

UGANDA HUMAN RIGHTS COMMISSION



**Statement on issues of human rights concern arising
from the lockdown imposed in response to the current
wave of the COVID- 19 pandemic**

Monday 19th July 2021

1.0 Background

Uganda, like many other countries in the world is battling the Covid-19 pandemic since last year. Among the measures that have been put in place to control the spread of the virus have been lockdowns. Unlike the first lockdown between March and June 2020, the current lockdown announced by the President on 18TH June 2021 has brought with it new challenges. In some instances it has compounded the effects of the first lockdown which still linger on, despite government efforts to mitigate their impact. The pandemic has forced Uganda, just like other countries across the world, to limit the enjoyment of some human rights and freedoms in order to curb the spread of the disease.

The Uganda Human Rights Commission would like to reiterate its earlier position that the restrictions imposed by Government in response to the current wave of the pandemic, including the lockdown, are consistent with constitutional limitations on fundamental and other human rights and freedoms. The limitations are provided for under Articles 23 and 43 of the Constitution of Uganda. The Commission also commends Government for the timely intervention which among others, has resulted in the reported reduction in the incidence of covid-related deaths.

However, in spite of the successes gained from enforcement of the current lockdown, the Commission has noted a number of human rights concerns. Drawing on its mandate under Article 52(1) of the Constitution of Uganda, to protect and promote human rights, the Uganda Human Rights Commission (UHRC), would like today to guide the country on how the concerns can be mitigated.

2.0 Human Rights Concerns

The issues that have threatened the full enjoyment of human rights and freedoms by citizens during this challenging period of the second wave of the COVID-19 pandemic include:

1. The exorbitant cost of treatment of COVID-19 patients

The Universal Declaration of Human Rights 1948, provides for health as a critical component of the right to an adequate standard of living. The importance of health has also been recognised in various international conventions and treaties, most of which Uganda has ratified. In addition, Sustainable Development Goal (SDG) No. 3 emphasises the State's obligation to "ensure healthy lives and promote well-being for all at all ages."

At the national level, the Constitution under Objective XIV of the National Objectives and Directive Principles of State Policy stipulates that Government shall endeavour to fulfil the fundamental rights of all

Ugandans to social justice and economic development and in particular shall ensure that all Ugandans enjoy health services. Objective XX also provides that the State shall take all practical measures to ensure the provision of basic medical services to the population.

However, the Commission is concerned by reports of exorbitant costs of admission and treatment of COVID-19 patients in private hospitals in the country. Reports have been rife over the past weeks regarding hospital admission fees from UGX 30million to UGX 100 million. Desperate caretakers have resorted to selling property such as land, getting loans or depositing land titles with the hospitals to be able to treat their loved ones.

The Commission notes that treatment for most COVID-19 patients has become unaffordable, which violates their right to access health services. The right to life has also violated where COVID-19 patients died as a result of their inability to access timely medical care due to financial constraints.

The Commission recognises that private-for-profit health facilities need to make profit. However, it also notes that despite the Uganda Healthcare Federation's defence of the exorbitant costs, which they attributed to the cost of oxygen and other Personal Protective Equipment (PPEs) used in managing COVID-19 patients, the Ministry of Health too

found them inflated. In this regard, the Commission commends the Parliament of Uganda and the Ministry of Health for taking the initiative to engage the management of private hospitals over the matter.

Cognisant of the recent court ruling guiding government on the need to regulate the cost of medical care in Uganda in order to avail affordable health care for treatment of COVID-19, the Commission commends the Judiciary for the wise counsel. (*Mulumba Moses & CEHURD Vs. Attorney General and Uganda Medical and Dental Practitioners Council (Miscellaneous Cause No. 198 of 2021)*).

2. Unsafe working Conditions of Frontline Health workers

The Commission condoles with all those that have lost loved ones to COVID-19. In particular, the Commission is concerned about the unprecedented increase in the number of deaths of health workers. The Uganda Medical Association reported that by last week the country had lost about 36 health workers bringing the cumulative number to over 100 since March this year. This high rate of deaths has been attributed to inadequate PPEs, exacerbated by the slow supply from the National Medical Stores (NMS) to the various health facilities across the country. Consequently, the right of medical workers to a safe and healthy working environment has been compromised. There is renewed agitation for an increase in the risk allowance; its payment for those that

have not been getting it; and for compensation to families of the fallen health workers.

The Commission recognizes the efforts by His Excellency the President to ensure that funding for medical and other science-based research as well as emoluments for scientists is increased.

