



UGANDA HUMAN RIGHTS COMMISSION

14th Annual Report 2011

To the Parliament of the Republic of Uganda





**The 14th Annual Report of the
Uganda Human Rights Commission
To the Parliament of the Republic of Uganda**

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UHRC CONTACTS

Uganda Human Rights Commission Head Office

Plot 20/22/24 Buganda Road
P.O Box 4929 Kampala Tel: 041 348007/8
Fax 041 255261 Email: uhrc@uhrc.ug
Web site: www.uhrc.ug

Arua Regional office

Plot 70A Weather Park Head Lane Road
P. O. Box, 406
Tel: 0476 420213
Fax: 0476 420214
Email : uhrcarua@uhrc.ug

Central Regional Office (moved to)

Plot 98 Old Kira Road, Nsimbiziwome Zone
Next to Victory City Church, Ntinda
Before Shell Bukoto 2 Parish
P.O Box 4929 Kampala Tel: 041 4232190/
04144271847
Email: uhrckampala@uhrc.ug

Fort Portal Regional Office

Plot No.3/5 Mugurusi Road
P.O Box 960 Fort Portal Tel: 0483 423171
Fax 0483 22571
Email: uhrcfortportal@uhrc.ug

Gulu Regional Office

Plot 25 Aswa Road
P.O Box 728 Gulu Tel: 0471432415

Fax: 0471 32458

Email: uhrcgulu@uhrc.ug

Jinja Regional Office

Plot 21 Bell Avenue
P.O Box 66 Jinja Tel: 0434123760
Fax: 0434 123761
Email: uhrcjinja@uhrc.ug

Masaka Regional Office

Plot 14 Edward Avenue, Opp. NSSF Office
P. O. Box 701 Masaka. Tel: 0318-514 812
Email: uhrcmasaka@uhrc.ug

Mbarara Regional Office

Plot 6 McAllister Road, Mbarara
P.O Box 105 Mbarara Tel: 04854 21780/1
Fax 0485 21782
Email: uhrcmbarara@uhrc.ug

Moroto Regional Office

Plot 5/8 Circular Road
P.O Box 105 Moroto Tel: 0454470130
Email: uhrcmoroto@uhrc.ug

Soroti Regional Office

Plot 70 Gweri Road
P.O Box 462 Soroti Tel /Fax: 045 4461793
Email: uhrcsoroti@uhrc.ug

[illegible]

The Rt. Honourable Speaker of Parliament
Parliament of Uganda
P.O. Box 7178
Kampala

Dear Madam,

**RE: UGANDA HUMAN RIGHTS COMMISSION 14th ANNUAL REPORT TO
PARLIAMENT**


The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 14th Annual Report in accordance with Article 52 (2) of the Constitution of the Republic of Uganda.

The report is divided into two sections. The first section covers the activities carried out by the UHRC. The second section covers the state of human rights in the country. The report makes appropriate recommendations to be considered by the Government.

We appeal to all organs of the State to implement the recommendations made by the UHRC in order to enhance the observance of human rights in Uganda.

FOR GOD AND MY COUNTRY!

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'Med S.K. Kaggwa', written over a light green background.

**Med S.K. Kaggwa
CHAIRPERSON,
UGANDA HUMAN RIGHTS COMMISSION**

COMMISSION MEMBERS IN 2011



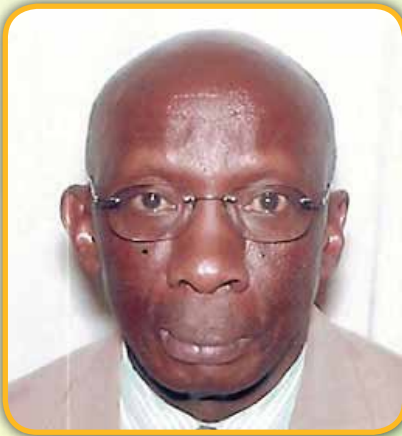
Mr. Med S.K. Kaggwa
CHAIRPERSON



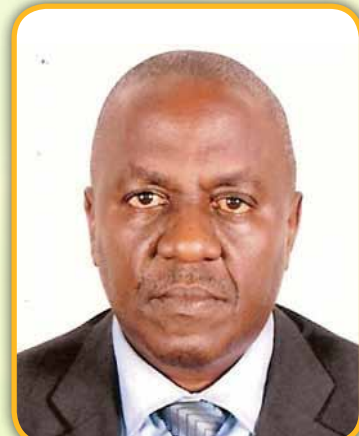
Mr. Joseph A. Etima
Member



Ms. Mariam F. Wangadya
Member



Dr. Katebalirwe Amooti
Wa Irumba
Member



Mr. Agaba Maguru
Member



Mr. Gordon T. Mwesigye
Secretary

TECHNICAL MANAGEMENT IN 2011



Ms. Roselyn Karugonjo-Segawa
Director, Monitoring and Inspections



Ms. Ruth Ssekindi
Director, Complaints, Investigations & Legal Services



Ms. Dorah B. Kabuye
Director, Research, Education & Documentation



Ms. Margaret Ejang
Director, Finance and Administration



Mr. George P. Ufoyuru
Director, Regional Services



Ms. Patricia Nduru
Head, Right to Health Unit



Mr. Charles Mukasa
Planner



Ms. Florence M. Munyirwa
Public Affairs Manager



Ms. Priscilla Nyarugoye
Head, Vulnerable Persons Unit



Mr. Sulaiman Omitta
Systems Manager



Mr. Godfrey A.M.K. Ssenyange
Human Resource Manager



Ms. Rose Mary Kemigisha
Senior Human Rights Officer



Ms. Melody Ginamia Ngwatu
Acting Registrar



Mr. Wilfred Asiimwe Muganga
Head, Central Regional Office



Mr. Anthony Androa
Head, Arua Regional Office



Mr. Kamadi Byonabye
Head, Gulu Regional Office



Ms. Rebecca Tino
Head, Soroti Regional Office



Mr. Paul Otim
Head Moroto Regional Office



Ms. Rose Atim
Head, Fort Portal Regional Office



Ms. Theopista Twembi
Acting Head, Mbarara Regional Office



Mr. Agirembabazi Willy
Head, Masaka Regional Office



Ms. Sarah Nakhumitsa
Head, Jinja Regional Office

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ABBREVIATIONS

%	Percent
%AGE	Percentage
A4C	Activists for Change
ACHPR	African Charter on Human and Peoples Rights
ACTs	Artemisinin Combination Therapies
ADR	Alternative Dispute Resolution
AG	Attorney General
AIDS	Acquired Immune Deficiency Syndrome
ANC	Ante Natal Care
APT	Association for the Prevention of Torture
ART	Anti-Retroviral Therapy
ARU	Arua
ARVs	Anti-Retroviral Drugs
ASP	Assistant Superintendent of Police
ASTUs	Anti-Stock Theft Units
AU	African Union
BFD	Basket Fund Donor
Bns	Billions
CAP	Chapter
Cap	Chapter
CAT	UN Convention Against Torture, Cruel, Inhuman and Degrading, Treatment or Punishment
CBNA	Capacity Building Needs Assessment
CBP	Capacity Building Plan
CD4	A subset of white blood cells that play an important role in the body's immune system
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on Elimination of All Forms Racial Discrimination
CFPU	Child and Family Protection Unit
CIL	Directorate of Complaints, Investigations and Legal Services,UHRC
CMCC	Civil Military Co-operation Centres
CMDs	Community Medicine Distributors
CMW	International Convention on the Protection of Rights of all Migrant Workers and Members of their Family
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRDP	Convention on the Rights of Persons with Disability
CSOs	Civil Society Organizations
CTRL	Central
DANIDA	Danish International Development Agency

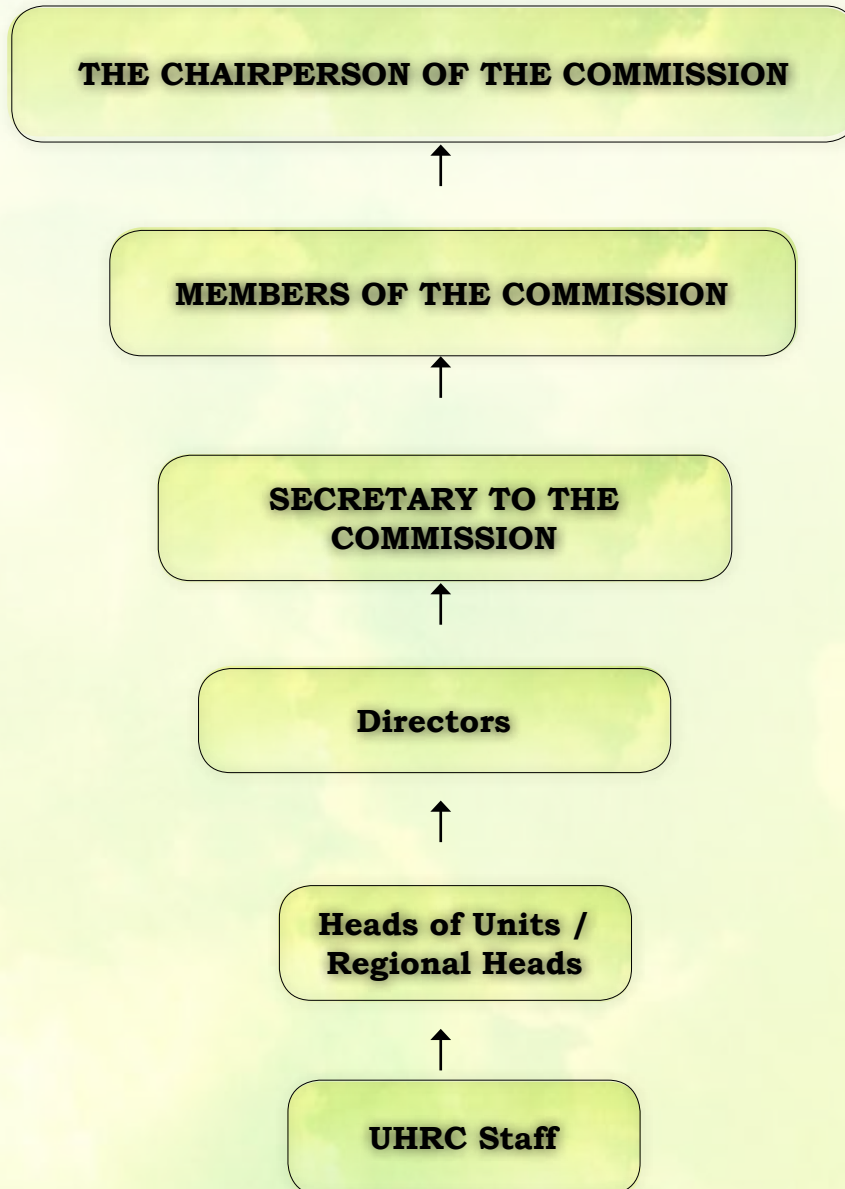
DDMC	District Disaster Management Committee
DHRDs/Cs	District Human Rights Desks/Committees
DHOs	District Health Officers
DISO	District Security Officer
Doc.	Document
DPC	District Police Commander
Dr	Doctor
EC	Electoral Commission
EmOC	Emergency Obstetric Care
ESAPR	Education and Sports Annual Performance Report
ESC	Economic, Social and Cultural
ESCR	Economic, Social and Cultural Rights
Exp.	Expenditure
F/Y	Financial Year
FAD	Directorate of Finance and Administration,UHRC
FAQs	Frequent Asked Questions
FM	Frequency modulation
FM	Frequency Modulation
FOWODE	Forum for Women in Democracy
FPT	Fort-Portal
GIZ	German Agency for International Cooperation
GLU	Gulu
GOU	Government of Uganda
Gov't	Government
HCII	Health Centre Two
HCIII	Health Centre Three
HCIV	Health Centre Four
HCs	Health Centres
HIV	Human Immune Virus
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
HIV+	Human Immune Virus positive
HMIS	Health Management Information System
HR	Human rights
HRBA	Human Rights Based Approach
HRE	Human Rights Education
HRH	Human Resource for Health
HRNJ-U	Human Rights Network for Journalists-Uganda
HRO	Human Rights Officer
HSSPII	Health Sector Strategic Plan II
HUGGO	Human Rights and Good Governance
HURINET (U)	Human Rights Network Uganda
Ibid	ibidem (latin word used in footnotes
ICCPR	International Covenant on Civil and Political Rights

ICERD	International Convention on the Elimination of All Forms of Discrimination
ICESCR	International Covenant on Economic Social and Cultural
ICRPD	International Convention on the Rights of Persons with Disabilities
ICT	Information Communication Technology
IDP	Internally Displaced Persons
IEC	Information, Education and Communication
IGP	Inspector General of Police
ILO	International Labour Organization
IMCU	Independent Media Council
IOM	International Organisation for Migration
IPHRC	Independent Permanent Human Rights Commission
IRS	Indoor Residual Spraying
ISOs	Internal Security Organizations
IT	Information Technology
JJA	Jinja
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
KACITA	Kampala City Traders Association
KCCA	Kampala Capital City Authority
LAPs	Local Administration Prisons
LC1	Local Council One
LDC	Library, Documentation Centre
LDU	Local Defense Units
LGBTI	Lesbian, Gay Bisexual Trans-gender and Intersex
M & E	Monitoring and Evaluation
M & I	Directorate of Monitoring and Inspections,UHRC
MAAIF	Ministry of Agriculture Animal Industry and Fisheries
MBR	Mbarara
MDGs	Millennium Development Goals
MIA	Ministry of Internal Affairs
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoJCA	Ministry of Justice and Constitutional Affairs
MRT	Moroto
MSK	Masaka
MTEF	Medium Term Expenditure Framework
MUBS	Makerere University Business School
N/A	Not applicable
NACWOLA	National Community of Women Living with HIV in Uganda
NCDs	Non-Communicable Diseases
NDP	National Development Plan
NFA	National /Forest Authority

NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NODSPs	National Objectives and Directives of State Policies
NRM/A	National Resistance Movement Administration
NRM	National Resistance Movement
NSSF	National Social Security Fund
NUDIPU	National Union of Disabled Persons in Uganda
NTV	Nation Television
NVR	National Voters Register
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization of Islamic Cooperation
OPCAT	Optional Protocol to the Convention Against Torture
OPD	Out Patient Department
OPM	Office of the Prime Minister
P/S	Primary School
para	paragraph
pg	page
PMTCT	Prevention of Mother to Child Transmission
POMB	Public Order Management Bill
PSU	Professional Standard Unit
PTC	Police Training School
PWDs	Persons with Disabilities
RDCs	Resident District Commissioners
RED	Directorate of Research Education and Documentation,UHRC
RRHs	Regional Referral Hospitals
RHRO	Regional Human Rights Officer
RISO	Regional and District Security Officers
RPC	Regional Police Commander
RRU	Rapid Response Unit
RTD	Retired
SDMC	Sub-County Disaster Management Committee
SPCs	Special Police Constables
SRT	Soroti
TB	Tuberculosis
TEWPA	Teso Women Peace Activists
TOT	Training of Trainers
TV	Television
UACP	Uganda Aids Control Program
UBC	Uganda Broadcasting Corporation
UDHR	Universal Declaration of Human Rights
Ug.shs	Uganda Shillings
UGX	Uganda shillings
UHRC	Uganda Human Rights Commission
UHRC	Uganda Human Rights Commission

UHRC/FP	Uganda Human Rights Commission, Fort Portal
UHRC/G	Uganda Human Rights Commission, Gulu
UHRC/J	Uganda Human Rights Commission, Jinja
UHRC/MBA	Uganda Human Rights Commission, Mbarara
UHRC/SRT	Uganda Human Rights Commission, Soroti
UIRI	Uganda Industrial Research Institute
UK	United Kingdom
ULRC	Uganda Law Reform Commission
UN	United Nations
UN CRPD	United Nations Convention on the Rights of Persons with Disabilities
UN/ISDR	United Nations International Strategy for Disaster Reduction
UNDP	United Nations Development Project
UNESCO	United Nations Education, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNOHCHR	United Nations Office of the High Commission for Human Rights
UNSMR	United Nations Minimum Standard Rules
UPDF	Uganda People's Defence Forces
UPF	Uganda Police Force
UPR	Universal Periodic Review
UPS	Uganda Prisons Services
UPT	Uganda Police Training
USA	United States of America
USD	United States Dollar
UWA	Uganda Wild Life Authority
UWONET	Uganda Women's Network
V	Versus
VAGs	Voluntary Action Groups
VDMC	Village Disaster Management Committee
VHT	Village Health Team
Vol. XII	Volume twelve
VTC	Voluntary Testing and Counseling
WHO	World Health Organization
YO	Young Offenders
YP	Young Prison

UHRC OVERALL ORGANOGRAM KEY OVERALL REPORTING AND FUNCTIONAL RELATIONSHIP



ABOUT UGANDA HUMAN RIGHTS COMMISSION

Vision

A society governed by the rule of law that protects and promotes human rights, that is respectful of its Constitution and whose members are aware of their civic obligations.

Mission Statement

To protect and promote human rights as guaranteed by the Constitution and other binding human rights instruments, guided by the requirements of our legislative mandate, by international and regional human rights standards and working through partnerships.

Corporate Values

1. Integrity, Transparency and Accountability
2. Fairness in the execution of functions and mandate
3. Dignity of the person is central
4. Independence, credibility and reliability as a National Human Rights Institution
5. Quality of Service delivery

Mandate

The functions of the Commission as per Article 51 (1) are listed as follows: -

- a) To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;*
- b) To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;*
- c) To establish a continuing programme of research, education and information to enhance respect of human rights;*
- d) To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;*
- e) To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;*
- f) To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;*
- g) To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;*
- h) To monitor the Government's compliance with international treaty and convention obligations on human rights; and*
- i) To perform such other functions as may be provided by law.*

Article 52(2) also requires the Commission to publish periodical reports and submit annual reports to Parliament on the state of human rights and freedoms in the country.

Article 52(3) states that in the performance of its functions, the Uganda Human Rights Commission shall:

- (a) Establish its operational guidelines and rules of procedure;*
- (b) Request the assistance of any department, bureau, office, agency or person in the performance of its functions; and*
- (c) Observe the rules of natural justice.*

Furthermore Article 48 (1) of the Constitution grants the UHRC an intervention role in situations where a State of Emergency has been declared, as stated herewith; *"The*

Uganda Human Rights Commission shall review the case of any person who is restricted or detained under emergency laws".

Powers of the UHRC

Under Article 53(1) of the Constitution, the UHRC has the following powers:

- a) *To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;*
- b) *To question any person in respect of any subject matter under investigation before the Commission;*
- c) *To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and*
- d) *To commit persons for contempt of its orders.*

The UHRC may, if satisfied that there has been an infringement of a human right or freedom, order:

- (a) *The release of a detained or restricted person;*
- (b) *Payment of compensation; or*
- (c) *Any other legal remedy or redress*

Independence of the commission

Under article 54 of the Constitution, 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.

Expenses of the commission

Under article 55 of the Constitution, the UHRC shall be self-accounting and all the administrative expenses of the commission, including salaries, allowances and pensions payable to persons serving with the commission, shall be charged on the Consolidated Fund.

The Chairperson and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.

Removal of commissioners

Under article 56, the provisions of the Constitution relating to the removal of a judge of the High Court from office shall, with the necessary modifications, apply to the removal from office of a member of the commission.

Staff of the UHRC

The appointment of the officers and other employees of the commission is made by the UHRC in consultation with the Public Service Commission.

Laws governing the functions of the UHRC

The laws that regulate and facilitate the performance of the functions of the Uganda Human Rights Commission are the UHRC Act and UHRC rule of procedures.

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

This is the fourteenth annual report of the Uganda Human Rights Commission (UHRC) on the state of human rights in the country to Parliament. The report consists of thirteen chapters which are subdivided into two sections. Section one covers the activities undertaken by the UHRC in 2011 while Section two covers an assessment of the human rights situation in 2011.

SECTION 1

CHAPTER ONE: COMPLAINTS MANAGEMENT

The chapter assesses the trend of complaints received, mediated, referred, investigated and resolved by the UHRC. In 2011, 1021 complaints were registered which was a 28% increase from 797 complaints registered in 2010. The increase was attributed to the establishment of Masaka Regional Office, the UHRC's mobile complaints handling system and the continued creation of public awareness. In 2011, the number of complainants increased by 39.15% from 848 in 2010 to 1,182. Of these complainants 854 were male, 313 female, 22 minors and 15 were lodged by institutions or other groups. Complaints reported by the male complainants constituted 72.25% of the complaints. Overall, complaints reported by male complainants increased by 60.83% from 531 in 2010 to 854 in 2011 while complaints reported by female complainants increased by 2.3% from 306 in 2010 to 313 in 2011. Adults lodged 96.88% of the complaints while 3.12% were lodged by minors or persons below 18 years of age. Most of the complaints lodged by minors were with regard to the right to education, maintenance and neglect by the parents. 1.27% of the complaints were lodged by institutions on behalf of individuals.

Of the top three complaints registered the violation of freedom from torture or cruel, inhuman or degrading treatment or punishment was the highest at 34.8% of the total complaints received, followed by detention beyond 48 hours (21.5%), denial of child maintenance (18.2%) and deprivation of property (9.1%). As in 2010, the highest registered complaint was the violation of the freedom from torture or cruel, inhuman or degrading treatment or punishment representing 34.8% of the total number of complaints.

The majority of complaints were against the Uganda Police Force. Of the 428 complaints 457 complaints were of violation of freedom from torture or cruel, inhuman or degrading treatment or punishment. Private individuals followed with 272 complaints of which 224 concerned the child's right to maintenance. 151 complaints were registered against the Uganda People's Defence Forces with the allegations of the violation of the freedom from torture or other cruel, inhuman and degrading punishment being the highest. As was the case in 2010, the Uganda Police Force, private individuals remained the top respondents. Complaints against Local Governments increased by 33.33% from 40 in 2010 to 61 in 2011; while those against the Uganda Prisons Service (UPS) increased by 33.3% from 30 in 2010 to 40 in 2011. Other respondents against whom complaints registered include; individuals (by 17.75%), education institutions (by 27.27%) and the Chieftaincy of Military Intelligence (CMI) which registered an increase from 1 in 2010 to 5 in 2011. There was a notable reduction of 35.85% of complaints registered against the Rapid Response Unit (RRU) from 53 in 2010 to 34 in 2011. Complaints against the private companies decreased by 14.29% from 21 in 2010 to 18 in 2011, while those against the Internal Security Organisation (ISO) decreased by -100% from 7 in 2010 to 0 in 2011. There was no significant change in the number of complaints lodged against the Judiciary, Non-Governmental Organisations and security companies.

In 2011, the UHRC investigated 1838 complaints, of which 679 complaints were fully investigated while 1159 matters were partially investigated. 2113 complaints were referred, many of which was after giving advice to the complainants. The UHRC mediated 153 cases, many of which were with regard to denial to child maintenance and the denial of basic education. The other cases mediated related to the deprivation of the right to property and the right to remuneration among others.

The UHRC tribunal heard and concluded 75 complaints of which 41 were decided in favour of the complainants while 34 were dismissed for want of prosecution due to failure to appear before the tribunal or to take specified action requested by the tribunal. A total of UGX. 699,231,550/= (Six hundred, ninety-nine million, two hundred and thirty one thousand, five hundred and fifty shillings) was awarded. This was for mainly violations of the freedom from torture or cruel, inhuman or degrading treatment or punishment and the right to personal liberty. The UHRC still faced a number of challenges in handling tribunals which included: the limited number of Presiding Commissioners; inability of the Attorney General to promptly settle matters amicably; unwillingness of some of the witnesses to testify due to limited witness protection; difficulty in locating victims and witnesses who have since changed location; lack of adequate co-operation from respondents; and reluctance of expert witnesses to appear before the tribunal.

Recommendations

1. As recommended in the previous annual reports:
 - Government should promptly appoint new members of the UHRC to fill the vacant positions of Commissioners, in order to ensure that the UHRC's activities are adversely affected;
 - Parliament should hasten the process of enacting the Bill on the Prohibition and Prevention of Torture, into law. This will make individual perpetrators of torture criminally liable and reduce incidents of torture or cruel, inhuman or degrading treatment or punishment committed by State agents;
 - The Ministry of Justice and Constitutional Affairs should establish a Victims Compensation Fund, to ensure the expeditious compensation of victims of human rights violations;
 - The Government should, ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment; and
 - Government should conclude the development of a Legal Aid Policy and the Ministry of Gender, Labour and Social Development should operationalise the Industrial Court to ensure access to justice.
2. The Ministry Internal Affairs should expedite the national identity registration and distribution process as this would address the current challenges of identifying persons;
3. The Uganda Police Force should invest in training for their personnel to keep abreast with modern investigation techniques to avoid use of torture in obtaining information. In the alternative, the Uganda Police Force should desist from arresting suspects before obtaining sufficient evidence; and
4. The Uganda Police Force should use the appropriate internal mechanisms to hold accountable and subject to disciplinary action its members accused of torture or cruel, inhuman or degrading treatment.

CHAPTER TWO: CONDITIONS IN PLACES OF DETENTION

This chapter makes an analysis of the human rights situation in police, prisons, military detention centres, and remand homes inspected by the UHRC in 2011. The UHRC visited various places of detention to assess the conditions of the inmates. In 2011, the UHRC visited 900 places of detention compared to 707 in 2010. These comprised 193 prisons, 2 military detention facilities, 168 police stations, 532 police posts and 5 Remand Homes. This chapter highlights the UHRC findings and makes appropriate recommendations.

The UHRC noted some positive developments in 2011 such as: the construction and renovation of infrastructure of the Uganda Prison Service and Uganda Police Force, increase in the number of prison warders and police officers, strengthening of the Police Professional Standards Unit and the continued establishment and operation of Human Rights Committees in prisons. The UHRC further noted the enjoyment by the prisoners of their right to freedom of worship, the slight reduction in the number of pre-trial detainees and the use of buckets for toilets.

However, the UHRC noted with concern some outstanding challenges. These included: overcrowding often in dilapidated buildings, cases of long detentions including pretrial detention and of those with mental disabilities awaiting Ministers Orders, detention of civil debtors, persistence of torture or cruel, inhuman or degrading treatment or punishment, overworking of the inmates in prison, cases of detainees without

files, incarceration of children with adults, mothers incarcerated with their children, inadequate provision for food, bedding and clothing for detainees and challenges relating to inmates living with HIV and AIDs and sanitation. Though these concerns were addressed to the relevant prison and police authorities for redress they remained outstanding.

