



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Uganda*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the information provided in the State party's periodic report,¹ please update the Committee on any additional developments in regard to domesticating the provisions of the Covenant, as recommended by the Committee in its previous concluding observations.² Please include information on:

(a) The extent to which provisions of the Covenant have been applied by domestic courts and administrative authorities;

(b) The status of the harmonization of all sources of law in the country in line with the provisions of the Covenant, notably in regard to the customary law system in force in the State party and its interaction with statutory law;

(c) Steps taken to finalize, issue and implement the national action plan on human rights, which was prepared in 2014 and was ready for approval in 2016 but appears not to have been implemented yet.

2. In view of the Committee's previous concluding observations³ and the State party's periodic report,⁴ please comment on reports that the current financial and human resources of the Uganda Human Rights Commission are insufficient to enable it to effectively fulfil its mandate. Please provide information on how the State intends to support the Commission in addressing the current backlog of cases to be disposed of at the tribunal level, and provide updated figures on the backlog and its impact on access to justice for victims of human rights violations. Please provide information on how the State party intends to address the significant delays to disbursement of compensation awards made by the Commission's tribunal, following the transferral of responsibility for paying out compensation awards from the Ministry of Justice and Constitutional Affairs to the respective line ministries and agencies. Please comment on the implications for the independence of the Commission resulting from the appointment of its members directly by the President.

3. Please provide information on steps taken towards the implementation of the national transitional justice policy adopted in 2019, including information on the planned time frame for the enactment of the Transitional Justice Bill. Please include details on the involvement of victims in the development of the different components of the policy. In view of the considerable delay in the development and implementation of the policy since 2008, please

* Adopted by the Committee at its 135th session (27 June–27 July 2022).

¹ CCPR/C/UGA/2, paras. 30 and 42–49.

² CCPR/CO/80/UGA, para. 6.

³ Ibid., para. 7.

⁴ CCPR/C/UGA/2, paras. 62–65.



provide information on measures taken in the interim to provide support to victims, including financial support.

Anti-corruption measures (arts. 2 and 25)

4. In the light of information provided by the State party in its report,⁵ please respond to reports that corruption, including bribe-seeking by public officials, remains widespread. Please report on the impact of measures taken to combat corruption, and provide information on measures taken to strengthen legal and institutional capacity to ensure the effective investigation and prosecution of complex and high-level corruption cases.

Non-discrimination (arts. 2, 19–20 and 26)

5. Please provide further information on the steps taken to ensure that the State party's legal framework: provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate if the State party intends to adopt comprehensive anti-discrimination legislation to address the above requirements.

6. Please provide information on the number of arrests, prosecutions, convictions and sanctions imposed for same-sex sexual relations in the past five years, and indicate whether the State party intends to repeal the criminalization of consensual same-sex relationships between adults to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please respond to reports of discrimination, stigmatization, harassment and violence, including while in police custody, on the basis of sexual orientation or gender identity, and provide information on the measures taken to prevent and combat such acts, and the impact of such measures.

Gender equality (arts. 3, 23 and 26)

7. The Committee takes note of the information provided in the State party's report on the adoption of laws and policies, which address discrimination against women in regard to land and property rights.⁶ Please provide information on the implementation of these laws and policies before marriage, during marriage, after marriage and at succession. Please provide information on the relevant provisions contained in the Marriage and Divorce Bill of 2009 and the time frame for its enactment into law.

Counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

8. In the light of the Committee's previous recommendations⁷ and the information provided by the State party in its report,⁸ please comment on reports indicating that the 2002 Terrorism Act is still not in conformity with the Covenant, notably with regard to the absence of adequate safeguards, such as judicial review on the use of discretionary powers by law enforcement and security forces, and the lack of access to a legal remedy for victims of human rights violations. Please provide information on reports that four non-governmental organizations (NGOs) working in the field of good governance and election observation had their bank accounts frozen during the 2021 election cycle for alleged terrorism-financing activities.

Violence against women, and domestic violence (arts. 2–3, 6–7 and 26)

9. In the light of the Committee's previous recommendations⁹ and the information provided in the State party's report,¹⁰ please provide information on the effectiveness of the

⁵ Ibid., paras. 136–138.

⁶ Ibid., para. 83.

⁷ CCPR/CO/80/UGA, para. 8.

⁸ CCPR/C/UGA/2, para. 66.