3. Unfairness in distribution of COVID-19 Relief Fund

Government has an obligation to fulfil and provide the rights holders' entitlements including in emergency circumstances which prevent them from accessing their rights on their own. Due to the effects of the COVID-19 pandemic, it became necessary for government to institute measures to support vulnerable groups including the cash relief fund. The Commission commends Government for recognising and responding positively to the needs of the vulnerable people and making an effort to address the problem of hunger and access to basic necessities during the current lockdown through the interventions of the Office of the Prime Minister.

However, whereas the relief fund disbursement kicked off last Thursday 8th July 2021, there are concerns regarding the criteria for selecting the beneficiaries. The Commission notes that the use of 'individuals/persons' or 'households' interchangeably to describe the categories of beneficiaries has caused ambiguity. If this is not addressed and clarity

provided there is a likelihood of some beneficiaries receiving the funds twice to the disadvantage of other deserving vulnerable persons.

The Commission is also concerned about the method of disbursement of the relief funds. Some vulnerable persons who do not own a mobile phone or do not have National Identification Numbers (NIN) may miss out. Concerns have also been raised about beneficiaries whose NINs do not correspond with their mobile money account details and who will have to access the funds through Post Bank mobile vans. Besides some of the vulnerable persons who do not have the technical ability to use electronic gadgets may be susceptible to fraudsters when they seek assistance on accessing their relief fund.

4. Limited Access to Justice

Courts of law around the country are operating at around 10% capacity due to restrictions of the current lockdown. Consequently, court users are suffering limitations in accessing services; particularly bail applications which are not being heard and suspects are only appearing in court to take plea before being remanded.

The Commission has also noted an increase in cases of detention beyond 48 hours due to the limitation on the number of judicial officers present at the courts. The ban on public transport has also exacerbated the

situation for the suspects' witnesses and people who cannot travel to police stations to just secure police bond.

5. Closure of Mobile Money outlets

The Commission has noted that the Presidential directive regarding which shops should be closed or remain open during this lockdown has been misinterpreted. Reports to the Commission indicated that Police in Jinja, Soroti and Mbale allegedly ordered the closure of some mobile money shops. Mobile Money services are as critical as banking services especially in areas without bank Automated Teller Machines (ATMs) and for persons without bank accounts.

On the other hand, some shops selling non-essential commodities within the Kampala metropolitan area continue to operate on account that they are the proprietors' only means of earning a living. Some foodstuff vendors have defied the presidential directive to stay in the markets citing lack of mosquito nets, unhygienic conditions and the need to be with their families.

6. Concerns reported at some Security Check-points

The Commission commends the security personnel enforcing the current lockdown guidelines for largely exercising restraint. However, the Commission has noted reports of isolated incidents of high-handedness

by some errant security personnel. Some security personnel have been accused of harassing media practitioners and health workers who do not use official motor vehicles. Some clashes were reported as security agents dispersed defiant crowds in down town Kampala.

The Commission has also received allegations of security agents demanding for bribes from motorists at checkpoints, failure of which express penalty receipts were issued. This was reported in West Nile and Kampala Metropolitan area.

7. Domestic Violence

The Commission is concerned about the escalating cases of domestic violence during the current lockdown. Whereas the Child and Family Protection Unit of West Nile recorded 30-35 such cases during the first lockdown last year, they have so far this year recorded 85 cases in April and 103 in May 2021. Increased domestic violence was also reported daily at Old Kampala, Katwe, and Kawempe police stations from an average of 5-10 cases before lockdown to now 20 cases and above. Mbarara Police Station has reportedly received between 15-20 cases of domestic violence per week which was not the case previously. Lango sub-region has recorded domestic violence-related deaths in which 21 women have lost their lives in the last one month.

The situation has been made worse by impediments to access to justice for some of the victims of domestic violence. Apart from loss of life, domestic violence has also affected the right to education, property, family, shelter, clothing, food and rights of children among other rights.

8. Increasing Mental Health cases

The Commission has noted that cases of mental health are on the increase during the lockdown. Children have specifically been weighed down by the disruption in their school routine and the need to engage in meaningful activities at home to avoid being idle.

9. Influx of Refugees from D.R.C. into Bundibugyo District

Bundibugyo district is grappling with an influx of refugees from Eastern DRC in the Beni territory. A total of 1,547 refugees are reported to have fled and some are currently being hosted in a transit camp in Bubukwanga; others by relatives and friends. Over 200 refugees in the camp have reportedly been infected by Covid-19 which calls for urgent intervention to curb further spread of the disease.