Recommendations

1. As recommended in the previous annual reports:
 - The Uganda Police Force and Uganda Prison Service should construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects;
 - The Justice Law and Order Sector should strengthen the District Coordination Committees to fast track cases of long detentions;
 - Parliament should enact the Prevention and Prohibition of Torture Bill to address the persistence of torture;
 - The Uganda Police Force, the Director of Public Prosecution and the Uganda Peoples' Defence Forces should be equipped with all the necessary facilities to enable them to fulfil their constitutional obligation to bring suspects to court within 48 hours;
 - The Ministry of Internal Affairs, Ministry of Gender Labour and Social Development, Uganda Police Force and the Uganda Prison Service should ensure that children in conflict with the law are separated from adults in all places of detention. Furthermore, the Justice Law and Order Sector should strengthen the mechanisms for diversion of children away from the criminal justice system using the alternative dispute resolution through mediation and arbitration; and
 - The Ministry of Internal Affairs should ensure that the Uganda Police Force and the Uganda Prison Services get adequate resources to enable them to perform their functions and should improve their working conditions and welfare.
2. The Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders;
3. The Ministry of Internal Affairs, Ministry of Gender Labour and Social Development, the Uganda Police Force, and the Uganda Prison Service should ensure that the children who have been incarcerated with their mothers are adequately catered for.
4. The Uganda Police Force, Uganda Prison Service and Uganda Peoples Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and to ensure access to health services including ARVs for those living with HIV and AIDS and need them; and
5. The Ministry of Internal Affairs, Uganda Prison Service, Directorate of Public Prosecution and the Uganda Police Force must urgently address the issue of suspects who are being detained without files. If there are no files or charges against them, they should be released.

CHAPTER THREE: HUMAN RIGHTS EDUCATION AND OUTREACH ACTIVITIES

The Human Rights Education and outreach activities carried out by the UHRC were aimed at: publicising the legal and institutional framework on specific rights; strengthening accountability in institutions by equipping state agents with skills to respect human rights; and popularising the international, regional and human rights standards. In 2011, 40,666 people participated in the human rights awareness programmes conducted. These included 1,881 Special Police Constables from Uganda Police Force, 651 officers from Uganda Peoples Defence Forces including 60 Military Police Personnel, 322 officers from ISO, 94 officers from Uganda Prison Service, 137 District Officials, 354 local leaders, 50 religious leaders, 218 teachers, 23,000 students

and 13,959 Community members. The other outreach activities included 150 radio talk shows, 1,802 spot messages, 25 television adverts, 7 formal press conferences, commemoration of human rights days and publication and documentation of human rights issues in the country. In addition, the UHRC convened a consultative meeting with key stakeholders in order to develop a strategy on national civic education to harmonise civic education activities. The UHRC faced various challenges in the provision of Human Rights Education which included: inadequate funding to carry out human rights education; high levels of illiteracy which hinder the appreciation of human rights and non functional human rights committees due to lack of financial support from the Ministry of Local Government

Recommendations

1. As recommended in the previous annual reports:
 - Government should avail the resources to support UHRC to provide civic education in order to fulfil its constitutional mandate;
 - The law Reform Commission should translate the 1995 Constitution into more local languages and disseminate it to the general public to enable them understand and appreciate the Constitution as the supreme law of the land;
 - The Ministry of Local Government should pass a policy to fund the District Human Rights Desks and Committees in order for them to become fully functional ;
 - All the District Local Government authorities should establish DHRD/Cs and incorporate principles of Human Rights Based Approach (HRBA) in their planning and programming; and
 - Government should adequately fund the UHRC in order for it to carry out effective continuous human rights education and assess the impact of its Human Rights Education and outreach activities.

CHAPTER FOUR: FINANCE AND ADMINISTRATION

The chapter highlights the major aspects of support services rendered in 2011, international, regional and national engagements, appointments to regional organisations, and funding for the UHRC. The Chairperson of the UHRC was elected as a Commissioner of the African Commission on Human and People's Rights (ACHPR) and as an expert to the Organisation of Islamic Cooperation Independent Permanent Human Rights Commission.

In FY 2010/11, UHRC received funding of UGX.11,404,892,217 of which 63.8% (7,273,878,000) was contributed by GoU while 36.2% (4,131,014,217) was contributed by Development Partners. In FY 2011/12 funding of the UHRC was UGX. 11,583,575,188 of which 62.4% (UGX. 7,220,438,000) was contributed by GoU while 37.6% UGX. 4,363,137,188 was contributed by Development Partners. In spite of the increased funding from government, the funds allocated by government for recurrent and development expenditure left funding gaps of UGX.2,796,019,395 and UGX.5,280,273,000 in FY 2010/11 and FY 2011/12 respectively. Due to inadequate funding the UHRC was not able to; enhance staff salaries, allowances, expand the staff structure and open up a new regional office in Hoima.

Recommendation

Ministry of Finance, Planning and Economic Development should increase funding to the UHRC to enable it to provide a better salary and allowance structure and to have adequate logistical support and appropriate office space.

SECTION 2

CHAPTER FIVE: ELECTIONS

In line with the mandate to promote and protect human rights, the UHRC played an important role in the 2011 General Elections as it did in the previous elections. UHRC's role in the elections included, providing support for civic education to ensure the integrity of the process by promoting elections that are free of

violence, intimidation and fraud. UHRC's monitoring role was to ensure an independent and objective evaluation of the electoral process.

UHRC noted that there was an improvement in the general elections as compared to the previous elections. The February 2011 General Elections were largely peaceful and smoothly conducted in a secure environment. UHRC observed that the Electoral Commission Officials were better equipped than in the past. However, the process faced daunting challenges such as: the poor perception of the Electoral Commission; election administration challenges such as disenfranchised voters; implementation and enforcement of electoral laws for instance voter bribery and use of state resources; unequal access to media; insufficient voter and civic education; inadequate provisions for vulnerable persons; electoral violence; and the dissatisfaction of political parties with the results, among others.

Recommendations

1. Government should:
 - Consider reviewing the process of appointing members of the Electoral Commission so that there is greater consensus and acceptance of the members by opposition, civil society and the public.
 - Hold dialogues between stakeholders to provide a forum for aggrieved parties to air out their views.
 - Consider the ratification and domestication of the African Charter on Democracy, Elections and Governance; and
 - Adequately facilitate UHRC and the Electoral Commission to carry out Voter and Civic Education before elections;
2. The Electoral Commission should improve its electoral administration by, among other things, reviewing and updating the National Voter Register before the next elections, providing adequate polling materials for each polling station and ensuring adherence to the electoral legal framework. The Electoral Commission should increase the capacity through training and facilitation for officials involved in the Electoral Process;
3. The laws relating to elections should be fully implemented for instance use of state and government resources during an election period, campaign posters and materials at polling stations, voter bribery among other election offences should be prosecuted;
4. All the laws relating to elections should be reviewed before the next election to ensure compliance with national, regional and international human rights standards and to enhance fairness and accountability during elections in Uganda.
5. Media houses should make efforts to improve freedom of speech and equal access to the media by all Political Parties and candidates;
6. The Electoral Commission should make the electoral process more responsive to the needs of the vulnerable groups such as the aged, elderly, persons with disability, pregnant women, prisoners and such other vulnerable groups;
7. The Electoral Commission should ensure that together with the UPF there is sufficient security to avoid unlawful interruption of the electoral process; and
8. Citizens and parties aggrieved by election results are encouraged to explore legally established avenues for challenging the validity of the elections and are urged to refrain from using violence to express dissatisfaction with election results.

CHAPTER SIX: FREEDOM OF ASSEMBLY AND EXPRESSION

This chapter analyses the freedom of assembly mainly in respect to the walk to work demonstration and freedom of expression with respect to media freedoms. It further analyses government and other stakeholder's interventions to protect and respect the freedom of assembly and expression. The UHRC noted challenges including; the ineffective regulation of public assemblies, excessive use of force, weak internal accountability mechanisms, lack of professionalism and weak self regulation mechanisms of the media. These led to various human rights concerns such as; loss of life, property, livelihood, unlawful arrests and detentions and a decline in editorial independence.

Recommendations

1. In the absence of a public order management law, the police, the public, and the organizers of assemblies and demonstrations are urged to use the UHRC guidelines on public demonstrations.
2. The Uganda Police Force should step up trainings for police officers on human rights and how to handle demonstrations including those that turn riotous. The Police should ensure that the officers deployed to manage riots are dressed in protective gear;
3. The Uganda Police Force should prosecute and discipline police officers who use excessive force during demonstrations and those who do not comply with human rights and democratic policing standards;
4. Ministry of Information and National Guidance and the Office of the Prime Minister should support the media practitioners' mechanism of self regulation that is already in place as a way of enforcing high ethical and professional standards. Independent media regulatory frameworks should be strengthened to promote a free but responsible media;
5. Parliament should review all the laws that are inconsistent with media freedoms in particular the Cabinet should scrutinize the proposed Press and Journalist (Amendment) Bill 2010 in line with human rights standards that are enshrined both in the Constitution and international human rights instruments to which Uganda is party; and
6. Ministry of Information and National Guidance and the office of the Prime Minister should devise means of regulating private media owners to ensure that they do not abuse the privilege of owning the means through which people exercise their freedom of expression.

CHAPTER 7: UHRC POSITION ON THE PUBLIC ORDER MANAGEMENT BILL

In line with its mandate and function to promote and protection human rights, the UHRC analyzed and reviewed the Public Order Management Bill to ensure that it complied with human rights standards as enshrined in the constitution and the international human rights instruments ratified by Uganda. The UHRC noted that the Bill was necessary to regulate public demonstrations but should comply with the constitution and international human rights obligations. The UHRC was concerned with various aspects of the Bill relating to definitions of a number of terms, included: "political organization", "public place" and "public meeting". This is in addition to; clauses on the powers of the Inspector General of Police and other officers, notice of a public meeting and notification by an authorised officer, duties of the Police, use of firearms, responsibilities for organisers and participants and gazetted areas.

Recommendations

1. The Bill should aim at facilitating rather than prohibiting demonstrations in conformity with the law;
2. The Bill should balance the right to assembly with other rights, and should only impose restrictions that are acceptable and justifiable in a free and democratic society.
3. Parliament should review the Bill in light of the concerns expressed and to use the UHRC Guidelines on Public Demonstrations which, were developed in a more consultative process, as the foundation of the law on public order and management.

CHAPTER EIGHT: HUMAN RIGHTS CONCERNS ARISING OUT OF LIGHTNING, FLOODS, BUDUDA LAND SLIDES AND FIRE OUTBREAKS

This chapter analyses the impact of various disasters in 2011 on the enjoyment or rights. These disasters included lightning, floods, Bududa landslides and fire out breaks which resulted into the loss of lives, injuries, destruction of property and left survivors vulnerable. The UHRC observed that the government response was inadequate in some instances. However there were challenges in funding and resources, inadequate coordination in response, enforcement of standards, among others.

Recommendations

As recommended in the previous annual reports:

- Government should establish the Disaster Preparedness and Disaster Management Commission to deal with disaster in accordance with Article 249 (1);
 - Government should increase budget allocations for disaster preparedness and response as well as the promotion of research and technology in disaster risk reduction;
 - Office of the Prime Minister should strengthen Disaster Preparedness and Management Institutions at National and Local Government levels by equipping them with human, logistic and financial resources for effective response and management; and
2. The Office of the Prime Minister should strengthen collaboration with international disaster relief actors for timely, coordinated and effective emergency response.
 3. The Ministry of Works and Transport should: ensure that in the construction of buildings, expert supervision is provided to ensure that lightning arresters are installed and advice is given on the type of housing to be placed in disaster prone areas; and consider re-building the markets with materials that do not easily conduct fire in order to improve on the working conditions of the traders; and
 4. The Uganda Police Force should publish the report of the commission of inquiry into the fire outbreaks in the markets

CHAPTER NINE: RIGHT TO HEALTH

The UHRC monitored the progressive realisation of the right to health in the country and visited 194 health facilities. The UHRC registered and investigated 21 complaints on the right to health. 9 complaints were on the violation of the right to health, 5 complaints were on discrimination on grounds of HIV/AIDS while 7 complaints were on denial of the right to a clean and healthy environment.

Positive developments were noted namely: community outreach programmes on community health, HIV/AIDS counseling and testing programmes, as well as family planning programmes; the carrying out of social mobilization to control emergencies and epidemics in 75% of the districts; training, supervision and monitoring of Village Health Teams (VHTs) in 18 districts; and distribution of 110,000 bicycles to VHTs. However, recurrent challenges in the health sector were noted and these included: inadequate funding; prevalence of Neglected Tropical Diseases, unavailability and inaccessibility of health facilities and services; inadequate staffing, remuneration and welfare; poor working conditions; the increasing burden of communicable and non communicable diseases; high maternal health and child mortality rate and the escalation of the head nodding disease.

Recommendations

1. As recommended in the previous annual reports:
 - Government should increase the budget allocation to the health sector in line with the Abuja Declaration in order to address concerns of accessibility, acceptability, affordability and poor quality health services.
 - Ministry of Health should prioritise NTDs control as a development program
2. The UHRC also recommends that:
 - MoH should recruit health professionals to fill up the positions in health facilities as per the demands of the health standards based on the grading system;
 - MoH should construct more wards, office spaces, maternity, and laboratories as well as providing constant water and power supply plus relevant equipments in health facilities;

- MoH should procure new, modern and efficient ambulances for health facilities to ensure prompt and timely transfer of emergency cases and grounded ambulances should be repaired;
 - MoH should put in place a mechanism of generating community-based data to expedite the process of formulation of national NCD policies on prevention and treatment; and
 - MoH should urgently address the problem and implement the respond plan to the head nodding disease in the affected areas.
3. MoPS should revise the salary rate of health professionals and increase it to a level that attracts more professionals into government health service delivery as opposed to private practice;

CHAPTER TEN: RIGHT TO ADEQUATE HOUSING

This chapter evaluates the right to adequate housing within the context of rural -urban migration It highlights the legal framework, identifies what constitutes the right to adequate housing, notes state obligations and the core factors determining this right. The analysis of the right to adequate housing is made in light of developments in the legal and policy framework and the core factors, while challenges are highlighted and recommendations proposed. Factors hindering the right to adequate housing include: an inadequate legal and policy framework to address security of tenure; complex land ownership that limits access to and security of tenure from forced evictions/ harassment; lack of a harmonised National Urban and Development Policy; incoherent planning and inadequate implementation of structural plans; limited role of Government in supervision and provision of adequate housing; and inadequate provision of the right to adequate housing in the 1995 Constitution.

Recommendations

1. The Ministry of Lands, Housing and Urban Development should conclude development of the National Land Policy which seeks to address the land tenure systems and the sustainable use and management of land while focusing on vulnerable persons;
2. In addition to the Land Policy, the Ministry of Lands, Housing and Urban Development should develop a National Urban and Development Policy, National Human Settlement Policy and implement the National Land Use Policy and National Upgrading Strategy and Action Plan;
3. Government should strengthen the capacity of the Directorate of Physical Planning and Development and Kampala Capital City Authority to plan, enforce and monitor implementation of physical development plans;
4. Kampala Capital City Authority should implement the Physical Planning Act (2010) that provides for the approval of development plans before the execution of housing projects or construction;
5. Government should facilitate and fund the acquisition of low cost houses by low income households; and
6. Parliament should enact a law providing for the right to adequate housing in accordance with Article 8(A) of the 1995 Constitution (As Amended).

CHAPTER ELEVEN: BUDGET ANALYSIS WITH REGARD TO HEALTH, EDUCATION, AND HOUSING

This chapter focuses on budget allocations to the health, housing, and education sectors in line with the priorities identified under the National Development Plan National Development Plan (2010/11-2014/15). These specific rights were given special focus due to their nature which is central to the enjoyment of economic, social and cultural rights and the underlying social economic factors that lead to a healthy life. The budget analysis is made within the context of both national and international human rights obligations and the budget allocations to the health, housing and education sector. The UHRC noted that the funds provided are inadequate.

Recommendations

1. The Ministry of Finance Planning and Economic Development should allocate adequate funds to the health, education and housing sectors in order to meet the minimum core human rights obligations and the objectives in the National Development Plan;
2. The Ministry of Education and Sports should finalise the Special Needs Education policy and provide sufficient funding towards this sub-sector to cater for the increased number of children with special needs;
3. The Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports and Ministry of Health in order to implement a salary scale that attracts and retains qualified professionals within the sectors;
4. The Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports in order to cater for indirect costs such as lunch in order to retain children in schools; and
5. The Ministry of Health should conclude the process of developing a health financing strategy.

CHAPTER TWELVE: UNIVERSAL PERIODIC REVIEW

At the 12th Session of the Universal Periodic Review (UPR), Uganda was reviewed for the first time on its compliance with all its treaty obligations. Delegations from various countries commended Uganda: for being party to and domesticating the International human rights instruments; cooperating with different regional bodies; establishing of institutions including an 'A' accredited National Human Rights Institution, the Uganda Human Rights Commission and the progressive realisation of economic, social and cultural rights. Delegations noted concerns including: existence of the death penalty; use of excessive force by security authorities; lack of a law criminalising torture; exercise of the freedom of assembly and association. Voluntary pledges and commitments made by Uganda included: development and implementation of a National Action Plan on human rights; establishing a Cabinet Sub Committee on human rights; an Inter Ministerial Technical Committee and a human rights desk in the Ministry of Justice; and mainstreaming of human rights education.

Recommendations adopted by Uganda included: domestication of international human rights instruments; enhancing separation of power; ensuring accountability for human rights violations; integrating human rights education; implementing policies and programmes for food production, health services and education; eliminating safe houses; promotion of rights of vulnerable persons; ensuring a participatory process in implementation of the UPR and strengthening of cooperation. Recommendations to be further examined included: ratification of the Second Optional Protocol to the ICCPR, CAT and CEDAW; issuing a standing invitation to mandate holders of the human rights council; abolition of the death penalty; amending the Domestic Violence Act; Enactment of the Marriage and Divorce Bill; and efficient measures to prevent exploitation of children. Recommendations that did not enjoy the support of Uganda concerned sexual orientation and gender identity, refraining from enacting of the Public Order Management Bill, and simplification of Non Governmental Organisation registration requirements.

Recommendation

1. The government should implement the voluntary pledges made and recommendations adopted in order to ensure the effective promotion and protection of human rights; and
2. The government should adopt a consultative process for the implementation of recommendations that have been adopted.

CHAPTER THIRTEEN: GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

The UHRC makes recommendations to various actors for the promotion and protection of human rights in line with its Constitutional mandate. As part of its protection function, the UHRC followed up progress made in respect of the recommendations it has made in its previous thirteen annual reports. This helps duty bearers to focus on human rights issues within their areas of operation that require added attention or that have been neglected.

This chapter tracks compliance with recommendations in previous annual reports and places recommendations into three categories, namely: recommendations that have been fully complied with, recommendations that have been partially complied with and recommendations that have not been complied with at all.

During 2011, there was 77.5% partial and full compliance with UHRC recommendations compared to the 72% reported in 2010. While there was 22.5% non-compliance, compared to the 28% reported in the previous Annual Report.

Most of the recommendations were partially complied with included: reduction in the use of the bucket system, improved facilitation of the UPF in terms of resources, continued operation and establishment of human rights committees in prisons and human rights desks/ committees at the districts, among others.

Some of the key recommendations that were not complied with included: publication of the findings of the Commission of Inquiry into the Burning of the Kasubi Tombs, appointment of new members to the UHRC, increase funding for civic education and operationalisation of the Industrial Court.



SECTION 1

CHAPTER 1

COMPLAINTS MANAGEMENT

1.0. INTRODUCTION

As provided for under Articles 52 (1) and 53 of the 1995 Constitution the process of investigating and resolving complaints raising human rights violations is one of the core functions of the UHRC. This process is aimed at having an effective redress and referral mechanism that ensures accountability in the event that human rights are violated. The mandate of the UHRC has been fulfilled through investigation, mediation, counselling, giving advice, making referrals and through the Tribunal process.

The investigation process begins when a complaint is received and may entail field investigations to interview witnesses of the complainant and respondent, collect necessary evidence and cross check information to clarify or verify facts. Mediation is conducted to help parties resolve their disputes amicably. The mediation has a number of advantages, it is cheap, fast, non adversarial and allows the parties to decide how best to handle their problem. The Tribunal function requires that the UHRC sits as a quasi- judicial tribunal comprised of a single hearing Commissioner assisted by Legal Counsel to effectively evaluate claims of human rights violations. Counselling on the other hand, is offered as a complimentary service to the other services provided by the UHRC. This chapter makes an analysis of UHRC's performance in the area of receiving, investigating, mediating, counselling and offering redress through the Tribunal process.

1.1. FACILITATING THE RESOLUTION OF COMPLAINTS

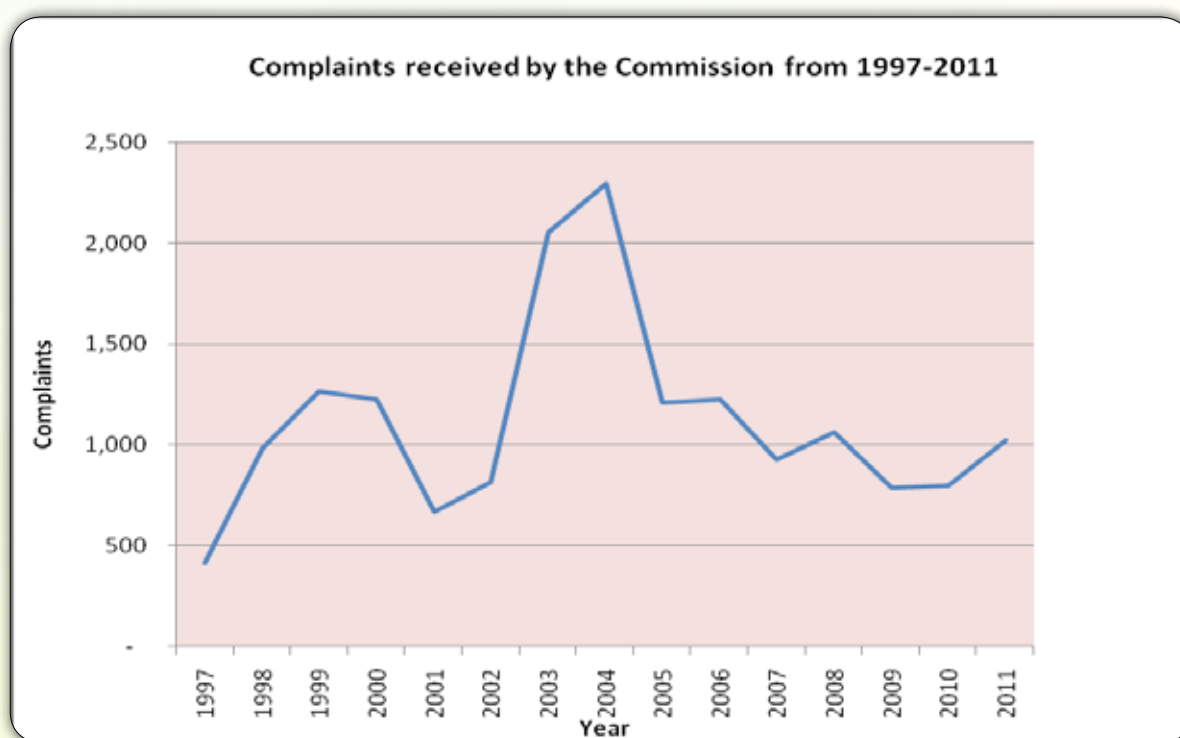
Complaints were lodged with the UHRC from complainants who walked into our offices, by phone, letters, email, fax, as well as through mobile complaints handling exercises. The complainants were attended to by our officers or in the case of calls, who ascertained what action the caller was seeking. Where it was clear that a matter would best be dealt with by another institution, agency or service, a referral was made. Where information could be provided, this was done. Where a matter was within the UHRC's mandate, it was registered and either mediated or investigated to establish whether the allegation constituted a human rights violation. Every matter that the UHRC received was given full attention. In situations where the UHRC was not in position to handle the complaint, a detailed explanation (often in writing) was given to the complainants.

1.2. COMPLAINTS REGISTERED IN 2011

In 2011, the UHRC registered a total of 1,021 new complaints on human rights violations, representing a 28% increase from the 797 complaints registered in 2010. The increased number of complaints received is attributed to the establishment of Masaka Regional Office, as well as the UHRC's mobile complaints handling system and the continued creation of public awareness. Mobile complaints handling involves the UHRC going to the local communities to register complaints of allegations of human rights violations.

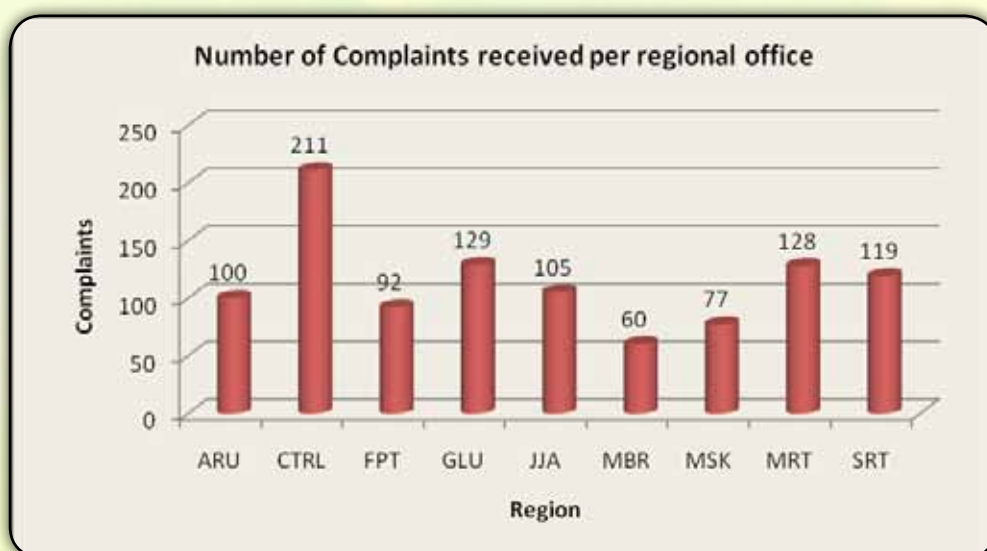
Since 1997, the UHRC has registered a cumulative total of 16,725 alleged violations of human rights with the highest in 2004 at 2,294 cases and the lowest in 1997 at 414 cases. From 2005 to 2010, there was a general decline in registered cases over the period due to the development of the admissibility criteria was developed to assess and determine the admission of complaints. However, this number started rising in 2011 as illustrated in Figure 1.1. Figure 1.2 shows the number of complaints registered in 2011 in the various regional offices of the UHRC, while Table 1.1 shows the nature of the alleged violations raised in the various complaints as they were registered by the UHRC.

Figure 1.1: Complaints received by the Commission from 1997-2011



As was the case in previous years, in 2011 the Central Regional office registered the highest number of complaints constituting a total of 211 (20.67%). Gulu Regional Office with 129 (12.63%), Moroto Regional office with 128 (12.54%), Soroti Regional Office with 119 (11.66%), Jinja Regional Office with 105 (10.28%), Arua Regional Office 100 (9.79%), Fort Portal Regional Office with 92 (9.01%), Masaka Regional Office 77 (7.54%), and Mbarara Regional Office 60 (5.88%).