⁹ CCPR/CO/80/UGA, para. 11.

¹⁰ CCPR/C/UGA/2, paras. 77–84.

law enforcement response to violence against women and girls, including sexual violence and domestic violence. Please provide information on the status of enactment of the Sexual Offences Bill, currently before the Parliament, and how it will ensure the criminalization of marital rape.

Death penalty (art. 6)

10. In the light of the Committee's previous recommendations¹¹ and the information provided in the State party's report,¹² please provide information on steps taken to revise the current legislation to ensure that the death penalty is authorized only in the most exceptional cases and subject to the strictest limits, namely that it is applied only for the most serious crimes, understood to be crimes involving intentional killing;¹³ that it is never mandatory; and that pardon or commutation of the sentence, as well as the right to appeal, is available in all cases, regardless of the crime committed. Please provide updated information on the resentencing of death penalty cases for those people currently on death row, following the landmark *Kigula* decision by the Supreme Court in 2008. Please also provide information on whether there are any plans by the State party to abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Right to life and excessive use of force (arts. 3 and 6–7)

11. With reference to the Committee's previous concluding observations¹⁴ and the information provided in the State party's report,¹⁵ please comment on continuing reports of the excessive use of force and firearms by police officers and security forces, which has led to deaths in several instances. Please respond to allegations that, despite the existence of domestic legislation protecting the right to life, and the regulation of the use of firearms by police and security forces, those forces were responsible for the killing of at least 54 participants in the context of response to protests by opposition party supporters during the 2020–2021 election campaign, and for the killing of 116 members of the Bakonzo ethnic group, including women and children, during a siege of the Bakonzo cultural king's palace in Kasese town in 2016.

12. Please provide, for each of the past five years, the number of complaints filed, investigations and prosecutions undertaken, and convictions handed down for excessive use of force and unlawful killings by law enforcement officers and security forces, including with regard to the 2021 election campaign protests and the events in Kasese in 2016. Please provide details on compensation provided to the victims' families, as well as to those who suffered injuries. Please provide information on measures taken to prevent and combat such violations effectively, including, for each of the last five years, the number of police and security personnel trained on human rights standards regarding the use of force and firearms, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please provide information on mechanisms for independent oversight of law enforcement and security forces.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)

13. In the light of the Committee's previous recommendations¹⁶ and the information provided in the State party's report,¹⁷ please comment on the reported continuing prevalence of torture by police and security forces, including the alleged torture of opposition leader Robert Kyagulanyi (commonly known as Bobi Wine), opposition member of parliament

¹¹ CCPR/CO/80/UGA, para. 13.

¹² CCPR/C/UGA/2, paras. 86–88.

¹³ Human Rights Committee, general comment No. 36 (2018), paras. 5–6.

¹⁴ CCPR/CO/80/UGA, para. 16.

¹⁵ CCPR/C/UGA/2, paras. 93–94.

¹⁶ CCPR/CO/80/UGA, para. 17.

¹⁷ CCPR/C/UGA/2, paras. 95–105.

Francis Zaake and author Kakwenza Rukirabashaija. Please provide information on reports of torture of detainees held in incommunicado detention. Please also provide, for the past five years, statistics on the number of investigations, prosecutions, convictions or acquittals recorded in relation to acts of torture and other cruel, inhuman or degrading treatment.

Liberty and security of the person (art. 9)

14. In the light of the Committee's previous recommendations¹⁸ and the information provided in the State party's report,¹⁹ please respond to persistent reports of arbitrary detention – including incommunicado detention – by police and security forces, targeting journalists, human rights defenders, sex workers, members of the LGBTQI+ community and political opponents, among others. Please respond to reports that in the context of the 2021 general election cycle, large numbers of opposition candidates and supporters were subject to arbitrary and often violent arrest, and held without charge beyond the 48-hour limit prescribed by the Constitution.

15. Please respond to reports that several hundred people were forcibly disappeared by security forces in the period prior to and after the 2021 elections, often having been bundled into unmarked vehicles from the street or from their homes, and interrogated in places of unacknowledged detention, putting them at high risk of extrajudicial killing, torture or ill-treatment. Please provide information on: the number of people who were reported as missing, the number who remain missing and the number of complaints received; the number and status of criminal trials of security officers, the number of convictions and details of sentences handed down; and whether the State party intends to establish an independent investigation mechanism with regard to the allegations of multiple enforced disappearances during the 2021 general election cycle.

