



## **PRESS STATEMENT ON UN DAY IN SUPPORT OF VICTIMS OF TORTURE WITH SPECIFIC ATTENTION TO TORTURE SURVIVORS**

### **Preamble**

The Uganda Human Rights Commission (UHRC) together with the Coalition Against Torture in Uganda (CAT) chaired by the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), and partners jointly issue this statement in commemoration of the International Day in Support of Victims of Torture, which will fall on 26th June 2021, under the theme; ***“Support Torture Survivors to Report and Access Justice”***.

### **Background**

This year’s joint commemoration comes at a time when there is a global fight against the COVID-19 pandemic with Uganda already facing the effects of the second wave of the pandemic which has necessitated another lock down as a measure to curb its spread. The need to enforce Standard Operating Procedures (SOPs), directives and guidelines from Government in combating the pandemic has come with challenges for both State and Non-State actors in the realisation of respect, promotion and fulfillment of human rights in the Country. Challenges which were experienced in the just concluded pre and post 2021 National General Elections period, included reports of alleged incidents of human rights abuses, violations and crimes. As we commemorate this day therefore,

we would like to reiterate the fact that the fight for human rights observance is a fight for everyone.

The UHRC and its partners are however, happy to note that Uganda has expressly committed to national, regional and international human rights instruments to underscore her will to work towards the realisation and enjoyment of human rights. In this regard Uganda has allowed to subject itself to national, regional and even international processes such as pre-Universal Periodic Review (UPR) processes by Civil Society actors which is currently ongoing under the stewardship of the National Coalition of Human Rights Defenders – Uganda, among others. It is therefore through such review mechanisms that the human rights situation in Uganda with regard to the right to Freedom from Torture and ill treatment has been found wanting on critical issues such as timely reporting, investigations, professional documentation to aid access to justice and rehabilitation for survivors of torture is concerned. UHRC and partners will therefore use this commemoration to raise our voices to call on the relevant stakeholders to address the above gaps as one of the ways to improve the realization of the right to freedom from torture in Uganda.

### **Torture Trends in Uganda**

The constitutional provision for the Right to Freedom from Torture and ill treatment as an absolute right deserves everyone's attention especially today when allegations and reports of torture continue to be registered. For instance from January 2020 to December 2020, the UHRC registered 308(49%) complaints of torture out of 627 human rights violations registered in the year. ACTV in the same period registered and offered treatment and rehabilitation services to 960 (532 Male and 428 Female) cases of alleged torture and other cruel ill treatment.

Perpetrators were from security agencies including UPDF, UPF as well as private individuals who included local leaders, RDCs and politicians. It should be noted that the highest number of documented cases of alleged torture by ACTV totaling to 323 were of persons in the category of 18-35 years of age which is the most productive period of their lives. This unfortunately negatively impacts on the National Agenda of social economic integration and transformation and consequently, nation building. This trend has continued even in the year 2021 with UHRC continuing to register complaints of torture as per its mandate and partners like ACTV also registering cases of torture who were offered treatment and rehabilitation services. Just like in 2020, the alleged perpetrators were still from security agencies and private Individuals.

### **COVID-19 Pandemic and enforcement of the measures and guidelines**

The implementation of the COVID-19 Standard Operating Procedures and directives that should be applauded, also regrettably resulted into alleged torture and ill treatment by some errant enforcers; UHRC received 124.complaints of torture out of 164 complaints registered during the first lockdown period in 2020, while ACTV received and treated 95 cases in the same period. Other incidences of torture continued to be reported in the media highlighting the magnitude of the problem.

### **The 2021 General elections**

The National General Elections came at a time when the country was still experiencing the COVID-19 pandemic and its effects. This posed a challenge to state and political actors as they had to ensure that campaigns and elections were conducted amidst the requirement to

observe the COVID-19 guidelines in order to curb the spread of the pandemic. This resulted into reports of alleged rampant brutalities and more often alleged torture incidents. The general elections were therefore characterised by numerous incidences of alleged torture and ill treatment. ACTV offered treatment and rehabilitation services to 69 (60 Male and 09Female) cases of torture in the period between January 2021 to March 2021 arising out election related violence. Worthy to note is that out of the 69 cases, 15 cases were against private individuals especially political extremists and the other 54 cases were against security agencies, politicians and local leaders.