Figure 1.2: Complaints Registered per Regional Office in 2011¹



1.3. NATURE OF ALLEGED HUMAN RIGHTS VIOLATIONS REGISTERED IN 2011

Complaints of Torture or cruel, inhuman and degrading treatment or punishment continued to be the highest received complaint with a 55% increase from 276 in 2010, to 428 complaints in 2011. This was followed by complaints on detention beyond 48 hours and complaints concerning the rights of children to maintenance. Table 1.1.below shows the nature of complaints registered at the regional offices of the UHRC in 2011.

¹ ARU stands for Arua regional office, CTRL stands for Central, FPT stands for Fort Portal, GLU stands for Gulu, JJA stands for Jinja, MBR stands for Mbarara, MSK stands for Masaka, MRT stands for Moroto, and SRT stands for Soroti regional office.

Please note that totals in Table 1.1 below vary from those in Figure 1.2 because a single registered file may contain 2 or more alleged violations, hence pushing the total in Table 1.1 higher than the total in Figure 1.2.

Table 1.1: Violations Registered at UHRC Regional Offices in 2011

	Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MSK	MRT	SRT	TOTAL	%AGE
1	Torture or cruel, inhuman or degrading treatment or punishment	16	86	22	78	45	41	28	60	52	428	34.77
2	1Detention beyond 48 hours[1]	8	78	27	57	22	15	17	8	32	264	21.45
3	Denial of child maintenance	34	50	40	8	17	8	16	23	28	224	18.20
4	Deprivation of property	19	12	6	20	14	10	10	7	14	112	9.10
5	Denial of basic education	8	1	2	1	1	-	-	1	1	15	1.22
6	Deprivation of life	1	8	4	11	2	1	2	26	5	60	4.87
7	Violation of right to a fair and speedy trial	3	1	-	2	1	1	-	-	3	11	0.89
8	Unlawful arrest or detention	3	4	1	1	1	-	6	1	1	18	1.46
9	Denial of remuneration and pension	7	4	1	1	-	-	5	-	-	18	1.46
10	Detention in ungazetted place	-	2	-	1	1	-	-	-	-	4	0.32
11	Denial of just and fair treatment in administrative decisions	-	-	-	-	1	-	1	-	1	3	0.24
12	Discrimination on grounds of sex, religion, HIV/AIDS, disability	1	1	-	1	-	-	1	1	-	5	0.41
13	Violation of privacy of person, home, property and correspondence	1	2	1	-	-	-	-	-	-	4	0.32

14	Denial of child to know and live with parent (access to child)	1	6	-	-	-	-	-	-	7	0.57	
15	Violation of right to health	-	1	-	-	2	-	6	-	-	9	0.73
16	Denial of clean and healthy environment	-	1	-	-	3	-	3	-	-	7	0.57
17	Denial of right to work or practice one's profession and rights at work	-	1	-	-	1	1	2	-	-	5	0.41
18	Sexual harassment	-		-	-	-	-	-	-	-	-	0.00
19	Security of person	-	-	-	-	-	-	-	-	-	-	0.00
20	Forced labour	-	-	-	-		-	-	-	-	-	0.00
21	Enforced disappearance	-	-	-	-	-	-	-	1	-	1	0.08
22	Child marriage	-	-	-	-	-	-	-	-	-		0.00
23	Denial of Freedom of movement	-	-	-	-		-	-	-	1	1	0.08
24	Unlawful eviction	-	-	-	-	-	-	-	-		-	0.00
25	Unreasonable delayed investigation by police	7	-	-	-	10	-	2	4	4	27	2.19
26	Violation of the right to culture	-	-	-	-	-	-	-	-	1	1	0.08
27	Denial of special protection to orphans		-	-	-	1	-	-	-	-	1	0.08
28	Denail of the right to settle and reside in any part of Uganda	-	1	-	-	-	-	-	-	-	1	0.08
29	Denial of access to prisoner	-	-	-	1	-	-	-	-	-	1	0.08
30	Denial of access to justice	-	-	-	-	-	-	3	-	-	3	0.24
31	Denial of access to information		-	-	-	-	-	1	-	-	1	0.08
	Total	109	259	104	182	122	77	103	132	143	1,231	100

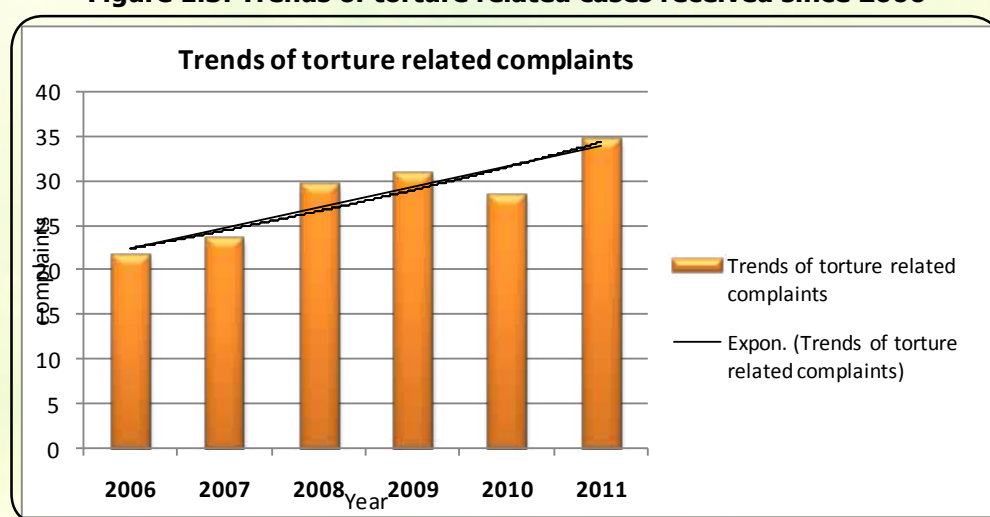
1.1. ANALYSIS OF THE NATURE OF COMPLAINTS REGISTERED IN 2010 AND 2011

As indicated above, the violation of freedom from torture or cruel, inhuman or degrading treatment or punishment topped the list of the alleged human rights violations with 34.8. % of the total complaints received. This was followed by detention beyond 48 hours at 21.5%, denial of child maintenance at 18.2% and deprivation of property with 9.1%. There was a 13.7 % increase in the number of complaints reported in respect of denial to child maintenance from 197 in 2010 to 224 in 2011. Complaints of detention beyond 48 hours increased by 46% from 181 in 2010 to 264 2011 while those of deprivation of property increased by 15.5 % from 97 in 2010 to 112 in 2011.

The UHRC also registered a 22.2% increase in cases related to the right to a fair and speedy trial from 9 in 2010 to 11 in 2011, and an increase in the denial of clean and healthy environment from 2 in 2010 to 7 in 2011. There was also an increase in complaints registered in respect to economic social and cultural rights, such as the right to health, right to work or practice one's profession, the right to a clean and healthy environment, the right to privacy and the right to property.

The UHRC noted a 6.9 % decrease in the violation of the right to a fair and speedy investigation by the Uganda Police Force (UPF) which dropped from 29 in 2010 to 27 in 2011. Complaints regarding the right to remuneration and pension reduced by 28% from 25 in 2010 to 18 in 2011 while those violations of the right to education reduced by 42.9 % from 28 in 2010 to 16 in 2011.

Figure 1.3: Trends of torture related cases received since 2006

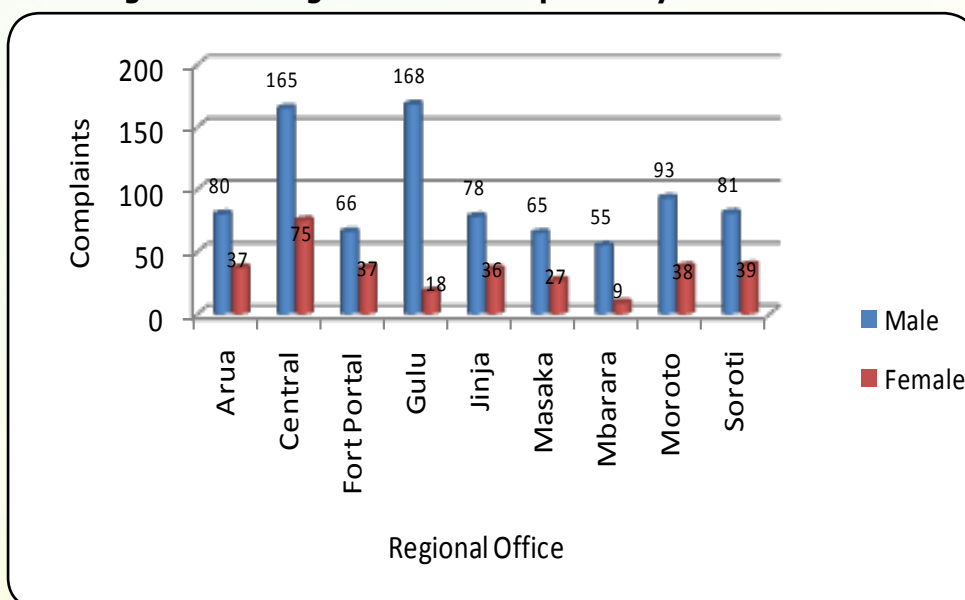


The practice and prevalence of torture has often attributed to extortion, abuse of office, corruption, the need to extract confessions or statements from suspects in order to secure easy convictions, as well as the lack of basic modern skills of investigation on the part of law enforcement officers.

Table 1.2: Categorisation of Complainants Registered in 2011

Region	Total no. of complainants	Male	Female	Institution/ organisation	No. of Adults	No. of Minors
Arua	117	80	37	-	111	6
Central	250	165	75	10	239	1
Fort Portal	103	66	37	-	98	5
Gulu	188	168	18	2	186	-
Jinja	114	78	36	-	113	1
Masaka	96	68	28	-	96	-
Mbarara	64	55	9	-	64	-
Moroto	131	93	38	-	128	3
Soroti	119	81	35	3	110	6
TOTAL	1,182	854	313	15	1,145	22

Figure 1.4: Categorisation of complaints by Gender in 2011



As indicated in Table 1.2 above, in 2011, the UHRC received complaints from 1,182 complainants.² This marked an increase of 39.15% from the 848 complaints registered in 2010. As was the case in 2010, the male complainants continued to lodge more complaints compared to female complainants and consisted of 72.25% of the complaints. On the whole, complaints reported by the male complainants increased by 60.83% from 531 in 2010 to 854 in 2011 while complaints reported by female complainants increased from 306 in 2010 to 313 in 2011. Majority of the complaints (96.88%) were reported by adults, while 3.12% were lodged by minors or persons below 18 years of age. Most of the complaints lodged by minors were in relation to the right to education, maintenance and neglect by the parents. 1.27% of the complaints were lodged by institutions on behalf of individuals.

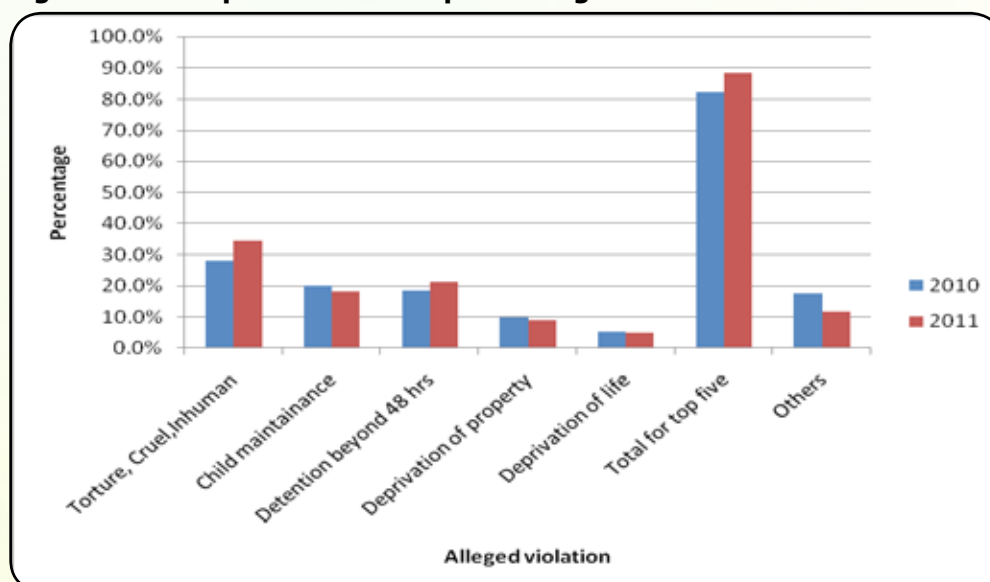
It should be noted though, that the UHRC on its own initiative registered and investigated 12 complaints, which also formed part of the 1,021 complaints received in 2011. Some of these complaints were taken on following newspaper reports, inspections by the UHRC, anonymous phone calls and information from partners. By the end of 2011, most of these complaints were still undergoing investigations.

1.4.1. Comparison of the top five alleged violations in 2010 and 2011

The top five alleged violations remained the same as those registered in 2010 which were: Torture or cruel, inhuman or degrading treatment or punishment (34.77%); detention beyond 48 hrs (21.45%); Denial of child maintenance (18.2%); deprivation of property ;(9.10%) and deprivation of life (4.87%). Overall, the proportion of the top five alleged violations to all those that were registered by the UHRC rose from 82.4% to 88.4%. This increase was attributed to alleged violations of torture or cruel, inhuman or degrading treatment or punishment which increased from 28.3% in 2010 to 34.77% in 2011 and detention beyond 48 hours that increased from 18.6% in 2010 to 21.45% in 2011. Figure 1.5 shows a comparison of the top five alleged violations in 2010 and 2011.

² The number of complainants is higher than the complaints registered, because, one complaint may be lodged by numerous victims of the violation.

Figure 1.5: Comparison of the top five alleged violations in 2010 and 2011



1.4.2. RESPONDENTS IN HUMAN RIGHTS COMPLAINTS REGISTERED IN 2011

Most of the complaints registered were against the UPF with 428, on the violation of the right to freedom from torture or cruel, inhuman or degrading treatment or punishment being the highest recorded complaint out of the total of 457 complaints against the UPF. The UPF was followed by private individuals with a total of 272 complaints out of which, 224 were complaints concerning the denial of child maintenance. 151 complaints were registered against the Uganda People's Defence Forces (UPDF) with the allegations of the violation of the freedom from torture or cruel, inhuman and degrading treatment or punishment being the highest. As was the case in 2010, the UPF, private individuals and the UPDF remained the top respondents. Other respondents against whom complaints registered increased include individuals (17.75%), education institutions (27.27%) and the Chieftaincy of Military Intelligence (CMI) which increased from 1 in 2010 to 5 in 2011. Complaints against Local Governments increased by 33.33% from 40 in 2010 to 61 in 2011; while those against the Uganda Prisons Service (UPS) increased by 33.3 % from 30 in 2010 to 40 in 2011.

There was a notable reduction of 35.85% of complaints registered against the Rapid Response Unit (RRU) from 53 in 2010 to 34 in 2011. Complaints against the Private companies reduced 14.29% from 21 in 2010 to 18 in 2011, while those against the Internal Security Organisation (ISO) reduced by a -100% from 7 in 2010 to 0 in 2011. There was no significant change in the number of complaints lodged against the Judiciary, Non-Governmental Organisations and security companies. Table 1.3 categorises respondents by regions.

Table 1.3: Categorisation of Respondents by Regional Office

Respondent	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Uganda Police Force	33	113	37	83	50	37	24	57	23	457
Individuals	43	59	46	11	19	11	26	35	22	272
Uganda Peoples' Defence Forces	9	18	2	24	2	1	73	8	14	151
Rapid Response Unit	-	9	2	5	6	1	-	4	7	34
Local Government	13	2	6	5	17	4	1	9	4	61
Uganda Prisons Service		10	-	13	4	6	2	2	3	40
Education Institutions	2	1		1	4	-	2	1	3	14
Private Companies	-	4	3	-	7		-	-	4	18

Internal Security Organisation	-	-	-	-	-	-	-	-	-	-
Statutory Bodies (NFA, NSSF, UWA, UIRI)	1	1	2	-	-	2	8	8	-	22
Chieftaincy of Military Intelligence	-	3	-	1		-	-	-	1	5
Security Companies	-		-	-	1		-	-	-	1
Joint Anti-Terrorism Task Force	-	3	-	1		-	1	1		6
Hospital	-	1	1	1	1	-	-		5	9
Judiciary	-	2	-	4		-	2	2	1	11
Government Ministries /departments	5	2	-	-	-	-	-	-	2	9
Non-Governmental Organisation/ Civil Society Organisation	-	-	-	1	-	-	-	-	-	1
Office of the Resident District Commissioner	-	-	-	2		-	-	-	-	2
TOTAL	106	228	99	152	111	62	139	127	89	1,113

1.5. INVESTIGATIONS

In 2011, the UHRC investigated 1,838 complaints into alleged human rights violations. Out of these, 679 complaints were investigated to completion, while 1,159 complaints were partially investigated. Some of the files in which investigations were concluded were closed for various reasons including: lack of merit in the case; matters being referred to other offices for better handling; mediation; while others were referred to the tribunal for hearing. Table 1.4 below shows the status of files investigated.

Table 1.4: Complaints Investigated per Regional Office

Regional Office	Backlog (2010 backwards)		Fresh cases received in 2011		TOTAL
	<i>Fully Investigated</i>	<i>Partially Investigated</i>	<i>Fully Investigated</i>	<i>Partially Investigated</i>	
Arua	23	5	20	13	61
Central	161	178	61	145	545
Fort Portal	45	75	2	47	169
Gulu	59	35	30	80	204
Jinja	83	165	22	80	350
Masaka	15	5	31	46	97
Mbarara	39	69	4	56	168
Moroto	34	20	4	89	147
Soroti	15	5	31	46	97
TOTAL	474	557	205	602	1838

1.6. ADVICE OFFERED AND/OR REFERRALS TO OTHER INSTITUTIONS

The UHRC attends to all people who contact the institution seeking its intervention into their matters. The UHRC's policy is never to turn away any person without listening to him or her. As such, where a person brings a complaint that the UHRC cannot handle, the person is either given advice on how to go about the matter or may be referred to another appropriate institution that can handle the particular complaint. In fulfilment of its mandate to protect and promote human rights, the UHRC works closely with various national institutions and Civil Society Organisations (CSOs) to whom it refers matters that do not fall under its mandate or matters best-placed to be appropriately handled by the particular institutions. The UHRC also follows-up on a number of cases referred, to establish whether appropriate action has been taken to provide remedies to the complainants.

In 2011, the UHRC referred 2113 complaints, many of which were referred after giving advice to the complainants. By referring complaints, the UHRC endeavours to avoid duplicity of functions as well as curbing forum-shopping in instances where some complainants lodge in more than one forum. As indicated in the Table 1.5 below, most of the cases referred involved criminal matters, land disputes, non-payment of wages and others. Table 1.5 below shows a breakdown of the complaints advised and or referred to other institutions during the reporting period.

Table 1.5: Complaints Advised and/or Referred to other Institutions in 2011

Nature of Complaint	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Denial of access to justice	4	4	-	10	30	12	-	5	4	69
Denial of access to the child and Failure to provide maintenance	-	7	8	35	13	67	1	9	1	141
Contractual matters	1	-	12	11	15	37	-	-	6	88
Corruption and abuse of office	3	-	-	16	9	13	-	-	-	41
Criminal matters e.g. assault, threatening violence, fraud, defilement, etc.	-	17	61	77	84	174	3	20	11	447
Domestic violence and family disputes	-	6	35	7	26	90	2	1	5	172
Land disputes	-	4	46	40	81	170	-	18	10	369
Remuneration, non-payment of wages, pension and workers' compensation	6	22	6	32	108	98	1	7	11	389
Termination from employment and other labour issues	-	11	4	3	33	-	-	1	3	52
Property disputes	-	8	9	33	14	31	1	16	4	116
Refugees' security	-	1	-	-	-	-	-	-	-	1
Succession disputes	-	3	1	-	21	27	-	-	3	55
Torts e.g. negligence	-	4	2	2	3	12	-	-	1	23
Civil matters	-	1	4	7	15	30	-	8	-	65
Political issues and post election-violence	-	-	1	-	5	6	-	-	-	12
Dissatisfaction with court decisions and rulings	3	-	-	-	14	-	-	-	1	17
Other general inquires	7	1	3	2	9	34	-	-	3	56

1.6.1. Referrals made to Acholi War Debt Claimants Association

The Acholi War Debt Claimants Association is a registered organisation formed in 2005 to pressurise the Government to compensate the communities of Acholi sub-region for the loss of human lives, live stock and properties looted and destroyed during the 22 years of insurgency in Northern Uganda. The Association covers the seven districts in the Acholi sub-region of Gulu, Amuru, Nwoya, Kitgum, Lamwo, Pader and Agago.

Following a request from the UPDF authorities that all cases regarding denial of property rights should be forwarded to the Acholi War Debt Claimants Association, the UHRC referred 14 complaints to the above named association for quick and effective redress. The process of settlement of the debts is still on-going. It should be noted that in the event that the complainants are not compensated under the said arrangement, the UHRC shall continue with the cases as mandated by the Constitution. Table 1.6 below indicates the matters transferred to Acholi War Debt Claimants Association.

Table 1.6: Complaints Referred to Acholi War Debt Claimants Association

File number	Name of complainants
Glu/23/2002	Oyet Joseph
Glu/130/2003	Komakech Walter
Glu/145/2003	Obol Walter
Glu/192/2003	Torach Patrick
Glu/232/2003	Odokonyero Alex
Glu/22/2004	Tobias Uhuru
Glu/22/2005	Otto Dison
Glu/20/2006	Auma Olum Angelo
Glu/23/2006	Okwera Benon
Glu/61/2006	Okello George Onyac
Glu/48/2007	Rongo Rasongo
Glu/32/2008	Opobo Isaac
Glu/107/2008	Odong Alfonse
Glu/49/2010	Ojunge Quinto

1.7. RESOLUTION OF COMPLAINTS

1.7.1. MEDIATION

The UHRC employs alternative dispute resolution (ADR), approach specifically mediation and conciliation, to try and resolve some of the complaints. In 2011, a number of cases involving child maintenance were resolved or prevented from further escalation within a day or two through mediations. The mediating officers assisted complainants to understand how their issues are within the human rights context. The outcomes achieved ranged from parties agreeing to offer financial assistance, encouraging parties towards self-help (where appropriate), increasing the understanding of both the complainants and respondent, clearing up miscommunication, apologies, recognition, accommodation, and occasionally, financial reimbursement.

In processing complaints, the mediating officers used flexible dispute resolution processes that included face to face meetings, communication by phone, letters and emails. Mediators provided information about human rights and available legal perspectives or jurisprudence (either from Ugandan laws or other international instruments) to ensure that parties had full information on the ways to proceed if mediation failed. They looked at options beyond what might be achievable in litigation and in most cases the outcomes from the mediations were as flexible as the process itself. 153 complaints were resolved through mediation as indicated in Table 1.7 below.

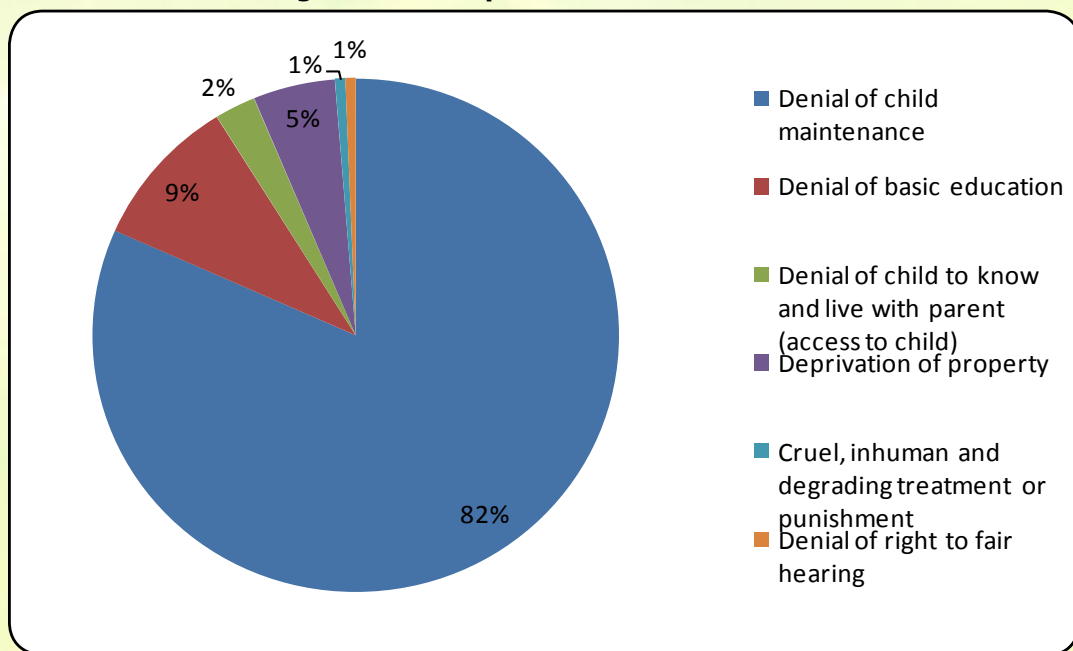
Table 1.7: Complaints Resolved through Mediation

Region	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Mediated Complaints	15	35	17	5	18	10	5	34	14	153

Compared to the previous year in which 192 complaints were mediated, the number of complaints mediated reduced by 20.31% to 153 in 2011. This decline could be attributed to the unwillingness of respondents to use alternative dispute resolution (ADR) measures as another alternative form of dispute resolution. The UHRC will continue to adopt ADR because it is a faster mode of resolving complaints. Table 1.8 below shows the nature of the complaints mediated in 2011.

Table 1.8: Nature of Complaints Mediated in 2011³

Nature of complaints	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Denial of child maintenance	12	31	17	3	15	4	4	29	14	129
Denial of basic education	1	2		1	2	3	1	5		15
Denial of child to know and live with parent (access to child)	1	2		-		1	-			4
Deprivation of property	1	-	-	-		1	-	6		8
Remuneration				1		-	-	1		2
Discrimination	-	-	-	-		-	-			0
Unlawful eviction	-	-	-	-		-	-			0
Cruel, inhuman and degrading treatment or punishment	-	-	-	-		1	-			1
Denial of right to fair hearing					1					1

Figure 1.6: Complaints Mediated in 2011

³ Please note that the number of mediated matters is different from the complaints mediated. This is because a single complaint can have more than one violation involved.

1.7.2. RESOLUTION OF COMPLAINTS THROUGH THE TRIBUNAL PROCESS

In 2011, the UHRC Tribunal heard and concluded 75 complaints of which 41 were decided in favour of the complainants, while 34 were dismissed for want of prosecution.⁴ This was however a reduction from 92 complaints concluded in 2010. Table 1.9 below shows the number of complaints concluded before the tribunal in 2011 while Table 1.10 shows the nature of violations. Figure 1.7 shows the number of complaints concluded through the tribunal process over the last eight years. At the Tribunal, the UHRC conducted 107 circuit hearings where a Member of the Commission goes to a particular Regional office and hears matters for a period of one week. The circuit hearings are aimed at fulfilling the UHRC's strategic objective of bringing services closer to the people.