Treatment of persons deprived of their liberty (art. 10)

16. The Committee takes note of the initiatives described in the State party's report to reduce overcrowding in detention facilities,²⁰ in line with its previous recommendation,²¹ and requests information on the State party's plans to address the persistence of this issue, which worsened during the period of restrictions related to the coronavirus disease (COVID-19) pandemic. Please respond to reports that many places of detention remain in a dilapidated condition, in which detainees lack access to clean water, sufficient space, lighting, ventilation, sanitation and – in relation to police custody – adequate food. Please respond to reports of the continued use of corporal punishment (caning) in some places of detention.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)

17. In the light of reports that trafficking, including trafficking in children, remains prevalent in both domestic and international forms, and in reference to the Prevention of Trafficking in Persons Act, No. 7, of 2009 and the national action plan for prevention of trafficking in persons in Uganda of 2015, please provide information on efforts to increase identification of perpetrators and to improve the rate of prosecutions and convictions, and measures taken to establish an efficient system of support and compensation for victims, particularly children. In the light of the Committee's previous recommendations²² and the information provided in the State party's report,²³ please comment on the continued prevalence of child labour, including the worst forms of child labour, such as commercial sexual exploitation and forced begging, and provide information on plans to bring legislation into line with international standards.

¹⁸ CCPR/CO/80/UGA, para. 17.

¹⁹ CCPR/C/UGA/2, paras. 95–105.

²⁰ Ibid., para. 106.

²¹ CCPR/CO/80/UGA, para. 18.

²² Ibid., para. 20.

²³ CCPR/C/UGA/2, paras. 122–125.

Administration of justice (arts. 2 and 14)

18. Please comment on information received according to which violations of fair trial rights are widespread, including with regard to the presumption of innocence, the right to be informed promptly of charges, the right to police bond and to bail, the right to be tried without undue delay and the right to access legal representation. Please respond to reports of political interference in the work of the judiciary and prosecution, including the reported practice of rearresting bailed suspects inside court premises or within minutes of their release. In the light of the Committee's previous recommendations²⁴ and the State party's report, please provide updated information on measures taken to broaden access to legal aid currently still restricted to capital punishment cases and to strengthen legal aid provisions, including information on the status of the Legal Aid Bill of 2020, and measures to ensure sustainable and adequate funding.

19. Please explain how the regular use of military courts to try civilians is compatible with the provisions of the Covenant, with reference to the Committee's general comments No. 13 (2011) and No. 36 (2018).²⁵ Please provide information on the use of the Uganda Peoples' Defence Forces Act of 2005, which extends jurisdiction to military courts under certain circumstances, to charge opposition supporters arrested by security forces during the 2021 general election cycle, including the nature of the charges, the number of prosecutions and convictions, details of sentences and the number of those still detained awaiting trial. Please indicate whether there are plans to transfer cases involving civilians from military courts to ordinary courts.

20. Please respond to reports that lawyers: are discouraged from visiting their clients, especially those representing the LGBTQ+ community and sex workers; often have to pay guards in order to obtain access to their clients; and face intimidation during such visits in the form of threats from police officers. Please respond to allegations of frequent arbitrary detention, intimidation and harassment of lawyers, particularly those working on human rights cases, including cases involving lesbian, gay, bisexual, transgender and intersex persons, land grabbing and natural resource extraction. Please respond also to allegations of the reportedly regular occurrence of targeted break-ins at lawyers' places of work in order to steal confidential case-related information, and the alleged failure by police to investigate such break-ins. Please respond to reports that the intimidation of lawyers increased during the general election period in 2020–2021, including cases of lawyers having been cuffed and physically assaulted in police vans during their arrests.

Right to privacy (art. 17)

21. Please respond to reports during the election campaign of 2020–2021 of arbitrary searches conducted without a warrant on the homes and offices of political opponents and lawyers representing them, including arbitrary seizures of information and communications technology equipment and documents. Please include information on any investigations undertaken in this regard. Please provide information on the regulatory and oversight framework for the operation of public closed-circuit television systems and respond to reports of their misuse for the surveillance of political opponents. Please comment on the provisions of the Regulation of Interception of Communications Act of 2010, which require telecommunications providers to transmit intercepted communications to law enforcement authorities demonstrating "reasonable" grounds, including information on judicial oversight and review.

