Government Act 1997 (As amended).

145. Other laws amended include; the 2010 review of the National Women’s Council Act, Chapter 318 of Laws of Uganda to ensure that there are local structures through which women representatives are elected. In the same year, Parliament amended the National Youth Council Act, Chapter 319 of the Laws of Uganda in order to put in place local youth councils through which to elect youth representatives. In 2013, Parliament amended the National Council for Disability Act, 2003. The amendment was to make provision for membership of disability council at various levels of Government and how these are to be used in electoral processes.

146. The Government of Uganda also introduced the National Consultative Forum and the Inter-Party Organization for Dialogue as mechanisms for political parties to discuss political issues of national interest.

147. Currently, the major political parties include the National Resistance Movement (NRM), the Forum for Democratic Change (FDC), the Democratic Party (DP), the Conservative Party (CP), the Justice Forum (JEEMA), the Peoples’ Progressive Party (PPP) Peoples Development Party (PDP) and the Uganda Peoples’ Congress (UPC), among others. In 2010,

148. Parliament amended the 2005 Political Parties and Organisations Act in order to provide for the use of Government or other public resources for political party or organisation activities. Appendix 16 breaks down the number of candidates nominated per organisation/party.

149. These parties are allowed to assemble and organise their political activities. The right to assemble and to demonstrate together with others peacefully and unarmed is guaranteed under Article 29 of the Constitution.

150. In 2013, Parliament enacted the Public Order Management Act, of 2013 to manage assemblies and demonstrations. The Act provides for the regulation of public meetings, the duties and responsibilities of police in regulating public meetings and other measures of safeguarding public order. The highlights of the Act are giving notification to police before

such assemblies and demonstrations are held so that the same are managed in a way that respects the rights of those involved and others likely to be affected.

151. The Government has in the reporting period invested resources and time in voter education, in order to educate people on their right to vote. An April 2018 Survey by the Uganda Bureau of Statistics shows that benefits have been obtained out of this, with the population aware of their right to vote and the modalities of exercising the same. See Appendix 18.

152. To ensure participation of vulnerable groups in governance, the government has established vulnerability specific structures through which representation of these groups in public affairs is secured. In 2010, Parliament amended the National Youth Council Act, Chapter 319 of Laws of Uganda in order to provide for membership of a village youth council; to empower the Electoral Commission to designate a time period for registration of prospective voters for the youth council elections and to maintain the voters register at village and parish level. The same thing was done with respect to the National Women Council Act, Chapter 318 of Laws of Uganda in order to provide for membership of the village women's council, to empower the Electoral Commission to designate a period for registering voters and to maintain a voters' register for the village women's council. Similarly, the National Council for Disability Act of 2003 was amended in 2013 to spell out the assistance required of the Council under the Act to give to the Electoral Commission under section 6(1)(i) of that Act.

153. In 2006, Parliament enacted the Labour Unions Act of 2006, which repealed the Trades Unions Act Cap 223 to make provision for the establishment, management and regulation of trade unions. The law guarantees employee the right to organise and belong to a trade union. It is prohibited for employers to interfere with this right. The Labour Unions Act is complimented by the Labour Disputes (Arbitration and Settlement) Act of 2006, which makes provision for the management of industrial relations in Uganda.

154. The Constitution in Article 29(1) guarantees the freedom of speech and expression which includes freedom of the press and other media. This is in addition to freedom of thought, conscience and belief which shall include academic freedom in institutions of learning. In this reporting period, Government has adopted laws which promote the freedom. In 2013, Government carried out major legal reforms for the purpose of enhancing the enjoyment of the right. The Uganda Communications Act (No. 1 of 2013) was promulgated, repealing the Electronic Media Act (Cap 104 of Laws of Uganda), and the Uganda Communications Act (Cap 106 of Laws of Uganda). The object of the 2013 law was to consolidate and harmonise the Uganda Communications Act and the Electronic Media Act; to dissolve the Uganda Communications Commission and the Broadcasting Council and reconstitute them as one body known as the Uganda Communications Commission.

155. Parliament in 2016 enacted the Non-Governmental Organisations Act. The NGO Act makes provision for the enjoyment of the freedom of association by NGOs and community-based organisations. The object of this law is to provide a conducive and an enabling environment for the NGO Sector; to strengthen and promote the capacity of NGOs and their mutual partnership with Government; and to establish the National Bureau of Non-Governmental Organisations and its Board. NGOs are represented on the Board. The law also allows NGOs to set up a self-regulatory body. The procedures for registration of Non-Governmental Organisations are set out under the Companies Act, 2012 as well as the Non-Governmental Organisations Act, 2016 plus the Regulations made there under. The registration Body is the National Bureau of Non-Governmental Organisations. There are currently over 13,000 CSOs operating in Uganda. Government has and continues to involve CSOs, NGOs, academia, etc. in the implementation of various policies and programmes on human rights.

156. In 2016, Government adopted the National Broadband Strategy for Uganda (2016–2020). This Strategy defines the minimum requirements for high-speed transmission and access for voice, data and video to homes and businesses. It highlights five thematic areas that are key to ensuring increased access and use of ICT for national development: infrastructure, connectivity and devices; content, applications and innovation; capacity

building and awareness creation; policy, legal and regulatory environment; and finance and investment. Some of the key targets defined for the five-year period include raising the minimum broadband speeds from 512kbps (in 2014/15) to 3Mbps and reducing the cost per Mbps of broadband in relations to average income by 10%. The strategy also seeks to achieve 100% broadband connectivity at all district and sub-county headquarters, health centre IVs, tertiary institutions and secondary schools by 2020. The adoption of this Strategy followed the 2014 promulgation of the National ICT Policy 2014, which seeks to address some of these gaps through deepening utilisation of ICT services by government, private sector, not-for-profit ICT organisations and the wider citizenry.