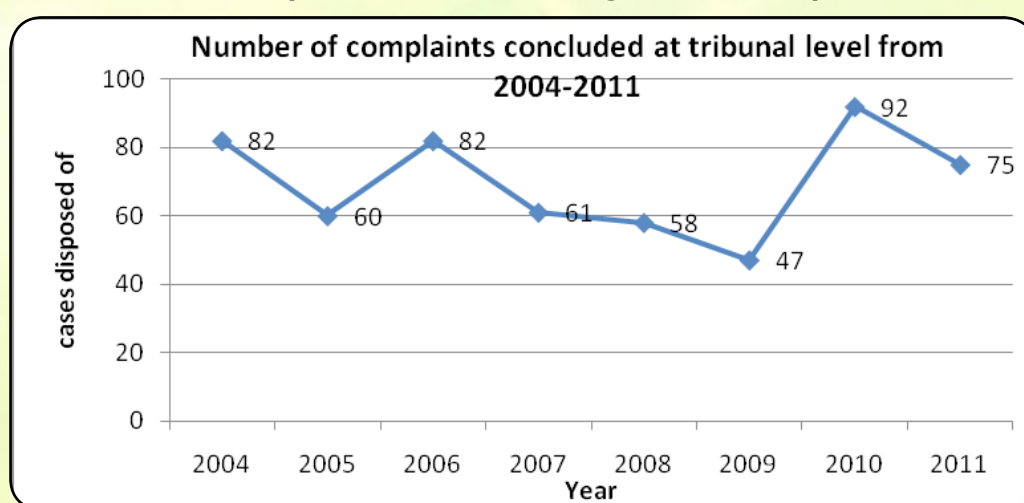
Table 1.9: Complaints Decided per Regional Office

REGION	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	MSK	SRT
No.	1	24	5	10	10	12	3	. ⁵	10

Table 1.10: Nature of Decided Complaints before the Tribunal in 2011

Nature of Violation	Number
Right to Life	9
Right to freedom from torture Cruel, Inhuman and degrading treatment.	44
Right to property	8
Remuneration	2
Access to children	2
Maintenance	5
Freedom of expression and Assembly	1
Right to personal liberty	31
Right to non-discrimination	1
Right to education	1
Total	104

Figure 1.7: Number of complaints concluded through the tribunal process from 2004-2011



Please note that the number of the violations appears more than the number of the cases decided or disposed of because a single case may have more than one violation.

⁴ A case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial, or failing to take certain specified actions of which the party had notice.

⁵ Masaka regional office did not register and decided cases due to the fact that as a newly established office, most of the cases were still under investigation.

The respondents in the complaints decided in 2011 were mainly the Attorney General, local governments, and private individuals. The Attorney General is the major respondent because the office is vicariously liable for the human rights violations perpetuated by public officials and other state agents acting in official capacity. The same explanation goes for the liability of the local governments for acts done by their servants or persons in their employment. Table 1.11 shows the categories of respondents in matters disposed of at the Tribunal in 2011.

Table 1.11: Categories of respondents in matters disposed of at the Tribunal in 2011⁶

No.	Respondent	No. of Complaints	Percentage
	Private Individuals	19	23.2%
	Local Government	2	2.4%
	Government Departments and Agencies and represented by the Attorney General	60	73.2%
	Private Institutions	1	1.2%
	TOTAL	82	100%

The total amount of awards given by the UHRC Tribunal in 2011 was UGX. 699,231,550/= (Six hundred and ninety-nine million, two hundred and thirty one thousand, five hundred and fifty shillings). This was mainly for violations of the right to freedom from torture and cruel, inhuman or degrading treatment or punishment and the right to personal liberty. Where awards have been made, the complainant will have to ensure that a decree⁷ or order⁸ that can be executed against the respondent is extracted. A certificate of order is also necessary where the respondent is the Attorney General. The complainants will have to follow up the payment of their compensation with the Attorney General's office. Refer to Annex 1 for cases in which victims were awarded compensation by the tribunal in 2011. Table 1.12 shows the status of complaint files currently before the tribunal.

Table 1.12: Status of files before the Tribunal

Stage of Complaint File	Total number of files
Part-heard	394
Pending Hearing	202
Pending Allocation	-
Pending Re-allocation	-
TOTAL	596

There were 596 files pending disposal by the UHRC tribunal. The part-heard cases whereby evidence was still being adduced by the respective parties; those pending hearing that are yet to be heard for the first time. Files pending allocation were those yet to be allocated to a specific Commissioner, while those pending re-allocation were files previously allocated to a Commissioner, but due to a number of factors such as expiry of term of office, resignation or disqualification, the matter was then re-allocated to another Commissioner.

1.8. CHALLENGES FACED BY THE COMMISSION IN THE COMPLAINTS HANDLING PROCESS

- The UHRC currently has only four presiding Commissioners expected to traverse the Commission's nine regional offices conducting tribunal hearing. This impacts on the rate at which cases are disposed of at the Tribunal, given the heavy work load.

⁶ The number of respondents appears to be more than the number of decided cases because a single case may have more than one respondent.

⁷ A decree is a legally binding command or decision entered on the court record.

⁸ An Order is a direction or command delivered by a court or other adjudicative body and entered into the record but not necessarily included in the final judgment or verdict.

- Owing to the delays by the Attorney General's office to approve proposed amicable settlements, many cases are left pending without action, which causes uncertainty on whether to proceed with the matter or wait for the amicable settlement. This slow process of approval often demoralises the complainants, who in turn opt to continue with the Tribunal process. In this regard therefore, the inability of the Attorney General to promptly settle matters amicably affects the quick dispensation of justice.
- The UHRC continues to face a challenge of locating victims and witnesses who use a variety of names or change location but fail to communicate the change of address.
- The lack of adequate co-operation from respondents and witnesses to avail the UHRC with relevant information often derails the investigations and hinders the quick resolution of complaints.
- With limited Legal Aid service providers and with a big population unable to afford legal fees, the Commission continued to receive complainants which are purely criminal or civil in nature and outside its mandate.

1.9. CONCLUSION

While the UHRC has registered a number of achievements in handling complaints of human rights violations, there is still much to be done in ensuring timely and effective resolution of matters through investigations, mediations and the tribunal processes. It is therefore important that Government, CSOs, the media, academia, donors and others partners work in close collaboration with the institution to ensure the protection and promotion of human rights in the country. It is also pertinent that the recommendations made by the UHRC in this and previous reports regarding measures that need to be taken to prevent violations be implemented by all the organs and institutions to which these recommendations are directed.

1.10. RECOMMENDATIONS

1. As recommended in the previous annual reports:

- Government should promptly appoint new members of the UHRC to fill the vacant positions of Commissioners, in order to ensure that the UHRC's activities are not stalled;
 - Parliament should hasten the process of enacting the Bill on the Prohibition and Prevention of Torture, into law. This will make individual perpetrators of torture criminally liable which will reduce incidents of torture or cruel, inhuman or degrading treatment or punishment committed by State agents;
 - The Ministry of Justice and Constitutional Affairs should also establish a Victims Compensation Fund, to ensure the expeditious compensation of victims of human rights violations;
 - The Government should ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment; and
 - Government should conclude the development of a Legal Aid Policy and the Ministry of Gender, Labour and Social Development should operationalise the Industrial Court to ensure access to justice.
2. The Ministry of Internal Affairs should expedite the national identity registration and distribution process as this would address the issue of identifying persons;
 3. The UPF should invest in training for the UPF to keep abreast with modern investigation techniques to avoid use of torture in obtaining information. In the alternative, the UPF should not arrest before obtaining sufficient evidence; and
 4. The UPF should also through appropriate internal mechanisms hold accountable and subject to disciplinary action its members accused of torture or cruel, inhuman or degrading treatment.

CHAPTER 2

CONDITIONS IN PLACES OF DETENTION

2. 0. INTRODUCTION

In 2011, the UHRC, in line with its constitutional mandate, visited various places of detention to assess the conditions of the inmates. The UHRC makes the assessment in terms of compliance with the National, Regional and International Human Rights Obligations. This chapter highlights the UHRC findings and makes appropriate recommendations.

2.1. Places of detention inspected by UHRC in 2011

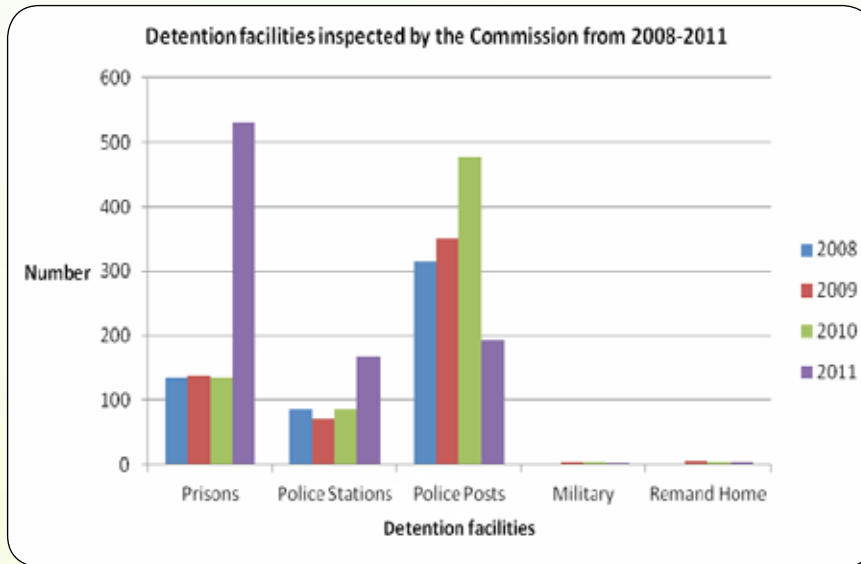
The UHRC visited 900 places of detention which comprised 193 prisons, 2 military detention facilities, 168 police stations, 532 police posts and 5 Remand Homes. Table 2.1 below shows the places of detention visited.

Table 2.1: Places of detention the UHRC inspected in 2011

Region	Police Posts	Police Station	Prisons	Military	Remand homes/ rehabilitation Centres	Total
Mbarara	56	19	10	-	-	85
Moroto	19	8	3	-	-	30
Arua	108	13	6	-	-	127
Jinja	83	25	43	-	-	151
Fort Portal	74	17	17	-	1	109
Gulu	84	27	20	1	1	133
Masaka	9	18	33	-	-	60
Central Regional Office	14	26	39	-	2	81
Soroti	85	15	22	1	1	124
Total	532	168	193	2	5	900

The number of places of detention inspected in 2011 was more than those visited in 2010 for various reasons. The increase in number is attributed to the increased resources both human and financial, such as the opening of the new office in Masaka, and increased funding from the Justice Law and Order Sector (JLOS). Overall, the number of detention facilities inspected by the UHRC has kept on increasing from 537 in 2008 to 571 in 2009 and 900 in 2011 as shown in Figure 2.1.

Figure 2.1: Places of detention inspected by the UHRC from 2008 to 2011



2.2. Legal Framework

There is a legal human rights regulatory framework that stipulates how persons deprived of their personal liberty should be treated. Uganda is subject to various laws at the international, regional and national level in relation to conditions in places of detention.

2.2.1. International Legal Framework

Uganda has ratified a number of international and regional human rights instruments that provide standards for the treatment of detainees, including those that promote and advance for the rights of inmates. These particularly include: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), UN Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disability (CRPD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), among others.

Other regulatory frameworks include: the UN Standard Minimum Rules for the Treatment of Prisoners, Body of Principles for the Protection of All Persons Under any form of detention or Imprisonment, Basic Principles for the Treatment of Prisoners, UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the UN Standard Minimum Rules for the administration of Juvenile Justice (The Beijing Rules), UN Rules for the Protection of Juveniles deprived of their liberty, Declaration on the Elimination of Violence Against Women and the UN Standard Minimum Rules for Non-Custodial measures (Tokyo Rules). Other instruments are Principles of Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principles on the Effective Investigation and Documentation of Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, Declaration on the Protection of All Persons from Enforced Disappearance, Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Basic Principles on the Role of Lawyers. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, among others.

2.2.2. African Regional Legal Framework

At the African regional level, Uganda is subject to the African Charter on Human and Peoples' Rights (ACHPR), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Protocol to the African Charter establishing the African Court on Human and Peoples' Rights, African Charter on the Rights and Welfare of the Child, Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, among others.

Other key instruments include the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (*The Robben Island Guidelines*).

2.2.3. National Legal Framework

At the National level, the law applicable is the Constitution of the Republic of Uganda, Penal Code Act (121), Trial on Indictments Decree (Cap 23), Criminal Procedure Code (Cap 116), Police Act (Cap 303), Prisons Act (2006) Uganda Peoples Defence Forces Act (Cap 307) and the Children's Act (Cap 59), among others. These laws prescribe the rules for the treatment of detainees.

2.3. UHRC Findings in places of detention

The UHRC found various categories of inmates. In prisons, military detention Centres and remand homes, the UHRC found inmates on remand, convicts, lodgers and civil debtors. These included mothers incarcerated with their children as well as Persons with Disabilities (PWDs). In police cells the UHRC found both adult and juvenile suspects on various charges. Most of the inmates found in prisons were on remand awaiting trial or undergoing trial while others were convicts serving their sentence. The UHRC observed that the numbers of those on remand were nearly the same as convicts. Table 2.2 below shows the prison population as at 31st December 2011.

Table 2.2: Showing prison population as at 31st December 2011

Category	Male	Female	Total
Convicts	14,611	551	15,162
Remands	16,381	645	17,026
Debtors			119
Grand Total	30,992	1196	32,307

Source: Uganda Prison Service

2.3.1 Positive developments

The UHRC noted some positive developments in 2011 such as: the improvement of the capacity of the UPS and the UPF in terms of personnel numbers such as prison warders and police officers, strengthening of the Police Professional Standards Unit, construction and renovation of infrastructure, and continued establishment and operation of Human Rights Committees in prisons. The UHRC further noted the reduction in the number of pre-trial detainees, reduction of the use of the bucket system as toilet facilities and the enjoyment by the prisoners of the right to freedom of worship.

a) Recruitment of Police Officers and Prison Warders

In 2011, the UPF recruited 5000 police constables and 500 police cadets.⁹ This increased the police to population ratio from 1:786 to 1:709.¹⁰ The UPS recruited 700 warders¹¹ and this boosted the prisoner to warder ratio to about 1:4 from approximately 1:5 in the Financial Year 2010/2011.

However, the UHRC noted that more officers need to be recruited since this ratio does not march the UN recommended ratio of 1:3 for prisons and 1:500 for police.

⁹ The Justice, Law and Order Sector (JLOS) Annual Performance Report 2010/11 (2011) 28.

¹⁰ As above.

¹¹ JLOS (n 9 above) 27.

b) Strengthening of the Professional Standards Unit

The UHRC recognises the Professional Standards Unit (PSU) of the UPF as another mechanism of redress for complaints of human rights violation by the Police Force. The PSU was established in 2007 with the key functions of enhancing ethics and professional standards and enhancing respect for human rights in the UPF, among others.

In 2011, the UPF established two more PSU Regional Centres in Kabale and Fort Portal districts. This brought the number of PSU regional Centres to ten, including those that were established in Kampala Metropolitan, Jinja, Arua, Masaka, Mbarara, Hoima, Gulu, and Mbale. In 2011, the PSU received 232 human rights related cases against police personnel which comprised 3 on violation of the right to life of suspects while in custody, 177 on arbitrary detention and 52 on torture.¹²

c) Reduction in the number of inmates on remand

The UHRC observed that there was a reduction in the number of inmates on remand. The number of detainees on remand reduced from 62% in 2005 to about 53% in 2011.¹³ Moreover, the average stay on remand for capital offenders reduced from 27.1 to 15 months.¹⁴ The reduction is attributed to the JLOS Backlog Reduction Strategy, among other things.

Even though the average reduction is commendable, a lot more needs to be done to reduce the number of detainees on remand. The UHRC found instances where the number of those on remand was over 70% of the total prison population. This was the case in Arua, Kiruhura, Saaza in Masaka District, Rukungiri and Nyabuhikye in Ibanda District, among others. Table 2.3 shows the categories of inmates in the various detention facilities.

Table 2.3 Categories of inmates found in selected prisons, military detention Centres and remand homes at the time of visit by the UHRC in 2011

Name of the detention facility	Number of convicts	Number of inmates on remand	Lodgers	Total number of inmates	Planned capacity of the detention facility
Kalangala Prison	10	22		32	20
Mugoye Prison	27	-	-	27	30
Kacheera Prison	8	4	-	12	8
Kabula Prison	28	44		72	30
Matete Prison	9	10	-	19	15
Lwebitakuli Prison	11	-	-	11	7
Mutukula Prison Farm	84	-	-	84	40
Kalisizo Prison	24	62	-	86	30
Masaka Prison	227	445	4	676	206

¹² Uganda Police Force (UPF) Status Report on the Professional Standards Unit Performance Report from January to December 2011.

¹³ JLOS (n 9 above) 33.

¹⁴ JLOS (n 9 above) 22.

Name of the detention facility	Number of convicts	Number of inmates on remand	Lodgers	Total number of inmates	Planned capacity of the detention facility
Kyamulibwa Prison	22	12	-	34	20
Lwabenge Prison	15	6	-	21	8
Lukaya Prison	14	4	-	18	9
Kitanda Prison	16	-	-	16	12
Bigasa Prison	15	16		31	18
Sembabule Prison	18	49	3	70	40
Ntusi Prison	13	4	-	17	6
Lwemiyaga prison	8	5	-	13	6
Kiseka Prison	29	2	-	31	20
Kabonera prison	40	-	-	40	20
Lwengo Prison	22	21	-	43	22
Saaza Prison	36	122	-	158	60
Bukulula Prison	21	5	-	26	15
Mukungwe Prison	14	3	-	17	8
Buwunga Prison	11	2	-	13	7
Kakuuto Prison	14	6	-	20	8
Kasaali Prison	11	-	-	11	10
Kayanja Prison	41	-	-	41	60
Lwamaggwa Prison	21	12	1	34	21
Kyazanga Prison	17	34	-	51	29
Ndagwe Prison	24	1	-	25	18
Kalungu Prison	31	4	-	35	20
Rakai Prison	16	5	-	21	14

Name of the detention facility	Number of convicts	Number of inmates on remand	Lodgers	Total number of inmates	Planned capacity of the detention facility
Kiruhura Government Prison	24	78	-	102	120
Mparo Government Prison	16	15	-	31	20
Rubanda Government Prison	10	14	-	24	40
Ndorwa Government Prison	62	177	11	250	130
Nyabuhikye Government Prison	42	150	-	192	190
Kiburara Prison Farm	305	-	-	305	360
Ntungamo Government Prison	38	122	-	160	170
Isingiro Government Prison	7	39	-	46	45
Rukungiri Government Prison	116	233	-	349	150
Kisoro Government Prison	51	80	-	131	120
Lobule prisons.	24			24	40
Mgbukutu prisons	56			56	150
Arua prison	129	607	5	741	200
Yumbe prison	15	39		54	44
Moyo prisons	17	51		68	66
Ragem prison	61	6		67	140
Fort Portal Remand Home		15			

Source: UHRC

Table 2.4: Number of suspects in selected police cells visited

Name of the detention facility	Number of suspects	Planned capacity of the detention facility
Manafwa Central Police Station	8	12
Bududa Central Police Station	2	30
Ngora Central Police Station	2	20
Bulambuli Central Police Station	10	10
Mbale Central Police Station	23	60
Kapchorwa Central Police Station	8	15
Amolator Central Police Station	5	50
Sironko Central Police Station	10	15
Bukwo Central Police Station	10	10
Kween Central Policed Station	8	15
Serere Central Police Station	8	10
Amuria Central Police Station	6	5
Kaberaimaido Central Police Station	10	30
Kumi Central Police Station	8	45
Bukedea Central Police Station	6	12
Katakwi Central Police Station	2	36
Soroti Central Police Station	6	12
Isingiro Police Station	17	20
Rukungiri Police Station	33	30
Rubirizi Police Station	8	6
Buwheju Police Station	4	5
Ntungamo Police Station	43	26
Ibanda Police Station	30	20
Kisoro Police Station	21	14
Kabale police Station	30	40
Rushere Police Station	8	7
Lugazi CPS	30	20
Mukono CPS	18	15
Budaka CPS	12	6
Buyende CPS	12	10

Source: UHRC

d) Construction and renovation of infrastructure

Both the UPS and the UPF were engaged in construction and renovation of infrastructure. The UHRC noted that the UPS carried out renovations and reconstruction of prison units in Rukungiri Government prison (Male ward), Namalu Government Prison in Nakapiripit District,¹⁵ Ntenjeru Government prison in Kayunga district, Nakisunga Government Prison in Mukono, Kitalya Prison, Kaweri Prison (Female Section) in Mubende District, Ruimi Prison Farm, Adjumani prison farm, Erute Kitgum prison farm, Amolatar Prison, Soroti Prison and Amuria Prison. The renovation of Patiko Government Prison was still on going. According to the UPS, the renovations increased the prison's holding capacity from 13,670 inmates to 14,421 inmates, resulting in a reduction in prison congestion by 12%; a 4.8% reduction in the use of the bucket system in places of detention and a reduction in occupancy rates from 225% to 213%.¹⁶

¹⁵ There were 7 renovated twin houses for staff accommodation, administration block and one block for inmates.

¹⁶ JLOS (n 9 above) 16.



A modern Prison in –Nakasongola district

The UPF also engaged in renovations and constructions of the following Police Stations:

- Karenga Police station in Kaabong District had 5 houses for police accommodation and one for administration;
- Kyani police post in Kaliro district which was constructed with funding from Universal Apostles Fellowship of Christ, a Christian organization;
- Busia Central Police Station had a new building constructed for the Child and Family Protection Unit (CFPU);
- Amolatar had new buildings constructed for both office and staff accommodation; and
- Kiryandongo Police Station.

The UHRC found 2 Police Stations that had newly constructed cells for juveniles, namely: Nakivale Police post (constructed with support from UNHCR) and Busia Central Police Station.

e) Continued establishment and operation of Human Rights Committees and disciplinary Committees in Prisons

The UHRC noted that out of the 193 prisons visited, 121 (63%) had well established human rights committees. Human Rights Committees in prisons undertook human rights education, peer reviews and monitoring compliance with human rights standards in prisons. Some of the cases reportedly handled by the committees include misconduct or indiscipline of the warders and the inmates. These committees meet regularly to discuss strategies to improve the conditions in prisons. For example, at Ssaza and Masaka Prisons in Masaka District, the UHRC found evidence of written petitions by the Officers in Charge to Court authorities about long remands for some inmates. In Tororo prison commonly known as Morukatipe prison and Bugungu (Young Prison & Young Offenders prison), the inmates also had a committee of their own that periodically sits with that of the prison administration. The UHRC noted that the composition and operations of the Human Rights Committees varied.



An inmate presenting his issues to the Commissioner General of Prisons in Mbale prison

The UHRC found that regardless of whether there were Human Rights Committees or not, all prisons had clear disciplinary procedures in place. These procedures applied to both inmates and prison warders/wardresses alleged to have contravened the regulations/standing orders. Prison officers found in contravention of the standing orders were charged and their cases sent to the disciplinary committee where they were afforded the right to be heard. Prison staff that were accused of violations of prisoners' rights such as unnecessary exercise of authority, oppressive conduct and assault of prisoners were often brought to book. Prison staff that were found to have committed criminal acts against inmates had their cases forwarded to the police and the courts of law.¹⁷ Inmates alleged to have committed offences appeared before a disciplinary committee chaired by the Officer in Charge of the prison. The main punishment that was given to inmates found guilty by the disciplinary committee was the loss of their remission.

f) Phasing out use of buckets for toilets

The UHRC noted an increase in the number of prisons that had stopped or reduced on the use of the buckets for toilets. The UHRC found that the number of prisons that had stopped the use of the buckets had increased from 19 prisons in 2010 to 39 prisons in 2011. These prisons include: Amolator Prison, Amuria government prison, Kumi Government prison, Masaka Prison, Saaza Prison in Masaka District, Kibaale Police Station, Kakumiro Prison, Fort Portal Remand Home, Fort Portal Government Prison, Ruimi Prison Farm, Kigumba Prison, Kyegegwa Prison, Arua prison (though it had the dirtiest toilets), Mgbukutu prison, Lobule prison, Wadlai prison, Namalu Government prison, Adjumani Prison Farm, Apac Prison, Erute Prison, Lira Prison (both male and female sections), Rukungiri, Kisoro and Ndorwa prisons, among others.

The UPS explained that the bucket system was being eliminated by the construction of water borne toilets. Indeed more prisons may have more toilets, because constructions were going on in Kabula Prison, Butiiti Prison, Kibaale Prison, Iganga Prison, Bufulubi Prison, Pece Prison, Erute Prison and Moyo Prison. It was also noted by JLOS that the construction of prisons has yielded a 4.8% reduction in the use of the bucket system during the financial year 2010/2011.¹⁸

¹⁷ Dr. J.O.R. Byabashaija, Commissioner General of Prisons, Presentation on 'Conditions in Prisons in 2011: Achievements, Challenges and Recommendations' at the UHRC 14th Annual Report Consultative Meeting on 8-10th February 2012 at Speke Resort Munyonyo.

¹⁸ JLOS(n 9) above 19.

The UHRC commends the reduction in the number of prisons using the bucket toilets but noted that the problem is still outstanding as there are many prisons that still use the bucket system both during the night and day. For example, Kiboga Prison, Butuntumula Prison, Kasangati Prison, Yumbe prison, Moyo Prison, Kabula Prison, Matete Prison, Kalisizo Prison, Lwengo Prison, Bukulula Prison, Mukungwe Prison, Buwunga Prison, Kasaali Prison, Kayanja Prison, Kyazanga Prison, Ndagwe Prison. The use of the bucket system could be attributed to insufficient staffing of prisons which rendered it unsafe to escort inmates to and from toilets, especially during the night. In other instances, sick inmates who could not go out to work would be locked inside the wards and would consequently use the 'bucket system' during the day.

g) Acquisition/enhancement of new skills while in prison

The UHRC found that some prisons had good practices of equipping and enhancing inmates with skills. The inmates were taught how to lay bricks and how to construct new buildings. This happened in the following prisons: Nyenga prison, Mityana prison, Buwama Prison, Kyegegwa Government Prison, Namalu government prisons, Moyo prison, Kisoro Government prison, Olia Prison, Patongo Prison, Patiko prison, Kole Prison, Erute prison, Amolatar Prison, Masafa Prison, Kisoko Prison and Kayanja prison. As long as the prisoners were not exploited and overworked, this would be a good practice that could enhance the prisoners' rehabilitation and reintegration when they go back to their communities.

h) Freedom of worship

The UHRC observed that in all prisons visited the right to freedom of worship was respected, even though there were no specific wards/places designated for this purpose. In most prisons it was noted that in many cases prayers were held under trees in their compounds. In Mutukula Farm Prison inmates worshipped in a unipit. In Masaka Central Prison, a hall had been designated for worship.