3.0 Interventions by the Commission

The Commission offices countrywide are operating at a minimum level and offering services during the lockdown. The Commission has therefore made the following interventions:

1. The lockdown notwithstanding, spearheaded joint commemoration advocacy activities to mark the UN Day in Support of Victims of Torture on June 26 this year under the Theme: *Support Torture Survivors to Access Justice*. The activities were mainly online and duty bearers recommitted to the fight against torture while rights holders were able to amplify their voices against the vice. The need for torture survivors to access justice was emphasised. The Commission continues to engage stakeholders to ensure elimination of torture in the country.
2. Continues to receive complaints of human rights violations at its 10 regional and 12 field offices through the toll-free lines and the official social media platforms such as Facebook and the website.
3. Engaging the concerned stakeholders in Government to address the challenges of access to health care by COVID-19 patients; without inadvertently neglecting access during the lockdown for other medical condition.
4. Working closely with security agencies to ensure observance and respect of human rights during enforcement of the COVID 19 guidelines.

5. Issued a Human Rights Advisory on the COVID-19 Cash Relief Fund for Vulnerable Persons to the Office of the Prime Minister and the Ministry of Gender, Labour and Social Development with recommendations based on the Human Rights Based Approach in the management of the fund.

4.0 Recommendations

In view of the above concerns, the Commission makes the following recommendations:

1. With regard to disbursing the COVID Relief Funds, the Office of the Prime Minister should conduct a holistic assessment of the intended beneficiaries, to determine clearly who is vulnerable, with a view of avoiding inadvertent discrimination.
2. Courts of law should endeavor to expand coverage of online court proceedings across the country in order to handle as many cases as possible in the circumstances occasioned by restrictions of the current lockdown.
3. The Parliament of Uganda and the Ministry of Health should continue engaging with the management of private hospitals over the exorbitant costs of managing Covid-19 patients with a view of reaching a consensus on providing affordable healthcare.

4. The Ministry of Health should engage further with the several medical associations and umbrella organisations of private health facilities to identifying their critical needs that government could subsidise to bring down the cost of COVID-19 treatment.
5. The Ministry of Health and the National Medical Stores should ensure timely, adequate and continuous supply of PPEs to all the frontline health workers across the country.
6. All doctors and health workers should uphold their professional oath to save life first and not put conditions that jeopardise life. They should offer the badly needed medical attention to COVID-19 patients as their Corporate Social Responsibility and contribution to the national fight against the pandemic.
7. The Ministry of Gender, Labour and Social Development and the Parliament of Uganda should as a matter of urgency take the necessary steps to amend the Workman Compensation Act to specifically provide for frontline health workers who may die on duty as a special category in the fight against pandemics.
8. The Uganda Police Force, through its Professional Standards Unit should closely monitor its officers who are deployed to enforce COVID-19 guidelines during the lockdown to ensure they comply with human rights standards in their operations.

9. Government should urgently clarify on the question of Mobile Money outlets being essential financial services referred to in the presidential directives on lockdown.
10. The Ministry of Gender, Labour and Social development and the Uganda Police Force (Police Family Protection Unit) should intensify community sensitisation against domestic violence and early child marriages during the lockdown. They should take advantage of the available technology to continue sensitising the public against domestic violence and early child marriages even during the lockdown period.
11. Health officials of the different urban authorities should ensure that all markets under their jurisdiction have proper sanitary facilities and endeavor to provide mosquito nets for the market vendors who spend the night in the markets.
12. The Ministry of Health should urgently institute measures to support Bundibugyo district to contain the threat of the spread of COVID-19 which is aided by the current influx of refugees from the DRC.
13. Parents should take extra care to ensure their school-going children currently at home are safe and not misbehaving. Parents should encourage children to engage in online peer group activities for those who have the facilities and home chores for those in rural areas.

5.0 Conclusion

I conclude by reminding all of us to take personal responsibility to strictly adhere to the SOPs and other guidelines in order to curb the spread of COVID-19. I am also appealing to all the law enforcing agencies to always observe and respect human rights and freedoms in the performance of their functions as required of them under Article 221 of the Constitution of Uganda.

For God and My Country!

A handwritten signature in blue ink, appearing to read 'Meddie B. Mulumba', with a small flourish at the end.

Meddie B. Mulumba
FOR CHAIRPERSON