Early and forced marriage

Para. 23: The Committee is concerned at the practice of early and forced marriage in the State party, despite the minimum age for marriage of 18 years (Art. 23). The State party should take effective steps to do away with this practice and to sanction those involved in its occurrence.

157. Article 34 of the Constitution provides for rights of children and Article 31 (1) prohibits marriage of a man and woman below the age of eighteen (18) years. Section 129 of the Penal Code (Amendment) Act, 2009 created the offense of aggravated defilement to protect children from early marriages. Any person who commits the felony if convicted by the High Court is liable to suffer death. Uganda has since the last reporting taken several steps to protect children. In 2016, Parliament enacted the Children (Amendment) Act, The purpose of the amendment was to enhance the protection of children by among others strengthening the provisions on legal guardianship and inter-country adoption. Section 4 of the Act provides for the welfare principles of the child including the right to live with parents or guardians; right to access information; right to be registered at birth; right to inherit property; right to safety, privacy, information and access basic social services; and the right to leisure, among others.

158. The other initiatives for child protection include:

- (i) The Local Council Courts and administrative units generally have a critical role to play in child protection as per the Local Governments (Amendment) Act, 2007. These structures include the Probation and Welfare Officer at the district, the Community Development Officer, the Child Protection Desk at each Police station, among others;
- (ii) The ODPP has also established a desk for child protection under the SGBV department;
- (iii) To increase reporting and response to cases of child abuse, the government has established a toll-free child helpline 116 through which the communities can call to report cases from any part of the country. To take these services closer, district call centres have also been established;
- (iv) Para social workers have been recruited and trained at parish levels. These Para-social workers are allocated a number of households to observe for any cases of child abuses including taking stock of immunisations and children attending school. Sub county and district orphans and vulnerable children's committees are in place to enforce programming for these categories of children.

159. Section 129 of the Penal Code (Amendment) Act, 2007 created the offense of aggravated defilement to protect children from early marriages. Any person who commits the felony if convicted by the High Court is liable to suffer death.

160. To prevent child marriages, the age of consent has been set at 18 which is the age of adult suffrage in Uganda. Anyone who marries below that age commits defilement. Other measures taken to address child marriage include strengthening coordination of all the stakeholders at all levels, awareness creation among the faith-based organisations and other stakeholders.

161. In line with the international standards, the Government has committed to the following:

- (i) To end child and forced marriages by 2030 in line with target 5.3 of the Sustainable Development Goals;
- (ii) Co-sponsored the 2013 and 2014 UN General Assembly resolutions on child early and forced marriage and the Human Rights Council resolution on child, early and forced marriage;
- (iii) Signed a joint statement at the Human Rights Council calling for the end of child marriage in 2014;
- (iv) Ratified the Maputo Protocol which sets the minimum age of marriage at 18;
- (v) Launched the African Union Campaign to End Child Marriage in Africa in 2015;
- (vi) Signed a Charter to end child marriage by 2020 at the Girl Summit in July 2014.

162. Uganda has been identified as a focus Country by the UNICEF-UNFPA Global Programme to Accelerate Action to End Child Marriage which is a multi-donor programme working in 12 countries.

163. Uganda has also domestically come up with the Gender in Education Policy (2009) which facilitates re-entry of girls who have been victims of child marriages into school and the National Population Policy (2008) which recognises the harmful practices that drive girls into early marriages and the need to address them.

164. The Ministry of Education and Sports in 2015 developed Guidelines on prevention and management of HIV and AIDS and Unintended Teenage Pregnancy in School Settings in Uganda. These guidelines are under review to incorporate the retention of pregnant girls and the re-entry of child mothers in schools' settings in Uganda with the view of protecting the girl child's right to education. This will reduce the number of young girls who end up in marriage as a result of dropping out of school due to unplanned and early pregnancies and sexual violence.

165. Government has worked with local governments to make ordinances on early marriages. For instance, in 2018, the Tororo District Council issued The Local Government (Tororo District) (Prohibition of Child Marriages) Ordinance, 2018. The object of this Ordinance is to prohibit child marriages in Tororo District.

166. The government is currently implementing the Orphans and Other Vulnerable Children's Policy to assist vulnerable children. The introduction of free UPE and USE has also provided OVCs a platform for an education. The Youth Livelihood programme has also benefited some OVC in assisting them start a living.

Dissemination of concluding observations

Para. 24: The State party should widely publicize the present examination of its initial report by the Committee and, in particular, these concluding observations.

167. The Government has disseminated these recommendations widely to all Ministries, Departments and Agencies in the official language. UHRC and CSOs have also disseminated the recommendations to communities around the country. The recommendations have been incorporated in the UHRC database which monitors MDAs' implementation of human rights recommendations from regional and international human rights mechanisms.

Conclusion

168. It is evident that Uganda as a State Party to the ICCPR is undertaking progressive and numerous legislative, judicial, institutional and programmatic measures to meet the

aspirations of the Convention. Uganda is committed to addressing the existing bottlenecks to pave way for the realisation of the fundamental rights and freedoms enshrined in the Convention for all its citizenry.

169. Uganda continues to thank all its international and regional support partners and the Civil Society Organisations (CSOs) that have together enabled Uganda achieve these strides.