2.3.2 Human Rights Concerns in Places of Detention

As already indicated, in spite of the above achievements, the UHRC also noted with concern some outstanding challenges that require urgent attention. These included: overcrowding often in dilapidated buildings, cases of long detentions including pretrial detention and of those with mental disabilities awaiting the Minister's Orders, detention of civil debtors, persistence of torture, cruel, inhuman, degrading treatment or punishment, overworking of the inmates in prison, incarceration of children with adults, cases of detainees without files, mothers incarcerated with their children, inadequate provision for food, bedding and clothing for detainees, and the issues relating to inmates living with HIV and AIDs, among others. These concerns, which are discussed in detail below, were addressed to the relevant prison and police authorities for redress.

a) Overcrowding often in dilapidated buildings and cases of long detention

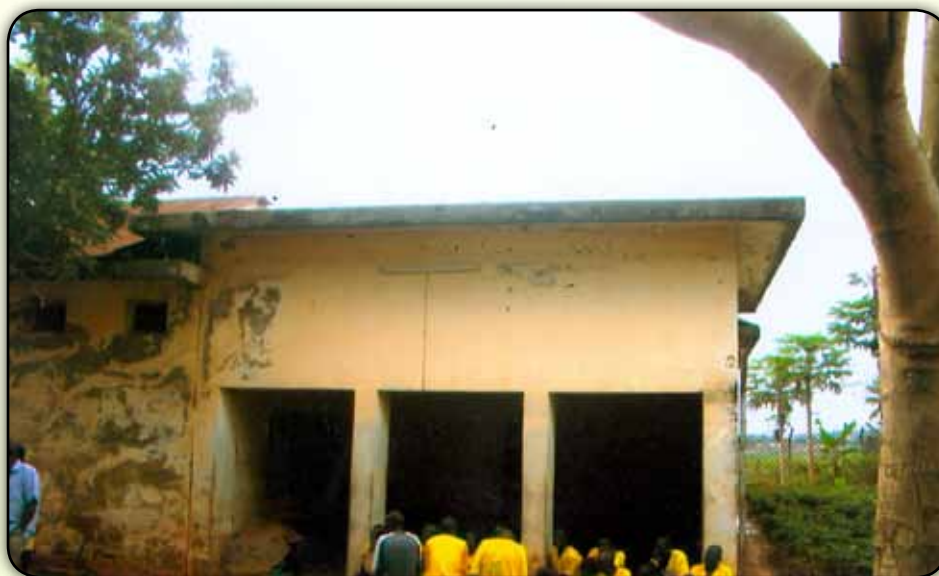
The UHRC found that the inmates especially in prison were still overcrowded often in dilapidated buildings. The UPS was currently accommodating twice the number of prisoners that it had the capacity to hold. In most prisons inspected in 2011, inmates on remand were being detained with convicts. Although it was noted earlier that there is a reduction in the number of prisoners in remand, the numbers are still worrying. Overcrowding is as a result of delays in completing investigations, backlog of cases in courts and few judges, among others. Moreover, there are also large numbers of convicts serving their sentences which further increases the congestion.¹⁹

¹⁹ JLOS(n 9 above) 12.

Table 2.5 showing number of prisoners that have been convicted and with a sentence of over 20 Years

Sentence	No. of Prisoners
Death Sentence	473
Life Imprisonment	242
Imprisonment for life	10
20-30yrs	266
31-40 yrs	19
41-50yrs	24
51-60yrs	01
61-70yrs	03

Source Uganda Prison Service



A dilapidated building in Jinja Prison

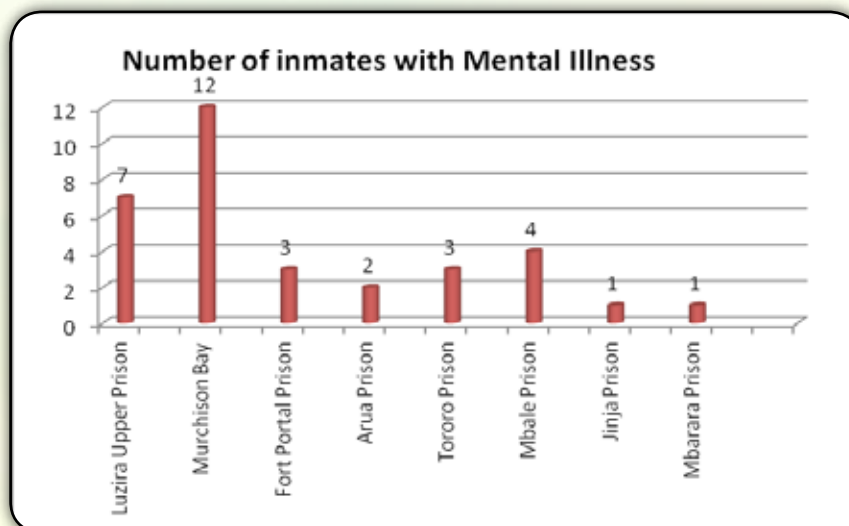


Roof of a ward in Jinja Prison

The UHRC found that long detentions were still prevalent in prisons like Kigo Prison (male section), Matete Prison, Rukungiri Government Prison and Uganda Government Prison Farm Adjumani as well as inmates appearing before the court martial. It was also prevalent at the following police stations namely; Rakai Police Station, Lira Central Police Station Agago Central Police station and Hoima Police Station. *(Refer to Annex 4 which shows documented cases of long and arbitrary detentions).*

Moreover, the UHRC also found 33 persons with mental disabilities being detained in prisons with other inmates, which is unlawful.²⁰ Some of these inmates were waiting for Minister's Orders for the last two years. The conditions in prisons exacerbate the situation of the inmates. This is especially worse for those with disabilities especially mental disability. Table 2.6 below shows the number of inmates with mental disabilities across prisons in the country.

Table 2.6: Number of inmates with mental disability in prisons as at 31st December 2011



b) Detention of civil debtors

The UHRC found a number of civil debtors in prisons. According to the UPS, there were about 119 civil debtors as at 31 December 2011. The UHRC notes that although the Ugandan law permits the arrest and detention of a debtor for a period not exceeding six months, it is prohibited under international human rights law.²¹ Article 11 of ICCPR provides that:

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Notably, on 29 June 2011, 53 civil debtors at Luzira Prison wrote a letter to the Chief Justice concerning unfair summary proceedings and *ex parte* judgements in respect to civil debts.²² The civil debtors alleged that after having served their 6 months for failure to pay their debts, they were unlawfully re-arrested and re-committed to civil prison without being given an opportunity to defend themselves.²³

c) Persistence of torture or cruel, inhuman, degrading treatment or punishment

The UHRC also found cases of alleged torture or cruel, or degrading treatment or punishment in both the prison and police detention facilities. In spite of the commendable work by the Prisons Human Rights Committees and the Disciplinary Committees, the UHRC still found cases of alleged torture and ill treatment in prisons. It was prevalent especially by the 'Katikiros' (prison prefects who are inmates) and the warders. The UHRC heard allegations that the new inmates were forced to dance and sing for the older inmates and if they refused they were subjected to a beating. The UHRC found that inmates are more vulnerable to torture and ill treatment when they are taken to work in the gardens. Inmates complained that even when they were sick and unable to work they were beaten to make them work. Such reports of such torture or cruel, inhuman and degrading treatment were found in various prisons in Lira, Ndorwa, Kisoro, Kibaale, Kayanja and Lwemiyaga, Rakai and Mutukula prisons, among others

²⁰ S.74 of the Prisons Act, 2006.

²¹ S.42 of the Civil Procedure Act, Cap 71.

²² A copy of the petition was sent to the UHRC and other stakeholders.

²³ Section 42(2) of the Civil Procedure Act



A victim of torture waiting to lodge his complaint with the UHRC

Cases of torture or cruel, inhuman and degrading treatment and punishment by the Police were also found in various Police Stations in Ntungamo, Kyotera, Masaka, Adjumani, Adekokwok, Rukungiri and the Rapid Response Units in Lira and Masaka, among others. Torture in the Police cells was mainly used to extract information from the suspects.

d) Overworking of the inmates in prison

The UHRC generally found that inmates whether those on remand or those serving prison sentences worked on prison farms or private farms on a daily basis for 8 hours except for Sundays. Inmates alleged that they worked for long hours in the gardens and walked long distances to and from the farms. Examples of such prisons include Kaweri, Kassanda, Lwemiyaga, Lwabenge and Ntuusi.

The UHRC found that the inmates were paid about UGX 500 per day which came to about UGX 12,000 per month. Although some of the inmates appreciated the opportunity to earn a living while in prison, most complained that the amount was too low, given the long working hours.

e) Cases of inmates detained without files

The UHRC found 80 inmates in prisons who had missing files in court. As a result of the missing files, the inmates had been kept on remand without any hearing for two or even three years. The UHRC was concerned that if these inmates continued to be detained without hearing, their right to a fair and speedy hearing would be violated.

f) Incarceration of children with adults

The UHRC found 64 children detained with adults. This was the case especially at police stations and posts. Detaining children with adults, which is prohibited by law,²⁴ makes them vulnerable to violence, abuse and mistreatment. Table 2.7 shows cases of detention of children with adults at the time of inspections.

²⁴ Section 91(6) of the Childrens Act (Cap 59).

Table 2.7: Cases of detention of children with adults

Name of the detention facility	Name/Initials of the juvenile	Age of the juvenile (Years)	Reason for detention with adults
Kitgum Central Police Station	O S	15	Juvenile cell being used as a store
Kitgum Central Police Station	O I	16	Juvenile cell was being used as an exhibit store.
Kitgum Government Prison (female section)	R A	15	Kitgum District Administration did not contribute a maintenance fee to to Gulu Remand home as such juvenile offenders from the district could not be admitted in the remand home.
	A M	16	
Lira Government Prison (male section)	O D	16	From interviews conducted by UHRC, the victim alleged to be a minor though police and court records showed that he was an adult.
	K M	17	
	A S	16	
Mucwini Police Post	O D	15	Lack of juvenile cell at the police post
Arocha Government Prison	O W	15	Court record showed that he was an adult.
Patongo Government Prison	O. J	16	Admitted because the court records showed that he was an adult.
	O.S	17	
	O S	16	
	O. M	17	
Alero Police Post	O F	16	Lack of juvenile cell at the police post
Mpigi Police Station	A M	16	Had been remanded to a remand home but the Station had no transport to transfer him.
Kagadi Police Station	O K	17	The police claim that he looks an adult
	T J	17	That the Magistrate remanded him back to Kagadi Police Station.
Kagadi Government Prison-	T F	16	The Magistrate remanded him to prison since there is no remand home in Kibaale District
Karugutu Police Station	B J	14	Lack of a cell for juveniles
Kiryandongo Prison	O P	16	That he had escaped from Ihungu Remand Home in Masindi and was waiting for transport to take him back
Kaabong Central Police Station,	L.P	Approx. 15	Not recorded
Arua central police station. (3 juveniles on remand for 2 months)	P.N	Not recorded	
Arua prisons. (17 juveniles)	A. R	16	
Rukungiri Government Prison	M.H	17	
	T.D	17	
	K M	17	
Kisiizi Police Post	B. L	17	
Ndorwa Government Prison	A.W	17	
Kisoro Government Prison	T.I	16	
Nyakishana Police Post	N. O	16	

Masheruka Police Post	B O	16	Not recorded
Ibanda Police Station	N L	17	
Ibanda Police Station	N A	17(Female detained in a separate cell inside the cell for male cell due to lack of cells of females)	
Kalungu Police Station	K L	16	
	K J	14	
Kalisizo Prison	M F	17	
Bukwo Central Police Station	KP	16	
	KD	17	
	C F	17	
Sipi Police Station in Kapchorwa	M B	15	
	S R	15	
	ST	14	
	C E	10	

g) Situation in remand homes

The UHRC visited the five remand homes where children in conflict with the law were detained. The remand homes are in Fort Portal, Gulu, Naguru, Mbale and Kampiringisa. The UHRC found that the five remand homes that were inspected had several challenges including: lack of medical facilities for the treatment of children, shortage of fuel to transport children to court, understaffing, inadequate food, inadequate medical care and inadequate financial support.

The UHRC found that the children had limited access to meaningful activities and programmes to help their rehabilitation and reintegration into society. These children have limited access to education and vocational training, psychosocial support and recreation to help their rehabilitation in these homes. The UHRC also found that the remand homes are used as facilities for loitering, abandoned or neglected children.

Table 2.8: Categories of children in Selected Rehabilitation Centres/Remand homes

Rehabilitation Centre	Section	No. of males	No. of females	No. of babies (below 2 yrs)
Kampiringisa Rehabilitation Centre	Street children	146	197	32 below 2 years
Kampiringisa Rehabilitation Centre	Juvenile delinquent section	130	15	-
Fort Portal Remand Home	-	19	-	-

h) Mothers incarcerated with their children

The UHRC found some mothers incarcerated with their children in prison. Although it is better for the children to stay or live with their parents to avoid separation from their mothers, their stay in prison subjects them to the prison environment which is not in their best interest.²⁵ The UHRC found that there was no specific budget to cater for the children and that the prisons did not have child-friendly facilities to accommodate these children.

²⁵ The Quaker United Nations Office, Geneva Report on the Impact of Parental Imprisonment on Children, available at <http://www.guno.org/geneva/pdf/humanrights/women-in-prison/ImpactParentalImprisonment-200704-English.pdf>. Accessed on 22nd March 2012

Mothers who spoke to the UHRC officials informed them that they preferred to stay with their children even after the 18 months prescribed by the Prisons Act. The UHRC found only three prisons in the country with day care centres for the children, which was in Mbarara, Jinja and Luzira Government Prisons.

I) Inadequate provision for food, bedding and clothing for detainees

The UHRC found that most suspects in the police stations and police posts inspected did not have adequate and regular meals. For example, at some police stations like, Pajule, Madi Opei, Atiak, Agweng, Kamdini, Iceme, Aloji and Aboke, suspects exclusively relied on food from their relatives and good Samaritans as there was no provision for feeding. At Ojwina Police station in Lira district, the Commission found a total of 4 suspects and 7 street children who had allegedly not eaten for two days because the police station had no provision for feeding suspects. The Police claimed that the imprest for feeding suspects is UGX. 500 per plate far less than what it actually costs. With regard to police posts, the UHRC was informed that the police posts were not given imprest for food as they are meant to immediately transfer suspects to Police Stations. However, suspects were detained at Police Posts and needed food.

The UHRC found that in all prisons inspected, inmates had at least two meals a day. Nevertheless, there were complaints from some inmates about the poor quality of the food especially for inmates living with HIV and AIDs. The UHRC also found that prisoners had inadequate clothing and beddings. Only 10% of prisoners had 2 pairs of uniforms as required while beddings still remain inadequate.²⁶

J) Inmates living with HIV and AIDS

The UHRC found that there was an increase in the number of inmates living with HIV and AIDS. The UHRC noted that the number of prisoners living with HIV/AIDS had increased from 63 in 2009 to 173 in 2010 to 898 in 2011.²⁷ The UHRC established that the numbers of inmates that qualified for ARVs in 2011 had increased to 408 compared to 142 in 2010 but only 297 were receiving ARVs in 2011 compared to 80 in 2010.²⁸ Table 2.9 below shows the status of inmates living with HIV and AIDS.

Table 2.9: Status of Inmates living with HIV and AIDS in Selected prisons visited by the UHRC

Name of the detention facility	Total prison population	Number of HIV+ Inmates	Number qualifying for ARVs	No. receiving ARVs
Masaka Prison	694	102	100	100
Saza Prison	-	11	11	-
Lyantonde Prison	-	5	4	4
Kalisizo Prison	-	Not known	Not known	6
Kalungu Prison	-	Not known	Not known	1
Kyazanga Prison	-	Not known	Not known	4
Bugungu Y.O	134	4	4	4
Bugungu Y.P	215	9	9	9
Lugazi Prison	95	10	10	10
Ntenjeru	87	10	10	10
Bulawula	118	5	5	5
Atopi Government Prison farm	180	18	18	-
Kwania Government Prison Farm	41	4	4	-
Arocha Government prison Farm	46	6	4	2
Maruzi Government Prison	6	1	1	-

²⁶ JLOS (n 9 above) 12.

²⁷ UHRC 13th Annual Report 2011 42.

²⁸ According to UPS records there are 400 inmates on ARVs

Oyam Government Prison Farm	54	27	19	-
Kabasanda Prison	60	1	1	1
Kanoni Prison	63	1	1	1
Butoolo Prison	105	3	3	3
Nkozi Prison	42	3	3	3
Kigo Prison Male Section	962	100	100	36
Bukomero Prison	33	3	1	1
Kitalya Prison	292	12	2	2
Mityana Prison	128	10	-	-
Kassanda Prison	64	5	-	-
Myanzi Prison	14	3	3	3
Kaweri Prison	112	10		
Muinanaina Prison	320	34	3	3
Kabonera Prison	37	5	-	-
Uganda Government Prison Farm Amita	117	5	-	-
Arua prison.	804	44	18	18
Moyo prison	68	3	3	3
Mgbukutu prison	159	26	26	26
Yumbe prison	54	2	2	2
Uganda Government Prison Ndorwa	242	29	8	8
Mparo Government Prison	31	2	2	2
Kiruhura Government Prison	102	5	5	5
Nyabuhikye Government Prison	192	18	3	3
Kiburara Prison Farm	305	190	-	-
Ntungamo Government Prison	160	21	3	-
Kapchorwa Government Prison	84	9	1	1
Amolator Government Prison	83	7	3	3

Source: UHRC

At Mutukula, Kalangala, Mugoye, Matete and Kalisizo Prisons inmates living with HIV and AIDS complained about the poor quality of food, yet the drugs they took required regular and quality feeding. However at Bulaula Farm prison in Kayunga district, Isingiro, Ndoorwa and Kisoro Government, inmates living with HIV/AIDS received special meals and were exempted from strenuous labour.

K) Health and sanitation

Some prisons have fully fledged dispensaries and clinics. Such prisons included; Adjumani, Apac, Loro, Ndoorwa, Jinja, Kisoro, Isingiro, Rukungiri, Nakasongola, Kigo, Muinaina, Fort Portal (Katojo) and the Prison Farms in Ruimi, Kwani, Alebtong, Erute, Lotuturu, Patiko and Main prison. However, inmates complained of shortage of drugs in these facilities. Prisons that did not have health centres or dispensaries attached to them accessed medical care from the nearest government and mission health facilities. UHRC found that in some prisons, such as the Prison Farms in Kwani, Alebtong, Erute, Lotuturu and Patiko, inmates could not have access to drugs because there were no personnel to administer them. The UHRC also noted with concern the death of three inmates in Lira Uganda Government Prison, male section, allegedly due to the late response by prison authorities. These were Fred Owani, Raymond Okello and Denis Okulu.

Suspects detained in certain police cells also experienced challenges in accessing health services due to limited funds. Police authorities reported that they didn't have the budget and health facilities to cater for the sick suspects. Suspects were either referred to the nearest health facility or released on bond, for minor cases. This was the case at Rengen Police Post in Kotido District, Kadepo Police post in Kaabong District, Kyengegwa Police Station in Kyengegwa District, Nabilatuk Police Station in Nakapiripirit district, and Lolachat in Nakapiripirit district among others.

The UHRC noted that in most prisons inspected inmates complained of inadequate bathing and washing facilities. This was found in Patongo, Patiko, Oyam, and Loro prisons among others. At Patongo Uganda Government prison, there were only ten basins for 245 inmates to share. Yet there were inmates who had communicable diseases like syphilis. At Lira Prison, there were inmates with disabilities and amongst them was one inmate with physical disability who moved on a wheel chair who allegedly got an infection on his legs because of sharing washrooms.



Inmate with a physical disability at Uganda Government Prison Lira

L) Female inmates sharing facilities with male inmates

The UHRC found female prisoners sharing the same compound with male inmates in some prisons which is contrary to the minimum standard rules.²⁹ This was observed in prisons farms like Patongo, Arocha, Kwanja and also Alebtong Prison.

M) Working conditions of the UPF and the UPS

The UHRC noted that the working conditions had improved a little with the provision of new motorcycles in a number of police posts. Examples of such stations include Kyegengwa, Bundibugyo, Fort Portal, Agago, Pader, Amuru, Nwoya, Gulu, Oyam, Kole, Adjumani, Lira, Dokolo, and Alebtong among others. However, there were still challenges including lack of stationary and inadequate imprest which need to be addressed in order to ensure effective execution of police functions by the police officers.

Staff welfare also remained a great challenge in 2011 in both prisons and police stations in terms of accommodation. It was reported that over 5000 prisons staff did not have appropriate accommodation.³⁰ With regard to the Police, the UHRC established that all the police posts visited lacked accommodation for their staff. Accommodation in the police out posts was only found to be adequate in places where there were two or three members of staff with these being housed in structures either donated to the police by private individuals or being rented by the Police Force.

The UHRC observed that a number of Police officers were not being accommodated in areas near the Police Post or Stations. This was noted in the Central Police stations in Amuria, Bududa, Manafwa, Atiri Police post and Serere among others. For the officers that were being provided with accommodation at the station the structures were either very old or were made of mud and wattle. Lack of decent housing was a serious problem for prison and police in 2011.



Some of the grass thatched huts that were being used as accommodation structures by the Police Officers of Atiira Police Post in Serere District.

2.4. Conditions in military places of detention

The UHRC visited 2 Military detention centres. These were in Potika UPDF Detach in Lamwo district and in Moroto. However, in Potika, there were no detainees. The UHRC visited the military detention in Moroto with the OHCHR. In Moroto, the UHRC found that the convicts were separated from those on remand. The UHRC found that the cells were ventilated, and hurricane lamps used at night. During leisure the inmates played chess, ludo and cards. One Medical Doctor and a Nurse are stationed medical facility available within the barracks. CD4 count machine for HIV positive inmates was available for screening.

²⁹ This contravened Section 29 of the Prisons Act 2006 and Rule 8 of the UN Standard Minimum Rules for the Treatment of Prisoners, which provide for separation of male prisoners from female prisoners.

³⁰ n 17 above.

There were 2 toilets and bathrooms within the enclosed fence of the military detention facility for use. Water was available in plastic containers collected from the two pumps within the facility.

However, the UHRC also found challenges. The UHRC found 8 adult civilian detainees at the cells who alleged that they had spent months (ranging from two to eight) in detention without being brought before courts of law. The UHRC further observed that the inmates were not adequately fed. Although they were fed on beans and posho for lunch and supper, they did not have breakfast. They were served with only hot water in the morning hours because there was not enough maize flour to make the porridge for their breakfast. The UHRC heard allegations that some civilians were intimidated and subjected to verbal abuses by their fellow inmates who are from the military. Furthermore, the UHRC heard that there were instances when detainees did not have access to drugs when they visited the main hospital. Moreover, the UHRC found two civilian inmates with visibly swollen scrotum who had allegedly not received any treatment. The detention facility used buckets for toilets in the night and the cells housing the civilians were overcrowded.

2.5. CONCLUSION

The UHRC notes that even though there were positive developments in the conditions of places of detention inspected in 2011 a lot more needs to be done to ensure that the rights of suspects, inmates and juveniles are promoted and protected.

2.6. RECOMMENDATIONS

The issues raised by the UHRC must be addressed. The UHRC particularly makes the following recommendations:

1. As recommended in the previous annual reports:
 - The Uganda Police Force and Uganda Prison Service should construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects;
 - The Justice Law and Order Sector should strengthen the District Coordination Committees to fast track cases of long detentions;
 - Parliament should enact the Prevention and Prohibition of Torture Bill to address the persistence of torture;
 - The Uganda Police Force, the Director of Public Prosecution and the Uganda Peoples' Defence Forces should be equipped with all the necessary facilities to enable them to fulfil their constitutional obligation to bring suspects to court within 48 hours;
 - The Ministry of Internal Affairs, Ministry of Gender Labour and Social Development, Uganda Police Force and the Uganda Prison Service should ensure that children in conflict with the law are separated from adults in all places of detention. Furthermore, the Justice Law and Order Sector should strengthen the mechanisms for diversion of children away from the criminal justice system using the alternative dispute resolution through mediation and arbitration;and
 - The Ministry of Internal Affairs should ensure that the Uganda Police Force and the Uganda Prison Services get adequate resources to enable them to perform their functions and should improve their working conditions and welfare.
2. The Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders;
3. The Ministry of Internal Affairs, Ministry of Gender Labour and Social Development, the Uganda Police Force, and the Uganda Prison Service should ensure that the children who have been incarcerated with their mothers are adequately catered for.

4. The Uganda Police Force, Uganda Prison Service and Uganda Peoples Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and to ensure access to health services including ARVs for those living with HIV and AIDS and need them; and
5. The Ministry of Internal Affairs, Uganda Prison Service, Directorate of Public Prosecution and the Uganda Police Force must urgently address the issue of suspects who are being detained without files. If there are no files or charges against them, they should be released.

CHAPTER 3

HUMAN RIGHTS EDUCATION AND OUTREACH

3.0. INTRODUCTION

Human Rights Education (HRE) provides knowledge necessary for individuals, groups and societies to reasonably participate in the demand and promotion of respect for their rights and freedoms. HRE is crucial in promoting equality, preventing conflict, and enhancing respect for other people's rights. HRE is therefore essential in empowering individuals to enjoy all other human rights and is a powerful tool in making individuals respect human dignity which is central to human rights. The Durban Declaration and Programme of Action of 2001 highlights the importance of HRE as a tool to combat discrimination.³¹

The UHRC considers HRE as a critical strategy in empowering individuals and groups to understand and appreciate of human rights and civic obligations. In 2011, the UHRC continued to carry out HRE by designing and implementing programs for various institutions, organisations and communities in the different parts of the country. HRE and outreach activities were aimed at the following: publicising the legal and institutional framework on specific rights; strengthening accountability in institutions by equipping state agents with skills to respect, promote and protect human rights; and popularising the international, regional human rights standards at the grass roots in order to prevent human rights violations.

3.1. THE LEGAL FRAMEWORK

Article 26 (2) of the UDHR provides that education should be directed to the full development of the human personality, strengthen the respect for human rights and freedoms. Article 5 of the 1960 Convention Against Discrimination in Education states that 'Education shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace'.³² Article 29 (b) of the CRC points out that the aim of a child's education should be directed to fostering the respect for human rights.

At the regional level, Articles 17 and 25 of the ACHPR points out the duty to promote and ensure through teaching, education and publication, the respect of rights and freedoms".

At the national level, Uganda has domesticated these international and regional standards in the 1995 Constitution. Article 4 of the 1995 Constitution obliges the state to promote public awareness not only of the provisions of the 1995 Constitution but also knowledge of human rights. In the fulfillment of this state obligation among others, the 1995 Constitution provided for the establishment of the UHRC whose functions amongst others include: carrying out a continuing programme of research and human rights awareness to enhance respect of human rights; creating within society awareness of the provisions of the Constitution as the fundamental law of Uganda; educating and encouraging the public to defend the Constitution at all times against all forms of abuse and violation; and formulating, implementing and overseeing programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities, rights and obligations.³³

3.2. EDUCATION AND OUTREACH ACTIVITIES

The UHRC continued to implement education and outreach programmes to enhance the citizen's understanding and awareness of their human rights, constitutionalism and civic responsibilities. Human rights awareness programmes were conducted through training workshops, radio talk shows, spot messages, TV shows and other outreach activities at the grassroots such as barazas and kraal outreaches. Human rights day celebration activities characterised by human rights education were conducted in various districts.