22. Please explain how the provision in the HIV/AIDS Prevention and Control Act of 2014 allowing the disclosure of HIV status by medical professionals following compulsory testing for certain categories of people is compatible with article 17 of the Covenant. Please provide information on the safeguards in place to ensure the privacy of personal data collected by the State party, notably in the context of the national identity card programme that requires mandatory registration of biometric data. Please explain the absence of

²⁴ CCPR/CO/80/UGA, para. 21.

²⁵ Human Rights Committee, general comment No. 13 (2011), para. 4; and general comment No. 36 (2018), para. 45.

implementing regulations and an independent data protection entity to monitor implementation of the Data Protection and Privacy Act adopted in 2019.

Freedom of expression (arts. 19–20)

23. Please provide information on the implementation of the Computer Misuse Act of 2011 and the minimum broadcasting standards under Schedule 4 of the Uganda Communications Act of 2013. Please explain how the broad and vaguely defined provisions contained therein are compatible with the Covenant, and whether the State party intends to repeal or amend them. Please respond to allegations that the authorities have used these and other laws to silence critics of the executive, and to restrict media coverage of opposition activities.

24. Please respond to reports that during the general election campaign period in 2020–2021, a range of measures were implemented by authorities that unduly restricted freedom of expression and access to information. The measures included: a full Internet shutdown implemented on 13 January 2021, on the eve of the presidential election, and maintained until 18 January 2021; the introduction of an accreditation regime for journalists covering political affairs, on the eve of the election; censorship by Uganda Communications Commission of independent radio broadcasts by switching off transmitters; and the denial of access to privately owned media houses by presidential candidates, especially those from the opposition.

25. Please provide information on reports of arbitrary arrests and detention of journalists, and physical attacks on journalists, including by security forces. Please provide information on measures taken to ensure that journalists and human rights defenders are effectively able to carry out their profession without constraints and provide information on measures taken to ensure that all rights violations perpetrated against journalists and human rights defenders are thoroughly investigated and those responsible are brought to justice and adequately sanctioned.

Right of peaceful assembly (art. 21)

26. Please comment on the compatibility of the legal framework governing freedom of peaceful assembly with the provisions of the Covenant, and provide information on any plans to review it, in the light of reported inconsistencies and the ruling of the Constitutional Court of 26 March 2020, in which the Court found section 8 of the Public Order Management Act of 2013 to be illegal and unconstitutional. Please respond to allegations that the prohibition of public assemblies, introduced in March 2020 to control the spread of COVID-19, was selectively and disproportionately used to curb gatherings of opposition politicians during the election campaign. Please provide information on any restrictions on public assembly that are related to COVID-19 and are still in place, and as applicable, the criteria that must be met for the restrictions to be lifted.

Freedom of association (art. 22)

27. With reference to the previous concluding observations²⁶ and the information provided in the State party's report,²⁷ please respond to reports of restricted freedom of association for NGOs, including in relation to:

(a) The burdensome legal and administrative requirements for the registration and reporting of NGOs contained in the NGO Act of 2016, and the Anti-Money Laundering Act of 2013, which have led to the suspension of multiple NGOs;

(b) Provisions in the NGO Act that refer to vague obligations with regard to acts prejudicial to the interest and dignity of the people of Uganda, which appear to contravene the principle of legality, and provisions introducing criminal sanctions of imprisonment for NGO officers found to be in breach of administrative obligations;

²⁶ CCPR/CO/80/UGA, para. 22.

²⁷ CCPR/C/UGA/2, para. 155.

(c) The freezing of the bank accounts of several prominent NGOs involved in election monitoring and good governance, in the period prior to and after the elections of 2021, for alleged involvement in terrorism-financing activities.

Participation in public affairs (arts. 25–26)

28. Please comment on the impact on the transparency and credibility of the election of the following: the Government-imposed blanket shutdown of the Internet from the eve of the election until after the results were announced; the failure to accredit a number of independent, domestic election-monitoring organizations; and the failure to follow recommendations from the 2016 general election with regard to building confidence in the independence of the Electoral Commission. Please comment on the impact of the absence of a law on electoral campaign financing, alleged direct and indirect cash payments by the incumbent party to voters, and the high cost of accessing private media houses, on the achievement of a level playing field for independent candidates and political parties. Please provide information on measures taken to ensure that indigenous minorities are able to fully exercise their right to participate meaningfully in decisions affecting their livelihoods.