The incidence of election violence and torture during the electoral period was coupled with fear among the victims to report cases of torture because of stigma and fear of reprisal from the perpetrators. Failure to report cases of torture by victims inevitably hampers effective documentation of the vice which would aid in investigations and therefore ultimately jeopardises access to justice and rehabilitation services for the victims. This situation is exacerbated by the absence of the witness protection law which has worsened the fear and stigma among witnesses and victims to report crime, abuses and violations to relevant authorities, hence curtailing the quest for access to justice in Uganda. The joint commemoration activities are therefore intended to shine a light on the issues above with a view of advocating for durable solutions.

### **Progress in line with the realisation and enjoyment of the Right to Freedom from Torture**

As we commemorate this year's UN Day in Support of Victims of Torture, the UHRC and partners welcome the prosecution of errant security

officers found in violation of Article 24 and 44 (a) of the 1995 Constitution of the Republic of Uganda..

We also applaud stakeholders in the criminal justice system for the steps taken so far to popularise the Human Rights Enforcement Act 2019, which is a testimony of their commitment to the promotion of the principle of personal liability and punishment for human rights abuses and violations for both state and non-state actors.

## **Recommendations**

This year's joint commemoration will specifically emphasise the current impediments to reporting and accessing justice by survivors of torture. The UHRC and partners under the Coalition Against Torture therefore recommend that the following measures should be taken to address the impediments:-

- The Uganda Police Force together with the Ministry of Justice and Constitutional Affairs should popularise the use of the 2017 Regulations to the Prevention and Prohibition of Torture to enable effective documentation of torture cases in the Country.
- The DPP together with the relevant security agencies should increase the use of court sanctions and punishment for officers found in violation of Article 24 and 44(a) of the 1995 Constitution and Section 2, 4 and 7 of the Prevention and Prohibition of Torture Act No.3 of 2012 as opposed to the commonly used administrative sanctions which are less punitive and deterrent in nature.
- The Ministry of Health should mainstream treatment and rehabilitation of survivors of torture in its national Health Management system to enable documentation and tracking for access to justice of the survivors.

- Uganda should ratify the Optional Protocol to the Convention Against Torture 2006 to enable unlimited access to places of detention by all human rights defenders, thereby promoting preventive mechanisms which are less costly compared to the remedial mechanisms that are more costly in terms of time and resources.
- The Witness Protection bill should be enacted into law in order for witnesses to have the confidence to provide evidence of torture occurrences in the courts of law and other jurisdictions.
- Members of the general public should always report all incidents of torture to the relevant authorities in order for the survivors of torture to access rehabilitation and justice.
- The appointing authority is requested to fast track the appointment of a substantive Chairperson for the National Human Rights Institution to address the plight of the indigent victims of human rights violations seeking to access justice through the UHRC tribunals that are currently nonfunctional due to lack of quorum as legally required.
- Government is urged to put in place mechanisms that will enable survivors of torture to get their compensation awards in a timely manner.
- Uganda Prison Services should increase efforts to de-congest prisons in the Country in order to improve the enjoyment of the Right to Freedom from Torture and ill treatment which is usually under threat in the congested prisons.

### **Joint commemoration activities**

The UHRC and the Coalition Against Torture in Uganda with support from partners have organised joint commemoration activities based on

the theme of the year, **“Support Torture Survivors to Report and Access Justice”**. The commemoration advocacy campaign which is being held amidst the COVID-19 pandemic and the lockdown will mainly use digital and online platforms. This joint statement; a media campaign using both the conventional and social media platforms through the hash tag **#Justice4TortureSurvivors**; and an E- Public Dialogue on the theme will be broadcast live on **Saturday June 26, 2021** from **4:00pm to 6:00pm**. We therefore call upon the public to join the conversation on the various online and digital platforms during this years’ hybrid commemoration despite the COVID-19 pandemic.

In conclusion, therefore, the UHRC and the Coalition Against Torture in Uganda (CAT), are grateful for the financial and technical support rendered towards this event by the Government of Uganda and by the development partners who included the German-Ugandan Development Cooperation (GIZ), United Nations Office for the High Commissioner on Human Rights (UNOHCHR) and the International Rehabilitation Council for Torture Victims (IRCT).

Today more than ever before, we encourage torture survivors to continue reporting incidents of torture in a bid to access justice. We wish all of the Ugandans a meaningful and fruitful conversation on torture related issues during this year’s commemoration and urge you to Stay Safe from COVID-19 and continue to strictly observe and respect all the guidance from Government and the COVID-19 National Task Force, in order to combat the pandemic.

**For God and My Country!**

**SIGNED,**



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ACTING CHAIRPERSON, UGANDA HUMAN RIGHTS COMMISSION**



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