31 Durban Declaration and Programme of Action, World Conference Against Racism, Racial Discrimination, Xenophobia and Related intolerance in Durban, South Africa, 31st -8th September 2009.

32 Article 5 of Convention Against Discrimination in Education. Accessed at http://www.unesco.org/education/pdf/DISCRIM_E.PDF on 30 March 2012.

33 Article 51 (c), (e) (f) and (g).

A total number of 40,666 people from different institutions, Organisations and communities participated in the human rights awareness programmes conducted in 2011.

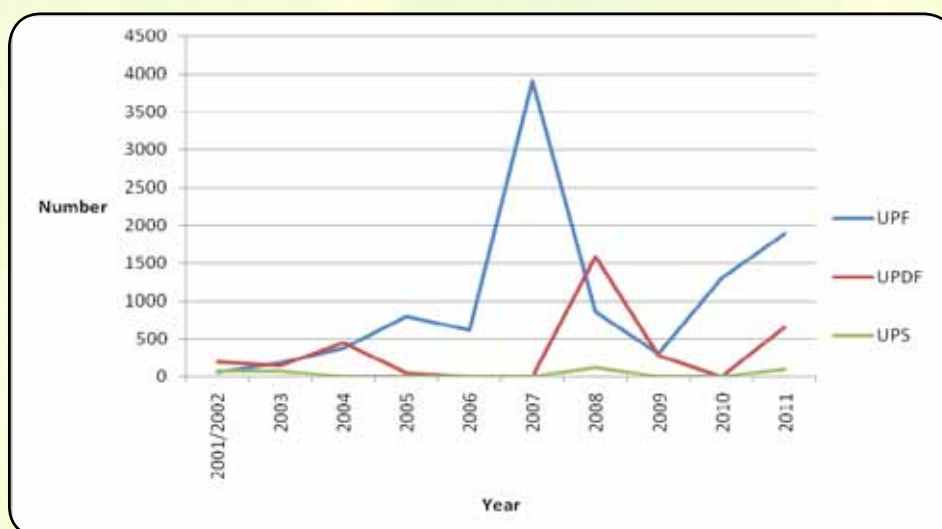
These included; 1,881 Special Police Constables from UPF, 651 officers from UPDF, 322 officers from ISO, 94 officers from UPS, 137 District Leaders, 354 Local Leaders, 50 religious leaders, 218 teachers, 23,000 students and 13,959 Community members.

3.2.1. Human Rights Education for Security Agencies:

Article 20 (2) of the 1995 Constitution provides that all organs and agencies of government shall respect the rights and freedom of individuals enshrined in Chapter 4. Article 221 of the 1995 Constitution provides that all security agencies including the UPDF, UPS and UPF should observe and respect human rights and freedoms in the performance of their functions.

The UHRC continued to train security agencies in 2011 with the aim of ensuring that state agents in these agencies are aware of their obligations and are made accountable in the event of human rights violations. The security agencies trained included: UPDF, UPF, ISO, UPS and the Former Local Administration Police (LAPs) who were drawn from all regions in the country. Focus was on security agencies in view of the fact that such agencies as the UPF, UPDF and UPS have for the last seven years been among the top ten respondents in human rights complaints registered by the UHRC. The trainings focused on specific rights such as; the right to personal liberty, freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to life, and children's rights which have been amongst the top five complaints registered by the UHRC in the last six years. The trainings covered the role of security agencies in the promotion and protection of human rights, the concept of human rights and the mandate and functions and powers of UHRC. Figure 3.1 shows the number of security agents trained by UHRC since 2001.

Figure 3.1: Number of security agents trained from 2001-2011



3.2.1.1. Human Rights Education for UPDF

In 2011, 651 UPDF soldiers from different UPDF detachments and Military Police Personnel were trained. The training was comprised of 641 male and 10 female participants. Most of these were based in Karamoja where 591 UPDF soldiers from 15 detachments/ UPDF barracks in Kotido, Amudat and Abim districts were sensitised on human rights issues to ensure total realisation of human rights among the UPDF institution. The Karamoja region was selected specifically to ensure that UPDF officers observe human rights during the ongoing disarmament exercise.

The participants were drawn from Omoo detachment Awach sub-county, Oreta and Orogom detachments from Nyakwae sub-county, and Abuk detachment in Orwamuge sub-county in Abim district.

The detachments in Kotido included; Lokiteabu 61 battalion-Kotido sub-county, Lookorok 51 battalion in Nakapelimoru sub-county, Nakadelio LDU barracks in Kotido town council and Napumpum 57 battalion in Panyangara sub-county.

In Amudat District the detachments were, Amudat 5th battalion in Amudat town council, Nagoliet LDU in Karita sub-county, Achorchor, Choror bridge, Karita 67 battalion and Longedwat.

3.2.1.2. Human rights education for the Military Police Personnel

One of the interventions for the UPDF, focused on the Military Police personnel. This training was the first of its kind for military police and a total of 60 Military Police officers from Makindye Barracks comprising of 9 female and 51 male participants were trained on their role of promoting and protecting human rights. The low female participation was due to the few women in the Military Police.



UPDF Military Police officers in the training workshop in Jinja

3.2.1.3. Human rights training for UPF

The UHRC held HRE programmes for 1,881 police officers of whom 422 were female and 1,459 male. These were namely; Special Police Constables (SPCs) and former LAP with their commanders drawn from the different regions of the country. The initiative was intended to contribute to the improved state of human rights observance by police officers in the country. In addition, the UHRC officially launched the second edition of the Human Rights Training Manual for the UPF. The manual developed in consultation with and participation of Police personnel was aimed at building the capacity of all police officers of all ranks and departments to promote and protect human rights in line with the 1995 Constitution and other related laws. This was key for the development and nurturing a culture of respect for human rights.



The Regional Police Commander North Mr. Amoru Martin making a presentation on the role of police in peace building during training of SPCs, former LAPS

3.2.1.4. Human rights Education for ISOs

The UHRC organised six education training workshops for Regional Internal Security Officers (RISOs) and District Internal Security Officers (DISOs) in the various parts of the country with a primary goal to broaden the understanding of human rights as an essential value in the protection and promotion of human rights. The programmes were implemented under the theme: 'Human Rights Protection and Promotion: The role of Security Organisations'. A total number of 322 participants with 288 male and 34 female ISO Officers from 44 districts in the country.



A human rights training for ISO in Mbale

3.2.1.5. Human rights education for Prison Officers

The UHRC in a training focused on prison officers from the Acholi and Lango sub regions under the theme of 'Promotion and protection of Human rights; The role of Prison Officers' comprised of 94 participants with 69 male and 25 female prison officers benefited from the human rights training which was intended to enhance the role of prisons in the promotion and protection of human rights. Special attention was paid to the Prison code of conduct contained in the Prisons Act, 2006.

1.3. Human Rights education for local leaders and grass root communities

The UHRC through outreach activities focused on local leaders and grass root communities in order to: popularise the international, regional human rights standards with the aim of preventing human rights violations; enhance the respect of rights of women and children; and strengthen the redress and reporting mechanisms in the event of human rights violations. Activities such as radio talk shows, spot messages, *barazas* (informal meetings), training workshops, kraal outreach were conducted. The communities targeted included the District Human Rights Desks, School clubs, and Religious leaders, members in Kraals in Karamoja and the local village communities.

3.3.1. Training in the Human Rights Based Approach for Districts officials

The UHRC trained 137 district officials on the Human Rights Based Approach (HRBA) to development in the districts of Kalungu, Bukomansimbi, Lwengo, Masaka, Nakasongola and Kumi. The trainings under the theme 'The Promotion Of Human Rights Through HRBA: The Role of District Stakeholders' were aimed at enhancing knowledge of the basis, essence, and techniques for basing development programming on human rights. The training programmes strengthened UHRC partnership with the district authorities in the promotion and respect of human rights.

3.3.2. District Human Rights Desks/ Committees (DHRD/Cs)

The UHRC conducted monitoring visits to the established DHRD/Cs to ascertain how effective they were in the promotion and protection of human rights. Follow up activities were conducted in the districts of; Jinja, Mayuge, Kamuli, Kaliro, Pallisa, Budaka, Butaleja, Tororo, Mukono, Bugiri, Busia, Kayunga and Namutamba under Jinja region office. Mubende, Kiboga, Mityana, Mpigi, Wakiso, Kampala, Luweero, Nakasongola, Nakaseke, Mbarara, Bushenyi, Kiruhura, Ibanda, Ntungamo, Isingiro, Kabale, Kisoro, Kanungu and Rukungiri. However, it was noted that many of the DHRD/Cs are not functional due to lack of funds to support them in human rights programmes and activities.

3.3.3. School human rights clubs

In order to integrate human rights into the formal education institutions, UHRC established school human rights clubs in both primary and secondary schools.

(i) Sensitisation workshops

The UHRC conducted sensitisation workshops for a total number of 218 teachers from selected schools in Masaka, Rakai, Kalungu, Sembabule, Bukomansimbi, Lyantonde, Kabarole, Soroti and Jinja. The workshops conducted under the theme 'Enhancing the capacity of teachers to promote and protect human rights' empowered participants with human rights knowledge and skills relevant for the establishment of school human rights clubs. In addition, 23,000 Students were sensitised on the role of human rights clubs, their functions and responsibilities. The students were encouraged to establish human rights clubs in their schools and disseminate human rights information through music, dance and drama, debates and human rights campaigns. Human rights clubs from schools like Kangole girls, Moroto High School and Moroto Core Primary Teachers' College participated in activities to promulgate the Constitution on 8th October 2011

(ii) Monitoring visits

UHRC monitored schools from which teachers had been trained to ascertain the establishment of the human rights clubs as had been agreed upon during the trainings. It was observed that some schools had established human rights clubs that were functional in enhancing human rights promotion and protection in their communities. These included; Kangole Girls Secondary School in Napak district; Moroto High School; Moroto Core PTC; Nadiket Seminary; Kotido S.S.S; Wandi Progressive S.S; St. Mary's Ediofe Girls' S.S; Ombatini S.S; Logiri Girls' S.S; Mt. Wati SS; Anyafio Role model; Uleppi SS; Adumi SS; Najah Muslim SS; Sartori Memorial High School; Okufura S.S; Arua Public S.S; Jinja Parents College; Wanyange Girls' Secondary School; Busoga College Mwiri; Busoga Light College and Lord Medde Vocational College. It was however noted that most schools that established school human rights clubs lacked financial support to conduct their human rights programmes and activities.

3.3.4. Human rights education for Religious leaders

Religious leaders were sensitised under the theme 'The role of religious leaders in the promotion and protection of human rights'. This was comprised of 50 Religious leaders with 47 male and 03 female religious leaders drawn from the districts of Masaka, Kalangala, Sembabule, Lyantonde, Lwengo, Rakai, Kalungu and Bukomansimbi were trained. The training aimed at initiating partnership between UHRC and religious institutions that are a channel to reaching people of different categories through their worship centres.

3.3.5. Local Leaders and grass root communities

The UHRC through *barazas* sensitised various communities throughout the country on human rights issues. The initiatives were to enhance the promotion and protection of children's rights; women's rights; property rights and all other human rights. The *barazas* were also intended to empower the grass root communities with the relevant information on the provisions of the 1995 Constitution.

(i) Area Land Committees and Clan leaders

The UHRC conducted sensitisation workshops for Local leaders including Area Land Committee members and clan leaders at the grassroots in different districts. A total of 204 participants comprising of 53 female and 151 male Area Land Committee members were trained. Similar training activities for clan leaders were conducted where 150 participants with 26 female and 114 male Clan leaders were trained. The participants drawn from the districts of; Pader, Gulu, Amuru, Adjumani, Lamwo, Kitgum were sensitised on land rights and how to address complaints related to land disputes in their respective communities. Table 3.1 shows the districts covered by the Area Land Committee and Clan leaders workshops.

Table 3.1: A summary of the districts covered by Area Land Committee members and Clan leaders workshops

District	Area land Committee members			Clan elders
	Male	Female	Male	Female
Gulu	40	09	27	06
Amuru	35	11	14	10
Kitgum	28	08	-	-
Pader	21	13	50	08
Adjumani	27	12	-	-
Lamwo	-	-	23	12
Total	151	53	114	26



Members of the Area land Committee members and Clan leaders in Amuru district attend a human rights sensitisation workshop

(ii) The grass root Communities

A total of 13,959 participants comprising of 7,373 female and 6,586 male participants were sensitised on rights issues, in particular on land and property rights, children's rights, women's rights, and redress and reporting mechanisms of human rights violations. The UHRC through *barazas* sensitised communities of; Katakwi, Amuria, Kaberamaido, Otuke, Kole, Kiboga, Kamuli, Butaleja, Kayunga, Namutumba, Sembabule, Rakai, Nakapiripirit, Kaabong, Kotido, Kitgum, Sembabule, Rakai, Maracha, Arua, Moyo, Yumbe, Nyadri, Masindi, Buliisa, Kibaale and Kasese districts. The meetings and interactions with the communities at the grass-roots enhanced the exchange of ideas and experiences, and equipped them with human rights knowledge that enhanced their access to UHRC services. Participants were encouraged to be vigilant in reporting human rights violations to the relevant authorities.



Community members of Anyibi-Owaco moo village, Abakadyak parish, Padibe west sub-county, Lamwo District during a public barazza

(iii) Activities through Civil Military Cooperation Centres and field offices

The UHRC conducted human rights education and outreach activities through Civil Military Cooperation Centres (CMCCs) under the UHRC's regional offices in Moroto, Soroti and Gulu. Human rights education activities in communities were conducted through 10 Kraal outreaches and 6 radio talk shows.

Civil Military Cooperation Centres

The CMCCs under Soroti Regional Office conducted trainings targeting 400 local community members in Katakwi and Amuria districts. These were aimed at equipping the participants with human rights knowledge and emphasize more on their roles and duties in the society. The CMCCs conducted Radio Talk Shows on Etop FM, Delta FM, Radio Soroti, and Kyoga Veritas FM. The topics covered included on children's rights, rights of suspects, freedom from torture, or cruel, inhuman or degrading treatment or punishment and UHRC mandate, functions and powers. Sensitisation activities through kraal outreaches were conducted by CMCCs under Moroto Regional Office that covered a total number of 1,103 with 860 male and 243 female participants. The topics covered included: the role of community leaders in maintenance of law and order, the role of UPDF and Police in promoting and protecting human rights, Cordon and search operation procedures, UHRC mandate, functions and powers and the concept of human rights.

Field offices

Field offices carried out human rights awareness through 15 Community barrazas and 05 Kraal out reaches to various communities. The communities covered were in Katakwi and Amuria districts, Ocheri sub-county in Kaberamaido, Akalele and Apeitolim in Napak, Lolachat sub-county in Nakapiripirit, Kapedo sub-county in Kaboong, Muntu sub-county in Amolata, Kakomongole sub-county in Nakapiripirit district, Amudat sub-county in Amudat district, and Orwamuge sub-county in Abim district.

3.3.6. Civic education

The UHRC convened a one-day consultative meeting with key stakeholders in civic education. The meeting was intended to come up with a strategy of developing a national civic education framework that would harmonise civic education activities in Uganda. The meeting drew 60 participants from Government Commissions, ministries and departments, security agencies, civil society organisations, the media and Non Government Organisations (NGOs). A working committee to spearhead the development of the national framework was put in place.

3.4. Media programmes

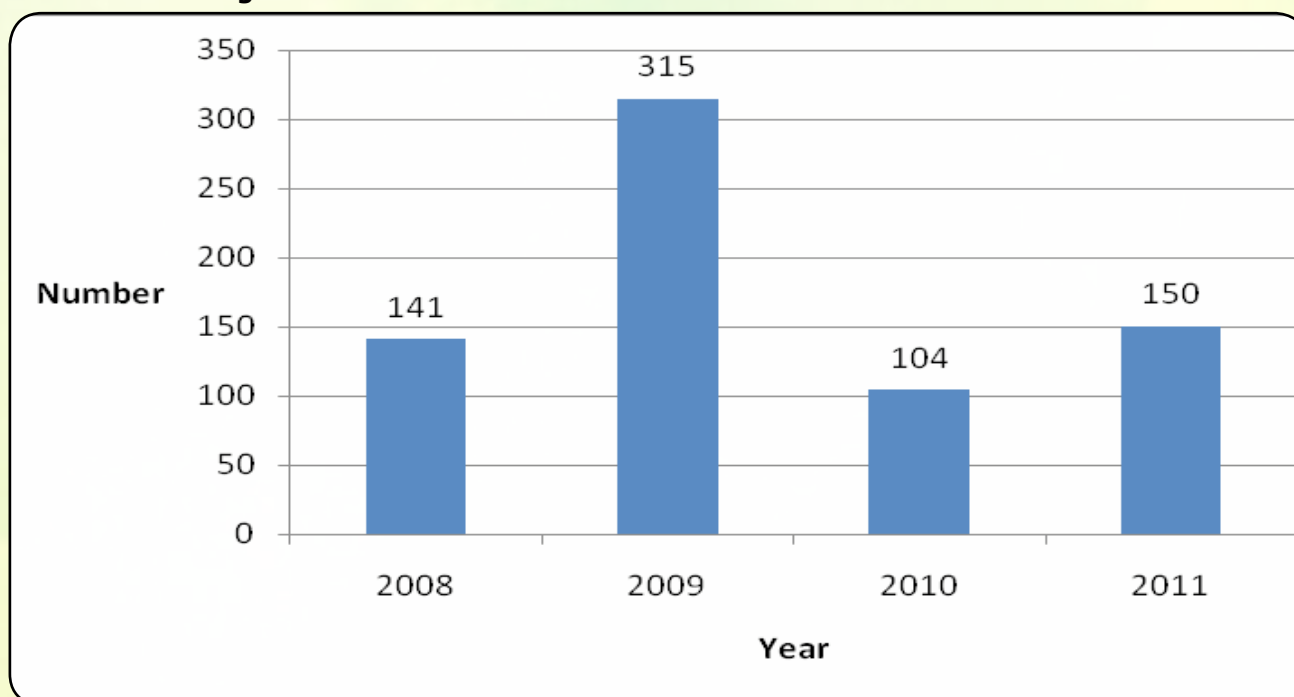
In line with its strategy to popularise the legal and institutional framework on human rights in order to prevent human rights violations, the UHRC continued to use the media to disseminate human rights messages and raise awareness of a number of human rights themes. This was in addition to publicising the position of the UHRC on topical human rights issues. The media channels used included radios, televisions, newspapers, magazines, the UHRC website and Information, Education and Communication (IEC) materials. The UHRC used radios because they offer a wide coverage reaching all corners of the country side. The UHRC used radio spot messages for advocacy campaigns to address specific human rights issues that it considered pertinent for the public to know.

3.4.1. Radio Talk show programmes in 2011

The UHRC held a total of 150 live phone-in radio talk shows on 40 radio stations country wide in various languages. these were held in English, Luganda, Lusoga, Runyankore/Rukiga, Runyoro/Rutooro, Ateso, Acholi, Madi, Kakwa, Lugbara, Nga’Karamojong, Alur, Lumasaba, Rukiga and Japadhola.

The talk shows highlighted themes on civil and political rights, sensitised communities against mob justice, on the functions and mandate of UHRC, freedom of assembly and the right to demonstrate and other political and civic rights among others. These programmes gave communities an opportunity to participate and provide feed-back for UHRC when listeners called in. Annex 8 shows the details of the radio talk shows while Figure 3.2 shows the number of talk shows carried out since 2008.

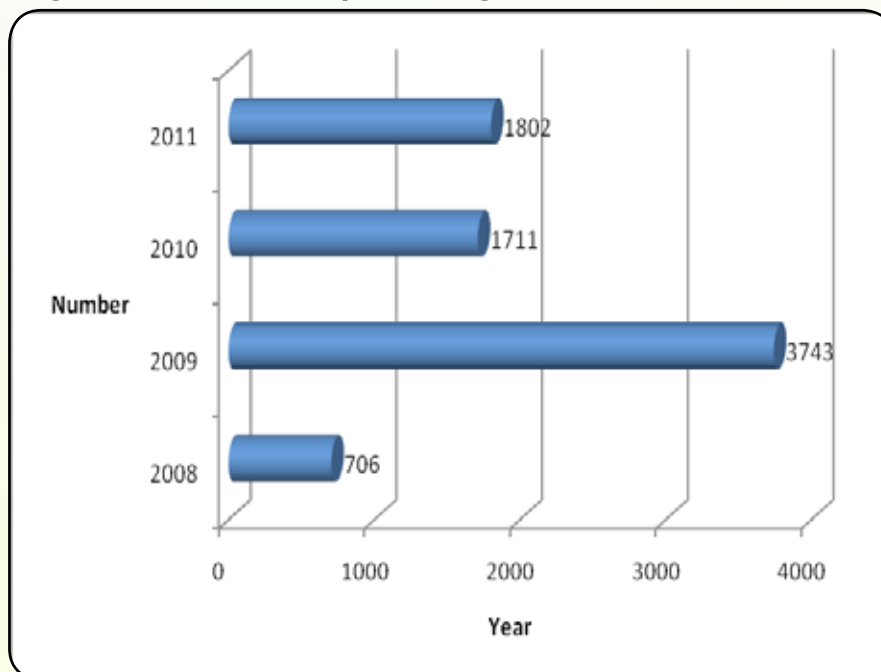
Figure 3.2: shows the number of radio talk shows from 2008-2011



3.4.2. Radio Spot messages in 2011

The UHRC used 15 radio stations to air a total of 1,802 radio spot messages on human rights themes such as; mob justice and its human rights implications, call for all citizens’ participation in peaceful elections and messages on the HIV Bill. The messages aimed at creating human rights awareness among various sections of the public were aired in English, Luganda, Lugbara, Runyankore/Rukiga, Ateso and Luo. Annex 9 indicates the radio spot messages aired out in 2011 while Figure 3.3 shows the number of spot messages aired out since 2008.

Figure 3.3: Number of spot messages aired out from 2008-2011



3.4.3. Television and Newspapers Adverts

In 2011, a total of 25 television adverts/infomercials calling on all stakeholders to ensure peaceful elections were ran on NTV television, in newspaper supplements, and through advertorials, interviews and commentaries on human rights themes. The UHRC used local newspapers and publications as an advocacy tool to offer human rights education.

3.4.4. Media Briefings

In order to keep stakeholders as well as the general public informed of topical human rights issues and to offer guidance on emerging human rights concerns, UHRC releases statements at scheduled media briefings. In 2011, the UHRC held 7 formal press conferences on various themes ranging from the launch of its activities to calling for non violence and the rule of law following incidents of violence.

Table: 3.2: Press Conferences in 2011

S/N	Theme/Topic of press conference	Date of press conference	Addressed By
1	Release of UHRC preliminary report on monitoring national elections	19 th February 2011	UHRC
2	UHRC position on election violence after the mayoral elections in Kampala	4 th March 2011	UHRC
3	Call for rule of law and condemnation of mob justice by UHRC	8 th April 2011	UHRC
4	UHRC position on 'Walk to Work' demonstrations	15 th April 2011	UHRC
5	Launch of the UHRC 13 th Annual Report	28 th June 2011	UHRC
6	Launch of the International Day in Support of Victims of Torture Week	22 nd June 2011	UHRC and the Coalition Against Torture (CAT)
7	Launch of the International Human Rights Day/ Week activities	6 th December 2011	UHRC, OHCHR, HURINET & partners

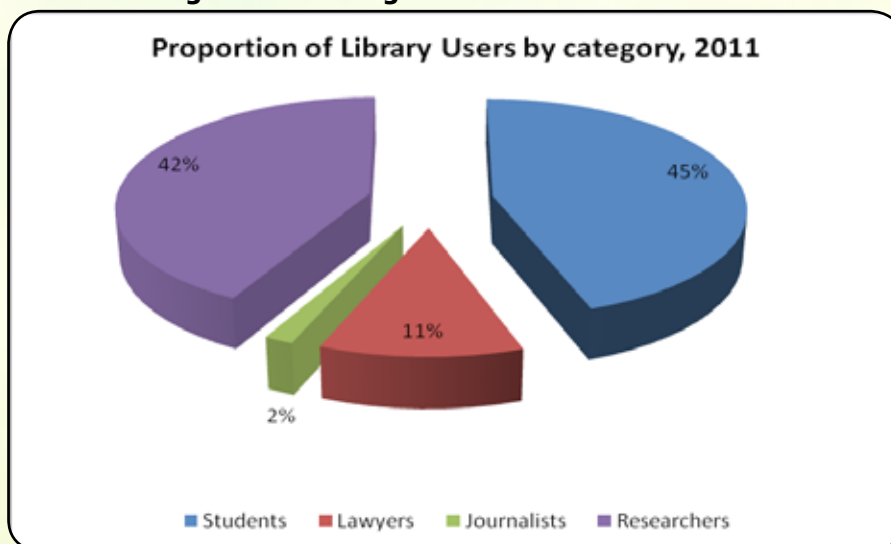
3.5. UHRC Library and Documentation Services

The Library and Documentation Centre (LDC) is a valuable source of information for members of the public and staff of the UHRC. This service is a resource to popularise the legal and institutional framework on

human rights, mechanisms of resolution of human rights complaints and the status of accountability of state agents. In 2011, there were more users of the LDC than the previous year, an increment of 5.2 % from 1,169 in 2010 to 1,230 was registered.

In addition, 75 web stories were developed and posted on the UHRC website as a source of information. The web stories covered UHRC activities such as the launch of Annual Report, press releases, UHRC position statements, UHRC activities at the local, national, regional and international level, UHRC upcoming activities, achievements and human rights advisories among other information. The LDC was strengthened with the delivery of 401 publications (366 text books and 35 journals). These services enhanced users capacity to research on human rights issues and created awareness of human rights. Figure 3.4 shows categories of LDC users.

Figure 3.4: Categories of LDC users in 2011



3.5.1. Human rights education through publications

The UHRC produced and distributed 2000 brochures on Frequently Asked Questions about UHRC, 1,500 Flyers on the prohibition and Prevention of Torture Bill 2009, 1000 newsletters on UHRC Activities and 8000 copies of four issues of Your Rights Magazines. Refer to Annex 12.

Copies of Your Rights Magazine were distributed countrywide to all members of Parliament, the presidency, ministers, Judiciary, government ministries and statutory commissions, security organs, local governments, embassies and foreign missions, civil society and NGOs, media, faith-based and cultural institutions. Four issues were produced under the following themes:

- Economic, Social and Cultural Rights in particular, the right to health and the right to social security. It focused on the role of health insurance in enhancing the right to health as well as the state of social security in Uganda.
- Elections and the right to participate in the affairs of government, focusing on how human rights were upheld during elections, civic education, media coverage of elections and early warning for peaceful, free and fair elections.
- Civil and political rights, in particular, freedom from torture, inhuman and degrading treatment or punishment as well as freedom of expression and the media. The issues covered what the freedom entails, the bid to save the proposed law against torture and the salient features in the proposed law. The link to media freedom and freedom of expression as well as human rights considerations in legislating on media law were also covered.
- The rights of people in detention as well as the assessment of Uganda under the Universal Peer Review Mechanism.

3.5.2. Documentation of human rights

The UHRC documented important human rights issues in the country and issued reports. Among the reports produced were 2500 copies of the 'UHRC Report on the 2011 Uganda Elections' which highlighted the activities of the UHRC relating to elections as well as an assessment of the electoral process were produced. In addition, 3000 copies of the Report on Pastoralism and Associated Land Conflicts in Uganda which highlighted the UHRC's findings on the extent to which Pastoralism and its associated land conflicts impact on human rights in the country were produced.

3.6. Commemoration of International, Regional and National Human Rights Days

Since its inception, the UHRC has annually carried out human rights advocacy activities to popularise the institutional and legal framework on human rights among selected stakeholders and the general public by commemorating international, regional and national human rights days. In 2011, advocacy activities on human rights days included public dialogues, radio and/or television programmes and newspaper supplements, among many other awareness creation campaigns.

3.6.1. International Women's Day (8 March)

The UHRC published a half-page statement on the theme of the day which was 'Equal Access to Education' in the New Vision newspaper of the 8 March 2011.

3.6.2. World Press Freedom Day (3 May)

As a way of advocating for the theme of the World Press Freedom Day which was 'New frontiers, new barriers and new challenges in the use of the new media', an interview of the Chairperson of the UHRC was published in New Vision newspaper of 3 May 2011. The chairperson noted that the use of the internet had opened up new frontiers in communication across the globe and had benefited various actors including the UHRC and the press. However, he noted a number of challenges which among others included keeping up with the pace of dynamism in the management of the internet, the need for regular training and absence of policies among others.

3.6.3. Day of the African Child (16 June)

The UHRC published in the Observer newspaper a half-page statement on the theme of the day calling for urgent action for street children. The supplement was published to advocate for the rights of the child especially in the African context and to draw attention to their plight.

3.6.4. International Day in Support of Victims of Torture (26 June)

The UHRC and civil society organisations in Uganda under the Coalition Against Torture (CAT) which is a loose network of ten (10) human rights organisations carried out joint advocacy activities under the theme 'Act Now, Criminalise Torture' to commemorate International Day in Support of Victims of Torture. This was done in order to raise awareness among the general public and to lobby the Government of Uganda and Parliament in particular, to enact a law to criminalise torture in Uganda.

Joint activities included: a media campaign where a press conference was held to launch the week of activism, stories on interviews of torture survivors published in newspapers, two radio talk shows and radio spot messages, and a half day public dialogue to engage stakeholders on the Prohibition and Prevention of Torture Bill (2009) to advocate for its urgent enactment. A total of 1500 hand bills were produced and distributed and banners with thematic messages were displayed in strategic places.

3.6.5. Constitutional Day (8 October)

To commemorate the anniversary of the promulgation of the constitution, the UHRC under the theme of 'Environmental conservation and climate change: The role of the Youth' conducted human rights awareness activities like radio talk shows and music dance and drama, tree planting and environmental conservation demonstrations. The UHRC provided information on constitutionalism, the concept of human rights and the role of the youth in development through environmental conservation.

3.6.6. World AIDs Day (1 December)

The UHRC published a half-page statement on the theme 'Getting to Zero' Bill in the New Vision newspaper of the 1 December 2011. The supplement contained highlights of the position of UHRC on the proposed Prevention and Control of HIV/AIDS Bill, 2010 and recommendations for its improvements.

3.6.7. International Human Rights Day (10 December)

The focus of the International Human Rights Day 2011 commemoration in Uganda was on human rights defenders and the use of social media to promote human rights under the local theme: 'Let us use the social media to promote human rights.' Advocacy activities were held jointly by UHRC and partners who included the OHCHR, Kampala and civil society organisations under their umbrella organisation the Human Rights Network, Uganda (HURINET-U).

Activities included: a joint press conference addressed by UHRC and partners to raise awareness about the day and theme; advocacy in the print and electronic media; a public dialogue for 142 youth from six universities around Kampala on the use of social media in promoting and protecting human rights in Uganda; a human rights quiz for ten secondary schools around Kampala to assess the level of understanding of human rights issue; television programmes; and a grand finale presided over by the Minister of Justice and Constitutional Affairs Hon. Kahinda Otafiire where a film available by the Embassy of the Kingdom of Netherlands on the work of Human Rights Defenders in Peru was screened. The UHRC Gulu Regional Office celebrated the day in a special way with a series of human rights awareness activities which were attended by the Minister of State for Northern Uganda Hon.Rebecca Amongi Otengo.

3.7. Human Rights Education through Partnerships and Alliances

The UHRC continued to execute its mandate together with other stakeholders through partnerships and alliances with various stakeholders. In 2011, UHRC was engaged in 13 sensitisation activities organised by other stakeholders to promote human rights in the country. UHRC participated human rights awareness activities for Civil Society Organisations, security agencies like UPF, UPS, UPDF, local council leaders, district leaders and communities in various UHRC Regions. The UHRC made presentations on selected human rights topics. The collaboration strengthened the partnership between UHRC and other stakeholders engaged in human rights work. The Organisations and institutions UHRC collaborated with included; National Community of Women Living with HIV/AIDs (NACWOLA), Human Rights Center- Uganda, JLOS, Teso Women Peace Activists (TEWPA), UPF, Peace Justice Centre, OHCHR, Fort Portal School of Clinical Officers, Soroti S.S.S, and Jeressa High school- Soroti. (Refer to Annex 11).

3.8. CHALLENGES IN THE PROVISION OF HUMAN RIGHTS EDUCATION

- The UHRC is mandated by the 1995 Constitution to carry out continuous civic education for the people of Uganda, however this has remained a challenge due to inadequate funding;
- The wide geographical coverage of the UHRC's Regional Offices continued to hinder the UHRC from adequately reaching out to people at the grassroots;
- A large number of the population does not access because they do not understand the provisions of the 1995 Constitution because it has remained mainly in the official language (English) hence making it impossible for the people to appreciate ;

- The high level of illiteracy within the population hinder people's understanding and appreciation of human rights and fundamental freedoms; and
- In 2009 and 2010, the UHRC established DHRD/C in over 70 districts in the country and trained the members on the role they are required to play in the promotion and protection of human rights in their respective districts. However, most of the DHRD/C were not functional due to lack of budgetary support from the Ministry of Local Government.

3.9. CONCLUSION

In order to build a culture of observance for human rights in the different institutions, organisations and communities, HRE and outreach activities were aimed at publicising the legal and institutional framework on specific rights and strengthening accountability in institutions by equipping state agents, local leaders and grass root communities with skills to respect human rights freedoms. Though the UHRC achieved most of these objectives, inadequate funding hindered the effectiveness of these interventions.

3.10. RECOMMENDATIONS

1. As recommended in the previous annual reports:
 - Government should designate a programme for continuous civic education to support the UHRC to fulfil its constitutional mandate in the area of HRE;
 - The law Reform Commission should translate the 1995 Constitution into more local languages and disseminate the copies to the general public to enable them understand and appreciate the Constitution as the supreme law of the land;
 - The Ministry of Local Government should pass a policy to fund the DHRD/Cs in order for them to become functional ;
 - All the District Local Government authority should establish DHRD/Cs and incorporate principles of Human Rights Based Approach (HRBA) in their planning programmes; and
 - Government should adequately fund the UHRC in order for it to carry out effective continuous human rights education and assess the impact of its HRE and outreach activities.

CHAPTER 4

FINANCE AND ADMINISTRATION

4.0. INTRODUCTION

Finance and Administration functions are supportive in nature and are aimed at enhancing the capacity of the UHRC to effectively and efficiently deliver on its human rights mandate. The supportive functions include coordinating the planning and budgeting processes; disbursement of funds; internal and external reporting; human resource management; maintenance of computer and Information and Communication Technology (ICT) systems; management of the procurement processes; and safeguarding the assets of the UHRC. The chapter highlights: the major aspects of support services rendered during the year 2011; appointments to regional organisations; international, regional and national engagements; and funding for the UHRC. Unlike the rest of the report which is covering the calendar year 2011, the financial information in this chapter is presented according to the financial year which is to maintain consistency with the amounts appropriated and the Medium Term Expenditure Framework (MTEF).

4.1. HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

In an effort to enhance the capacity of the UHRC to promote and protect human rights, the UHRC started a process of empowering its staff through implementation of a new performance management system, development of an integrated capacity building plan and improved allowances.

4.1.1 New Performance Management System:

Previously the UHRC used a confidential appraisal system that restricted participation of the staff being appraised. At its meeting of 19 December, 2011 and in accordance with the Results Oriented Management approach in the Public Sector, the UHRC approved a new Performance Management system to be used in the subsequent appraisals of staff. The system has three components: Performance Agreements, Performance Feedback reports and an Open Performance appraisal tool. Basing on the new system, performance enhancement and human resource development initiatives will be undertaken. Staff will also be evaluated periodically for appointments, renewals or otherwise.

4.1.2. Development of an integrated Capacity Building Plan(CBP)

UHRC embarked on a capacity building needs assessment programme which will culminate into a five-year capacity building plan 2012/13 to 2016/17. An assessment tool was developed and used in assessing staff capacity needs of Mbarara, Masaka and Fort Portal regional offices during the months of November and December, 2011. The rest of the regions and Headquarters would be covered in 2012.

4.1.3. Improved allowances

The UHRC developed and approved an enhanced salary structure and allowances. Due to limited budget allocation for FY 2011/12, the UHRC was only able to implement the enhancement of housing allowance to 35% of gross salary but could not implement the 15% welfare allowance.

4.1.4. Recruitments

The UHRC recruited and inducted six staff members for the UN Peace Building Project implemented in Acholi Sub Region under the UHRC Gulu Regional Office. The Peace Building Project funded by UNDP was designed to supplement the ongoing efforts by the UHRC to promote and protect human rights in Acholi sub region. The UHRC is working with other implementing partners namely: Norwegian Refugee Council, Human Rights Network and Uganda Law Society. Eight staff for Masaka Regional office were also recruited and inducted. Other key recruitments included the Procurement Officer and Assistant Procurement Officer. Refer to the Annex 11 on the staff list.

4.1.5. Staff Attachment

In 2011, the UHRC had one staff member attached to the International Organization for Migration (IOM) which provided an opportunity for the UHRC to monitor economic, social and cultural rights in Acholi sub Region.

4.1.6. Transformation of CMCCs

With effect from 1st July, 2011, the UHRC phased out 5 CMCCs and retained 8 which were transformed into UHRC field offices. Under Moroto Regional Office, and UHRC designated two field offices Nakapiripirit field office which covers Nakapiripirit, Napak and Amudat districts; Kotido field office covering Kotido, Kaabong and Abim districts. The field office under Soroti Regional Office were Kaberamaido field office covering is the Kaberamaido and Amolator districts. Under Gulu Regional Office, five field offices were designated namely: Pader covering Pader and Agago districts; Kitgum covering Kitgum and Lamwo districts; Amuru covering Amuru and Nwoya districts, Gulu covering Gulu district; and Lira covering Alebtong, Otuke, Dokolo, Apac, Oyam and Kole districts.

4.1.7. Staffing in 2011

The UHRC constitutes the Chairperson, six members of the Commission and the Secretary to the UHRC. However, during the reporting period there were only four members of the UHRC as two others had resigned early in the financial year to take on other assignments. The UHRC also had a total of 208 staff in four different categories: 153 staff on a 5-year contract basis, 6 on UN Peace Building Fund Project and 49 Volunteers. Out of the 208 staff the UHRC, 120 were females and 88 males. Refer to Annex 15.

4.1.8. Innovation in ICT

The UHRC contracted M/S Sys Plus to design and develop a web- based complaints management system. The system is intended to automate complaints handling and records management in the UHRC in order to improve on data management would be commissioned and hosted in the year 2012. it is expected to enhance efficiency and effectiveness of service delivery.

4.2. APPOINTMENTS TO REGIONAL ORGANISATIONS

The Chairperson Mr. Med S.K. Kaggwa was in June 2011 elected to serve in two international capacities. He was elected to be a Commissioner of the African Commission on Human and People's Rights during an African Union Summit held in Malabo, Equatorial Guinea. Together with other Commissioners from Algeria, South Africa, Benin and Burundi he will be serving a six-year term of office on the commission based in Banjul, The Gambia. The Chairperson was also elected as an expert to the Organisation of Islamic Cooperation (OIC) Independent Permanent Human Rights Commission (IPHRC) at the 38th Session of the Council of Foreign Ministers meeting held in Astana, Republic of Kazakhstan.

4.3. INTERNATIONAL, REGIONAL AND NATIONAL ENGAGEMENTS

The Chairperson, Commissioners and some staff members participated in international and regional activities to promote human rights. These activities aimed at sharing experiences and best practices with other National Human Rights Institutions, and strengthening accountability at the international, regional, sub-regional and national levels. Refer to Annex 12.

4.4. FUNDING FOR THE UHRC IN THE FY 2011/2012

The UHRC received funds from two sources: the Government of Uganda (GoU) and Development Partners. In the FY 2010/11 GoU increased funding for the UHRC by UGX. 1,852,000,000 for core activities such as HRE, complaints handling, civic education, monitoring and inspections and mediations. in addition, these funds supported office operations for the 9 regional offices and the head office. After partners withdrew support for operational activities. For the FY 2011/2012, GoU funding decreased by UGX 53,440,000 which further widened the funding gap.

On the whole, funding of the UHRC by GoU has improved in the last three years and this was supplemented by budget interventions by Development partners. GoU contribution currently stands at 65% of the total budget while development partners funded 35%.

(i) Funding gaps of funds received from GoU

In the FY 2010/11 the UHRC prepared and submitted a total budget of UGX. 10,069,897,395 to meet both its recurrent and development expenditure. However, only UGX. 7,273,878,000 was appropriated which left a funding gap of UGX. 2,796,019,395. In the FY 2011/12, the UHRC submitted a total budget of UGX 12,500,711,000 and instead UGX 7,220,438,000 was appropriated resulting into a funding gap of UGX 5,280,273,000, which was much bigger than that of the FY 2010/11. In the FY 2011/12, the UHRC increased its budget request in order to address emerging concerns such as providing national and continuous civic education, new issues of human rights and business, the changed focus to economic, social, and cultural rights, in addition to supporting operational activities of field offices and capacity buildings. Table 4.1 shows funds received from GoU and funding gap for the FYs 2009/10 to 2011/12

Table 4.1: Funds received from GOU and funding gap for the financial years 2009/2010 - 2011/2012

Description	Financial Year 2009/2010			Financial Year 2010/2011			Financial Year 2011/2012		
Exp. Head	Submission by UHRC in UGX	Approved Estimate (Appropriated)	Funding Gap	Submission by UHRC in UGX	Approved Estimate (Appropriated)	Funding Gap	Submission by UHRC in UGX	Approved Estimate (Appropriated)	Funding Gap
Wage	1,907,815,176	1,877,085,000	30,730,176	2,060,000,000	2,144,599,000	-84,599,000	4,142,129,000	2,144,599,000	1,997,530,000
Non-Wage	3,772,076,384	2,708,713,000	1,063,363,384	5,330,000,000	2,981,713,000	2,348,287,000	5,534,081,000	2,969,189,000	2,564,892,000
Domestic Dev't	358,592,000	195,566,000	163,026,000	2,679,897,395	2,047,566,000	632,331,395	2,724,501,000	2,006,650,000	717,851,000
Taxes	-	-	-	-	100,000,000	-100,000,000	100,000,000	100,000,000	-
Total	6,038,483,560	4,781,364,000	1,257,119,560	10,069,897,395	7,273,878,000	2,796,019,395	12,500,711,000	7,220,438,000	5,280,273,000

(ii) Funding from Development Partners

In the FYs 2010/11 and 2011/12, the UHRC received a total of UGX. 3,307,306,307 and UGX. 4, 127,365,141 respectively from the following Development Partners: Basket fund Donors, DANIDA, OHCHR, UN-Office of the High Commissioner for Refugees, JLOS, United Nations Development Program (UNDP), Association for the Prevention of Torture (APT), UNAIDS and the German Agency For International Cooperation (GIZ).

Activities funded by Development Partners included: investigation of complaints; circuit tribunal hearings; pre-election sensitisation programmes for security agencies and RDCs; capacity development of UHRC to monitor elections; election monitoring, regional stake holders meeting to promote peaceful elections; quick wins case back log reduction programmes; capacity building on business and human rights. other activities were the International Human Rights Day celebrations; consultative meetings on HIV/AIDS, radio talk shows; IEC materials publications and dissemination; human rights education through radio talk shows; and the promotion of the Prohibition and Prevention of Torture Bill; and the IDP transition programmes in Acholi sub region. Table 4.2 shows funds received from Development Partners for FY 2009/10-2011/12

Table 4.2: Funds received from Development Partners for the financial years 2009/2010 -2011-2012

No.	Development Partners	Actual received for 2009/10	Actual received for 2010/11	Approved Estimate
				for 2011/12
1	Basket Fund Donors	2,266,494,191	3,019,000,000	2,300,000,000
2	DANIDA	480,000,000	0	0
3	UNDP-Peace Building Fund	0	0	921,916,275
4	UNDP-Country Action Plan	280,949,922	0	0
5	Justice, Law and Order Sector	150,000,000	655,442,500	940,000,200
6	UNOHCHR	0	188,109,626	201,220,713
7	UNOHCR	129,862,194	126,213,118	0
8	UNAIDS	0	60,000,000	0
9	APT	0	27,429,000	0
10	GIZ	0	51,170,897	0
	Total	3,307,306,307	4,127,365,141	4,363,137,188

4.5. PEACE BUILDING PROJECT IN ACHOLI SUB REGION

The Peace Building Project was intended to: enhance the capacity of UHRC to monitor the human rights situation in the region, report on and advocate for human rights; conduct human rights sensitisation programmes for key protection actors; and expedite resolution of complaints through the tribunal. Activities implemented under the project were covered in the various chapters on the core activities of the UHRC.

4.6. CHALLENGES

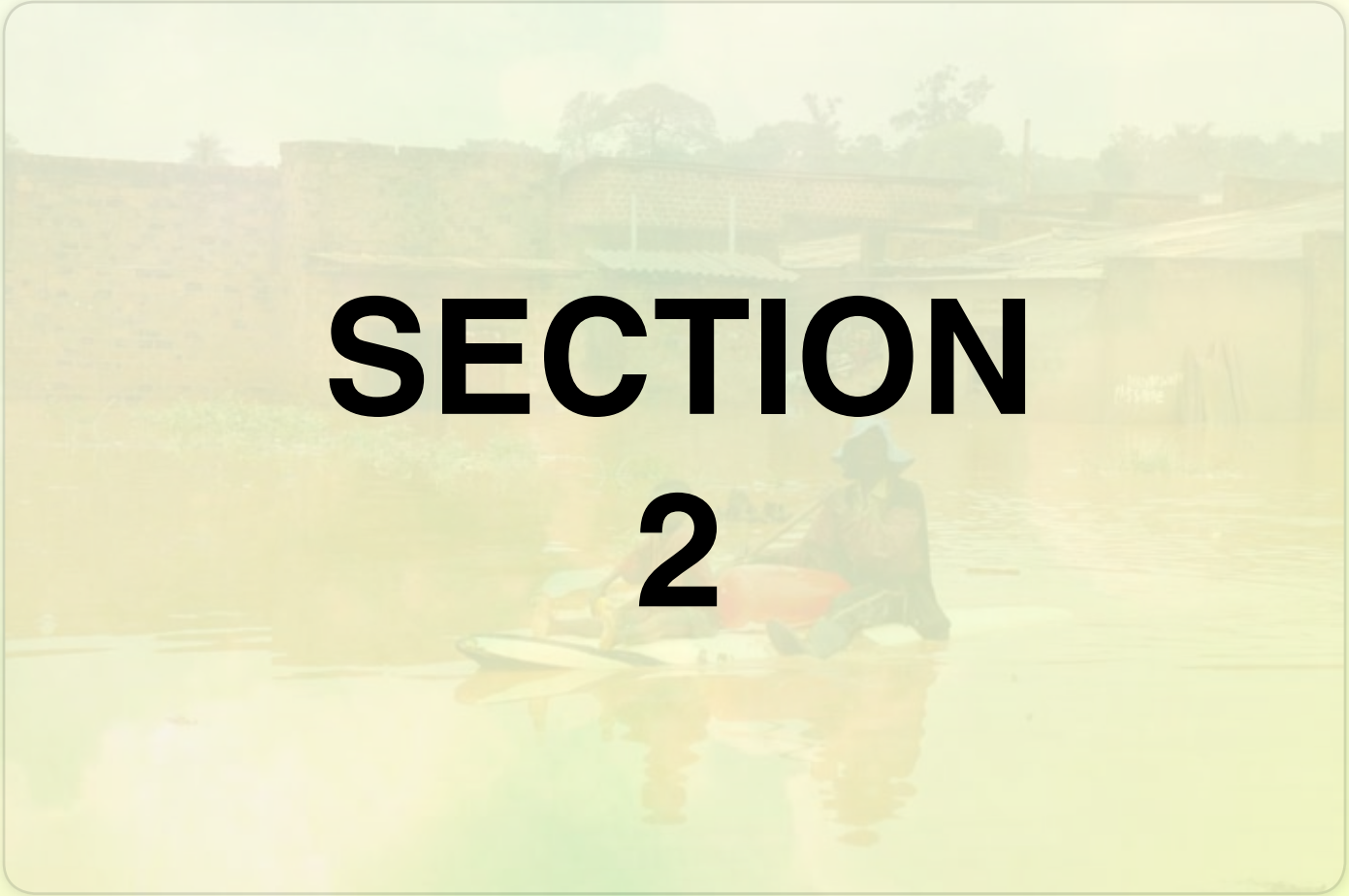
- Due to limited finances, the UHRC was not able to secure alternative office accommodation; open a new regional office in Hoima during the FY 2011/2012, implement the approved 15% staff welfare, and enhance staff salaries; as well as implement the expanded staff structure. Operational costs were affected by the high rise in fuel prices which affected implementation of UHRC activities.
- The UHRC was also faced with increasing rental costs for both regional and field offices. The UHRC's head office block is in a dilapidated state and poses a risk to staff as they wait for it to be disposed of in order to acquire another one.
- The UHRC could not adequately cover the country yet the UHRC is required to be in every district and this is grossly affecting service delivery.

4.7. CONCLUSION

The UHRC was able to carry out its day to day operations with the limited resources that was available. However, the challenge of limited resources continues to affect the efficiency and effectiveness of service delivery.

4.8. RECOMMENDATION

As recommended in the previous annual reports, the Ministry of Finance, Planning and Economic Development should increase funding to the UHRC to enable it effectively fulfil its mandate to promote and protect human rights and implement the approved salary and acquire appropriate office space.

The background image is a faded photograph of a flooded residential area. In the foreground, a person wearing a blue hat and dark clothing is sitting in a small boat, possibly a canoe or a small motorboat, on the water. The water is calm, reflecting the surrounding environment. In the background, there are several buildings, including a prominent brick wall and some houses with corrugated metal roofs. The overall scene suggests a flooded neighborhood, possibly in a developing country. The text "SECTION 2" is overlaid on this image in a large, bold, black font.

SECTION 2

CHAPTER 5

ELECTIONS AND ELECTORAL DEMOCRACY

5.0. INTRODUCTION

On 18 February 2011, Ugandans participated in another general election under a multi-party dispensation in which the President and Members of Parliament were elected. Other elections for Local Council officials were subsequently held. This chapter covers both the activities of the UHRC and its findings during the monitoring of the February 2011 General Elections. It generally covers the pre-election period, Election Day and the post election period. The UHRC also makes appropriate recommendations for future elections.

5.1. THE LEGAL FRAMEWORK

Uganda is subject to various national, regional and international human rights obligations relating to free and fair elections. Below is a discussion of the various standards.

5.1.1. International and Regional Legal Framework

International and regional human rights instruments provide for the right to political participation. Key among these instruments, which are applicable to Uganda, is the UDHR, ICCPR³⁴ and the ACHPR,³⁵ CEDAW, Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Protocol to the African Charter on the Rights of Women in Africa, among others.

These international and regional standards oblige States parties to hold free and fair elections by allowing citizens to participate in public affairs without discrimination of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³⁶ The exercise of the right to vote is closely connected to the exercise of other fundamental human rights – civil and political rights, and economic, social, and cultural rights. Key among the rights that are important are equality and non-discrimination, the right to freedom of expression, freedom of opinion and freedom of assembly, freedom of association, freedom of media and access to justice. Furthermore, special measures have to be made to ensure that the vulnerable groups such as women, persons with disability and ethnic minorities are able to vote. Other rights include the right to life, right to liberty, right to protection against torture or cruel, inhuman and degrading treatment or punishment.

5.1.2. National Legal Framework

The national laws relating to elections include the 1995 Constitution of the Republic of Uganda, the Electoral Commission Act (Cap. 140), the Electoral Commission (Amendment) Act, 2010, the Presidential Elections Act, 2005, the Presidential Elections (Amendment) Act, 2010, the Political Parties and Organisations Act, 2005 and the Political Parties and Organisations (Amendment) Act, 2010, among others.

The 1995 Constitution guarantees the rights of Ugandan citizens to elect a government of their choice through free and fair elections.³⁷ Rights and duties in relation to voting are enunciated in Articles 17, 59 to 76 of the Constitution. Every citizen of Uganda of eighteen years and above has a right to vote.³⁸ The State, in turn, has a duty to take all necessary steps to ensure that all citizens qualified to vote exercise their right to vote.³⁹ This duty includes providing voter education to create civic consciousness and awareness of the electoral process and how they contribute to democratic elections. A special duty also rests on Parliament to make laws to provide for the facilitation of citizens with disabilities to register and vote.⁴⁰

34 Uganda ratified the ICCPR in 1995.

35 Uganda ratified the ACHPR in 1986.

36 Article 25 of the ICCPR.

37 Article 69 (1), 1995 Constitution

38 Article 59(1), 1995 Constitution (as amended).

39 Article 59 (3), 1995 Constitution (as amended).

40 Article 59 (4), 1995 Constitution (as amended).

The Constitution also establishes an Electoral Commission (EC) with an important duty to ensure that free and fair elections are held.⁴¹ The EC, which is appointed by the President with the approval of Parliament for a term of seven years, serves as an independent body in charge of conducting elections in Uganda.⁴² The EC has general administrative, supervisory and regulatory roles with respect to elections including compilation and update of the voter register, conducting voter education, constituency delimitation and dispute resolution.⁴³

Article 67 of the Constitution prescribes what could be described as features of a free and fair election:

- (2) *No candidate in an election shall be denied reasonable access and use of State-owned communication media.*
- (3) *All presidential candidates shall be given equal time and space on the State-owned media to present their programmes to the people.*
- (4) *Parliament shall make laws regulating the use of public resources and institutions during election campaigns.*

Article 67 creates a comprehensive framework for levelling the ground between contesting presidential candidates. A mechanism for dealing with election related complaints is constitutionally guaranteed. Article 61 (1) (g) provides that the EC shall hear and determine election complaints arising before and during polling. The right to appeal a decision of the EC to the High Court is also provided if a person is aggrieved.⁴⁴ This constitutionally guaranteed complaints mechanism contributes to ensuring that safeguards exist for elections to take place in a democratic, and in a fair and free atmosphere.

(i) *Legal norms emerging from the election petitions of 2001 and 2006 Elections*

Retired Colonel Dr. Kizza Besigye, who lost both elections of 2001 and 2006, petitioned the election results in the Supreme Court.⁴⁵ In both cases Dr. Kizza Besigye, as an aggrieved candidate petitioned under the Presidential Elections Act 2000 to challenge the results of the Presidential elections. The Petitioner sought a declaration that Mr. Yoweri Museveni, declared by the EC as the elected President, was not validly elected and that the election be annulled. To prove his grounds, the Petitioner alleged that the two respondents and their agents and/or servants, had committed a number of unlawful election related acts and omissions, which he contended amounted to non-compliance with provisions of the Presidential Elections Act, 2000, and the Electoral Commission Act, 1997. It was also alleged that some of the acts amounted to criminal offences under the electoral laws. The major issue for decision by the Court was whether the several electoral legal mishaps substantially affected the results and justified annulment of the results.

In its judgments, the Court laid down a number of principles embedded in the law defining democratic practice. These can be summarized as follows:

- The election must be free and fair;
- The election must be by universal adult suffrage, which underpins the right to register and vote;
- The elections must be conducted in accordance with the law and procedure laid down by Parliament;
- There must be transparency in the conduct of elections; and
- The results of the election must be based on the majority of the votes cast.

Furthermore, the Courts highlighted that to ensure that elections are free and fair, there should be sufficient time given for all stages of the elections: nominations, campaigns, voting and counting of votes;

41 Article 60 – 61, 1995 Constitution (as amended).

42 Articles 60, 61 and 62 of the 1995 Constitution (as amended)

43 Article 61 of the Constitution and Sections 12-17 of the Electoral Commission Act

44 Article 64 (1), 1995 Constitution (as amended).

45 Col. Retired Besigye v. Yoweri Museveni and the Electoral Commission Election Petition No. 1 of 2001 and Col. Retired Besigye v. Yoweri Museveni and the Electoral Commission Election petition No. 1 of 2007.

candidates should not be deprived of their right to stand for elections, and citizens should vote for candidates of their choice. The Court said that there must be a levelling of the ground so that the incumbents or Government Ministers and officials do not have an unfair advantage. The Court also said that the entire election process should have an atmosphere free of intimidation, bribery, violence, coercion or anything intended to subvert the will of the people. Furthermore, the Court said that the election procedures should guarantee the secrecy of the ballot, the accuracy of counting and the announcement of the results, in a timely manner. The Court mentioned that election laws and guidelines for those participating in elections should be made and published in good time; that fairness and transparency must be adhered to in all stages of electoral process; that those who commit electoral offences or otherwise subvert the electoral process should be subjected to severe sanctions; and that the EC must consider and determine election disputes speedily and fairly.⁴⁶

The Court noted that in the election petitions, there were some malpractices that compromised the above principles. These include: voter bribery, intimidation, multiple voting and ballot stuffing, disenfranchisement of voters and inaccuracy in the counting and tallying of the results. However, the Court in both instances ruled that it was not proved to its satisfaction that these malpractices affected *the results in a substantial manner*.

5.2. UHRC PARTICIPATION AND OVERALL FINDINGS ON THE 2011 ELECTIONS

In line with the mandate to promote and protect human rights,⁴⁷ the UHRC played an important role in the 2011 general elections as it did in the previous elections. UHRC encouraged participation and built voter confidence in the electoral process, provided support for civic education to ensure the integrity of the process by promoting elections that were free of violence, intimidation and fraud. UHRC's monitoring role was to ensure an independent and objective evaluation of the electoral process.

5.2.1. UHRC Participation in the Electoral Process

The UHRC participated at various stages in the electoral process during the pre-election, elections and post elections stages.

(i) Pre-election activities

The UHRC conducted human rights education for the security agencies, hosted national and regional dialogues to promote violent free elections, and monitored the electoral process. The UHRC also participated in similar dialogues organised by other stakeholders such as the Inter-Religious Council of Uganda, Civil Society Organizations and the media, among others.

Human Rights Education for Security Agencies and Resident District Commissioners

In 2010, the UHRC carried out civic engagement programmes on electoral democracy for security agencies and RDCs. These programmes targeted the UPDF, the UPF including Regional Police Commanders (RPCs), the District Police Commanders (DPC), Senior Police Officers, Police officers in the Political and Electoral Offences Unit, the RRU, the ISO and the RDCs. The pro-active intervention was aimed at increasing knowledge of security agencies on human rights and their role in the democratisation process. This was to ensure that the promotion of human rights, peace and tolerance was priority for security agencies as citizens participated in the electoral processes in the country. The other purpose was to refresh and equip participants with the required knowledge in understanding democracy in preparation for the elections.

The UHRC also conducted a two-day Civic engagement workshop for all RDCs in the country. The workshop whose theme was "Towards peaceful, Free & Fair Elections in Uganda" was attended by a total of 101 RDCs. This Workshop was aimed at equipping RDCs as Chairpersons of District Security Committees with knowledge of electoral laws.

⁴⁶ Chief Justice Odoki in *Col. Besigye v. Yoweri Museveni and the Electoral Commission*, Election Petition 2006.

⁴⁷ Articles 48, 49, 51, 52, 53 and 54 of the 1995 Constitution.

This was intended to enable the RDCs understand the democratisation processes and the role they are required to play in this regard. The intervention broadened the understanding of RDCs on human rights, peace and tolerance as essential values in electoral democracy in the multi-party political context of Uganda. As a result of this intervention, the RDCs made a declaration committing to observe human rights and to work towards peaceful, free and fair elections in Uganda.⁴⁸

Meetings to establish early warning mechanisms for effective conflict prevention during the 2011 elections for stakeholders

In 2008, the UHRC invited key stakeholders to discuss strategies for putting in place early warning mechanisms for effective conflict prevention. The first workshop was held in November 2008 and attended by 32 stakeholders from the EC, human rights defenders and other stakeholders including the UN Special Rapporteur on the Situation of Human Rights Defenders. At the Workshop, the UHRC explored alternative approaches for conflict prevention for human rights defenders especially in light of the 2011 Elections. The Workshop participants identified critical issues for follow-up, which included building the capacity of the EC, UPF and civil society to handle the upcoming elections. A follow up Workshop was held in September 2009, where participants called for the establishment of an early warning mechanism for conflict prevention. It was realized then that there was a great need to apply and educate the population on early warning mechanisms in Uganda in order to effectively deal with the prevailing situations of unrest and conflict. These workshops were funded by the UNDP.



Briefing of the Election Observers

48 UHRC n 27 above) 193.



The President of the Republic of Uganda being welcomed to the Early Warning Conference on Prevention of Conflict in the 2011 Elections

In July 2011 the initial early warning workshops were followed by a National Conference for *Prevention of conflict during 2011 Elections and Beyond*.⁴⁹ This Conference was organised by the UHRC together with the OHCHR and DANIDA's Deepening Democracy Programme. It was attended by 200 participants who included the H.E, the President of the Republic of Uganda, EC, Judiciary, RDCs, security agencies, MPs, political parties, Local governments, government ministries and departments, media, CSOs, traditional and religious leaders, the private sector, academia and development partners. The conference was aimed at facilitating a national dialogue to promote peaceful free and fair elections and respect for human rights during the election processes. Various issues and risk factors emerged at the workshop, including issues such as concerns on the credibility of the electoral process, existing ethnic tensions, partisan use of state resources, discontent with service delivery and corruption, the response and the conduct of security agencies, among others.

Key recommendations that were made included the following:

1. Regular, active, transparent and honest dialogue and fora between all stakeholders including inter-party, intra-party, between the public and civil society as well as between political parties and security agencies.
2. Continuous and national civic education that empowers to the citizens and for all stakeholders for instance security agencies, citizens, political players, state and non-state actors, to understand their role and responsibilities in ensuring a peaceful, free and fair elections.
3. Transparency and respect for human rights and the rule of law in the electoral process.
4. Resolution of underlying tensions that could be triggered off by electioneering, with a view to finding lasting solutions.

After the National Conference 8 regional workshops were held in Arua, Fort Portal, Moroto, Soroti, Gulu, Mbarara, Jinja and in the central region from January to February 2011.

⁴⁹ Uganda Human Rights Commission Report on the National Conference on Prevention of Conflict in Elections, July 2010.

These workshops, which were funded by the GIZ, were aimed at promoting respect for human rights in the electoral process and peaceful, free and fair elections, discussed the role of the EC, UPF, UPDF, media and civil society in the 2011 elections. These workshops were a continuation of the dialogue at the national conference.

At most of the workshops, mistrust was expressed especially by the opposition political parties for the EC and other State organs. Representatives of the EC, UPF, the UPDF committed themselves and pledged to respect human rights and the rule of law and to having a peaceful free and fair electoral process.

Training of members and staff of UHRC

In preparation for the observation of the elections, members and 110 staff of the UHRC were accredited by the EC as election observers. They underwent training in January 2011 to equip them with election observation skills. The training conducted by officials from the OHCHR, the EC and the UHRC covered such topics as: electoral laws, institutional mandates, procedure and codes of conduct, and human rights and fundamental freedoms associated with elections. This is in addition to basic principles of human rights monitoring and reporting on elections. The training proved valuable as it provided comprehensive information on specific indicators of genuinely free and fair elections that UHRC election observers would look out for.



UHRC Staff at Election Monitoring Training Workshop

On 15 February 2011, UHRC members and staff attended an EC briefing for all election observers. At the briefing, EC officials noted factors that had contributed to the enhanced operation of the 2011 elections in comparison to past elections. The EC Chairperson stated that the improved election management experience had been due to factors that included adherence to the EC's General Election Roadmap adopted in 2008 and the efforts of the UPF to strengthen security. At the briefing, the EC Secretary pointed out that technological innovation had enhanced the operation of elections. The innovations according to the EC Secretary increased participation and transparency in the electoral process, as well as dialogue with political parties and other stakeholders to devise solutions to matters of concern. An overview of security was also provided by the IGP who highlighted the preparations undertaken by the UPF to ensure that elections would be held in a peaceful atmosphere. He assured the observers that the Police was fully equipped to handle elections. All accredited observers including the UHRC Election Observers were given kits containing vital information such as a layout of polling stations, contacts of security officers and EC officials in all the districts. Notably, the kits had much more information and materials compared to the kits that were distributed in the last elections and included the applicable laws, schedule of elections, lay out of the Polling stations, contact details of key security and electoral personell and so on.

(ii) Election Day

The UHRC sent out 106 Election observers to 950 polling stations in 67 districts across the country.⁵⁰ The observers among other things monitored the location and distribution of polling stations; the timely and secure delivery of the necessary quantities of polling materials, the voting process to determine whether it complied with the applicable laws and the international human rights standards. The general environment under which the voting was done was also assessed.

(iii) Post Elections

On 19 February 2011, a day after the elections, the UHRC issued a Preliminary Press Statement of its findings regarding the 2011 electoral process. The UHRC continued to monitor the post-election process and looked out for whether there were aggrieved parties, if they could access redress and remedies, and how the matters would be handled by the judiciary and other administrative organs.

5.3. POSITIVE DEVELOPMENTS IN THE 2011 ELECTIONS

UHRC noted that there was an improvement in the elections as compared to the previous elections. The February 2011 general elections were largely peaceful and smoothly conducted in a secure environment. UHRC observed that the EC seemed better equipped than in the past. To guide the administration of elections, the EC had drawn a three year 'roadmap' that began in 2008 and ended on 18th March 2011. The roadmap provided timelines for different activities that ranged from enactment/ amendment of enabling laws to gazetting and publishing of results.⁵¹ The EC conducted various activities in line with its roadmap, which included updating the National Voters Register (NVR), reorganisation of polling stations and printing, packing and dispatching polling materials to districts, among others. The task before the EC was daunting given the multiple elections it had to conduct. The roadmap helped the EC to execute the tasks.

Improvements were noted in terms of staffing and logistics. For example, the appointment of permanent Returning Officers/District Registrars and the provision of basic necessities such as aprons, polling materials and lamps. The EC used innovative technology that enhanced the access of information for voters and stakeholders. The SMS service allowed registered voters to be informed of which polling station they would be voting. Although this facility was available to only those who use mobile phones, it was commendable. Another new technology used was an 'Election Results Transmission System' that enabled stakeholders at the National Tally Centre to check results online in an efficient manner. The EC officials were generally responsive to the voters needs and increased their publicity, transparency and sharing of information with stakeholders.

There was an increase in the number of voters. The total voter population for the 2011 General Elections was 13, 954, 129 spread across 23, 968 polling stations nationwide.⁵² This was a 33% increase compared to the elections in 2006 where the total voter population was 10,450,788 spread across 19,788 polling stations. On polling day, most of the voters were enthusiastic and calm and agents of Political Parties cooperated well with the election Officials. UHRC observed that EC officials were fully deployed in most polling stations and were largely implementing the law and informing and educating the public. UHRC found that some political parties like NRM and FDC were well represented countrywide.

5.4. CHALLENGES IN THE 2011 ELECTIONS

In spite of the positive developments, there were some challenges such as the negative perception of the EC, election administration challenges, disenfranchised voters, implementation and enforcement of electoral laws, voter bribery and use of state resources, unequal access to media, insufficient voter and civic education, inadequate provisions for vulnerable persons, the role of the security forces, electoral violence and dissatisfaction of political parties with the results, among others.

⁵⁰ UHRC Report on the 2011 Uganda Elections (2011).

⁵¹ The Revised Electoral Commission Roadmap for the 2010-2011 General Elections available at <http://www.ec.or.ug/docs/Roadmap2010-2011.pdf> as accessed on 27.02.2011.

⁵² EC Registration Statistics as at 27 January 2011, [http://www//.ec.or.ug/docs/registration % 20 statistics 2011.pdf](http://www//.ec.or.ug/docs/registration%20statistics%202011.pdf) accessed 1st October 2011.

5.4.1. Negative perception of the Electoral Commission

The EC suffered from a negative perception especially from the opposition political parties who expressed mistrust and a lack of confidence in the Institution. According to the opposition political parties, the EC, appointed by the President, was largely composed of the same members who had overseen the elections in 2006 which had some malpractices which had been highlighted by the Supreme Court. This mistrust presented challenges to the EC in the implementation of its mandate since most of its activities were viewed with suspicion.

5.4.2. Election administration

There were challenges in voter registration and the online national voters register. From 3 May to 18 June 2010, the EC carried out voter registration where the National Voters Register (NVR) was updated and amended. During this process, members of the public and other stakeholders were encouraged to register if they had not already done so and also submit objections or complaints in relation to names on voters' rolls. However, the voter registration exercise was affected by the inadequate information and awareness of the public of the process.

The updated NVR had photographs for most of the voters. However, the reliance on only the NVR became a concern when the EC decided not to issue voter cards to the newly registered voters. On election day, it was observed that many voters were unable to find their names at the Polling Stations where they were supposed to vote. There was discrepancy between the Online NRV/SMS information and the hard copy at the polling stations, which led to the disenfranchisement of many voters. This was observed all over the country. The EC attributed this to the reorganisation of polling stations.

5.4.3. Implementation of Electoral laws

The UHRC noted some challenges in the implementation of the Electoral laws. The UHRC observed and received some complaints during the pre-election period alleging the meddling by RDCs in the electoral process through disrupting candidates rallies, clashes between the EC and political parties, the excessive use of force by security agents especially on opposition, attacks on election candidates and tearing of posters. The UHRC also observed with concern that there was increased use of money and the giving of gifts by most of the parties and candidates, though the resources varied. Even more disturbing was the fact that the voters not only expected it but demanded for it. The UHRC observed that the illegal practice was developing into a culture which monetizes elections or the 'buying of votes'. Those politicians who could not give money or gifts were disadvantaged.

The UHRC addressed most of these complaints by addressing the concerns to the relevant authorities. The UHRC carried out HRE for the RDCs who pledged not to interfere with the Electoral Process.⁵³ The UHRC carried out stakeholder's dialogues with the various stakeholders such as the EC, political parties, security agencies and the general public where these issues were discussed and commitments were made to address them. However, it was noted that those who broke the law were not brought to book in most instances.

5.4.4. Role of the Media in elections

The media played a vital role in keeping the electorate and the populace in general informed of important issues related to elections. The media regularly reported on incidents of alleged violations of human rights such as incidents of attacks on candidates, and the allegations of the use of 'hate' language by candidates during campaigns. The Media also complemented voter education efforts of the EC and other stakeholders as it provided information on substantive issues, such as aspirations of the candidates on developmental issues and the views of the public on whether the elections were progressing in a democratic, free and fair manner.

⁵³ UHRC (n 48 above).

However, the media were also found to be perpetrators of human rights violations particularly for failure to comply with the requirement for equitable treatment in access to media by all parties and candidates in accordance with the Constitution.⁵⁴ Opposition candidates complained that they were unable to access media including state media such as the Uganda Broadcasting Corporation (UBC) which has countrywide coverage of TV and radio. The UBC largely gave the NRM Presidential candidate more coverage than the other political party candidates. Moreover, some opposition candidates faced challenges of accessing the private radio stations even after their campaign teams had paid for the airtime. In many cases the private stations indicated that they had orders not to allow the opposition politicians to use the media.

The UHRC invited media to various stakeholders' dialogues with other stakeholders such as the EC, political parties, security agencies and the general public where these issues were discussed and commitments made to address them. Unfortunately, guidance for the media in terms of their conduct during elections came in rather late. The 'Code of Conduct of the Media' was distributed eight days before the elections which was too late to resolve such issues.

Nevertheless, the UHRC observed that the Code of Conduct was a welcome development because it was meant to encourage the media to regulate themselves in accordance with international best practice in the coverage of elections.



A girl holding a New Vision Paper with coverage on presidential candidates during the Electoral Process

5.4.5 Insufficient voter and civic education

Voter education is an important part of the electoral process because it enables citizens to have vital information regarding their participation in the electoral process. Under the 1995 Constitution, the EC and the UHRC⁵⁵ have the duty to conduct voter and civic education. However, both the voter and civic education was insufficient. Voter education was carried out by the EC and non-governmental organisations accredited by the EC. Different platforms to disseminate voter education information were used, including radio, print and television.

The EC disseminated information for publicity of key electoral activities, education of voters on the electoral process and on their civic duty to vote.

⁵⁴ Article 67 of the 1995 Constitution.

⁵⁵ Article 61(g) and Article 52(g) of the 1995 Constitution.



An invalid ballot paper for Presidential Candidates is being displayed

The UHRC observed that although the EC carried out voter education through the media including spot messages on radio and television, booklets, leaflets and drama, the education was insufficient because of its limited reach. Moreover, UHRC also observed that the voter education to some groups such as PWDs and the youth among others was insufficient. The inadequacy of the voter and civic education was clearly demonstrated in the number of invalid votes which were 4.04% of the total cast votes. It is important to note that the percentage of invalid votes were higher in the upcountry polling stations. For example, in Moroto, the number of invalid votes in one polling station Lodooi was nearly 87 percent of the presidential ballot votes. The UHRC also noted that the criteria used by the Polling Officials to determine an invalid vote was not uniform which buttresses the need for training of the Polling Officials.

5.4.6. Special protection for vulnerable persons

It is essential for efforts to be made to ensure the equal participation of women, national minorities, persons with disabilities, persons deprived of their liberty and other vulnerable persons in the election process. The participation of women in the 2011 elections was good but could have been better. There was only one female Presidential Candidate Ms. Betty Olive Kamya Turomwe. The participation of women in the parliamentary elections was greatly enhanced by the constitutional provisions for a woman representative in Parliament per district. As such there are 112 District Women representatives which contributed to the number of women in parliament. However, women representing constituencies were very few.

PWDs participated in the electoral process as prescribed by the law.⁵⁶ Members of parliament representing persons with disabilities were elected through an electoral college constituted by members of the National Union of Disabled Persons in Uganda (NUDIPU), which is in charge of holding these elections. The delegation of the authority of the EC to NUDIPU to administer elections excluded some PWDs especially those who are not members of NUDIPU, from exercising their right to vote and elect their representatives in a democratic system. Moreover, the EC did not provide adequate resources and assistance to NUDIPU which affected the elections. The elections for PWDs were also affected by insufficient voter education which was worsened by the lack of sign language interpreters, braille, audio and pictorial information materials.

Although the EC issued guidelines on assistance for elderly persons, PWDs, the sick, pregnant women and other vulnerable groups, waited for too long in the queues before they were given assistance on polling day.

Persons deprived of their liberty as was the case in the past were denied their right to vote in the 2011 elections. No efforts were made to facilitate their registration and participation in voting. There were no special voting facilities for other groups of persons who could not travel to the polling stations such as patients in hospitals, persons admitted in sanatoria and those in homes for the aged, among others.

⁵⁶ Section 8 of the Parliamentary Elections Act and Regulations 10 and 11 of the Parliamentary Elections (Special Interests Groups) Regulations, 2001.

5.4.7. Electoral Violence

There were some fears during the pre-election period of violence because of the allegations that some political parties and independent candidates were forming vigilante groups whose work would be to protect their votes. Stakeholders expressed concern that these groups could become violent during elections.

However, the EC and the Inspector General of Police warned them against interference with the electoral process. The pre-election recruitment of crime preventers by the Police was also viewed with suspicion by the public. The crime preventers were recruited for assisting the Police with maintenance of law and order during the elections but it was alleged that the process was not transparent and that they were mainly NRM supporters. There were allegations that the vigilante groups disrupted rallies and meetings and that the crime preventers operated in a partisan manner which contributed to electoral violence.

The UHRC, for example, observed electoral violence in Ibanda and Budadiri West. On the eve of elections in Ibanda there was violence involving Honourable Guma and in Budadiri West, there was a clash between the UPDF and Honourable Nandala Mafabi's supporters. The UHRC also witnessed an incident in Mbale Municipality, in particular Maluku Hall and Crisco Busamaga Polling Station, where an armed group put the Presiding Officer at gunpoint and stuffed the ballot boxes. The incident was reported to Police which took away the ballot boxes.

5.4.8. Dissatisfaction of political parties with the results

In the post-election period, complaints were made by opposition political parties regarding the results. In a meeting at the UHRC Headquarters after the elections, representatives of the opposition political parties said the results were marred by insufficient voter and civic education, rigging, bribery, intimidation of voters which in their view rendered the entire electoral process illegitimate. The UHRC was also concerned that the opposition political parties expressed mistrust of the judiciary. This was based on their perception of the previous decisions of the judiciary regarding the electoral process.

5.5. CONCLUSION

In conclusion, the UHRC noted that there was an improvement in the general elections as compared to the previous elections. The February 2011 General Elections were largely peaceful and smoothly conducted in a secure environment. UHRC observed that the EC Officials seemed better equipped than in the past. However, the process faced daunting challenges such as the poor perception of the EC, election administration challenges such as disenfranchised voters, implementation and enforcement of electoral laws e.g. voter bribery and use of state resources, unequal access to media, insufficient voter and civic education, inadequate provisions for vulnerable persons, electoral violence and the dissatisfaction of political parties with the results, among others.

5.6. RECOMMENDATIONS

In light of the challenges observed during the elections, the UHRC makes the following recommendations.

1. Government should:

- Consider reviewing the process of appointing members of the Electoral Commission so that there is greater consensus and acceptance of the members by opposition, civil society and the public.
- Hold dialogues between stakeholders to provide a forum for aggrieved parties to air out their views.
- Consider the ratification and domestication of the African Charter on Democracy, Elections and Governance; and
- Adequately facilitate UHRC and the Electoral Commission to carry out Voter and Civic Education before elections;

2. The Electoral Commission should improve its electoral administration by, among other things, reviewing and updating the National Voter Register before the next elections, providing adequate polling materials for each polling station and ensuring adherence to the electoral legal framework.
3. The Electoral Commission should increase the capacity through training and facilitation for officials involved in the Electoral Process;
4. The laws relating to elections should be fully implemented for instance use of state and government resources during an election period, campaign posters and materials at polling stations, voter bribery among other election offences should be prosecuted;
5. All the laws relating to elections should be reviewed before the next election to ensure compliance with national, regional and international human rights standards and to enhance fairness and accountability during elections in Uganda.
6. Media houses should make efforts to improve freedom of speech and equal access to the media by all Political Parties and candidates;
7. The Electoral Commission should make the electoral process more responsive to the needs of the vulnerable groups such as the aged, elderly, persons with disability, pregnant women, prisoners and such other vulnerable groups;
8. The Electoral Commission should ensure that together with the UPF there is sufficient security to avoid unlawful interruption of the electoral process; and
9. Citizens and parties aggrieved by election results are encouraged to use legally established avenues for challenging the validity the elections and are urged to refrain from using violence to express dissatisfaction with election results.

CHAPTER 6

FREEDOM OF ASSEMBLY AND EXPRESSION

6.0. INTRODUCTION

Freedom of assembly and expression are some of the basic civil and political rights that are nationally and internationally recognized. They are critical for ensuring that governments are accountable, reduce corruption and promote development through improved governance and public participation.⁵⁷ These freedoms are indispensable conditions for the full development of the person and are essential for any society. They constitute the foundation stone for every free and democratic society.⁵⁸ This chapter analyses the state of freedom of assembly and expression in 2011 with a particular focus on 'walk to work' demonstrations and media freedom.

6.1. FREEDOM OF ASSEMBLY

6.1.1. Legal frame work

All persons have the right to enjoy the freedoms of assembly and association that are closely related. However, these rights come with duties, obligations, responsibilities as well as restrictions as illustrated by the legal framework.

6.1.1.1. International human rights instruments

Article 20 (1) of the Universal Declaration on Human Rights (UDHR) provides that everyone has the right to freedom of peaceful assembly. Article 29 (2) of the UDHR states that freedom of assembly is subject to limitations as determined by law. Article 21 of the ICCPR provides that the right of peaceful assembly shall be recognized and no restrictions may be placed on the exercise of this right unless they are legitimate⁵⁹. Article 22 of the ICCPR provides for the right to freedom of association and Article 22 (1) provides that no restrictions may be placed on these freedoms unless they are prescribed by law. Freedom of assembly is closely linked with freedom of association.

6.1.1.2. Regional human rights instruments

Article 10 (1) of the ACHPR Provides for the freedom of association. Article 11 provides for the freedom to assemble freely with others and that this freedom shall only be subject to necessary restrictions.

6.1.1.3. National legal frame work

Article 29 (1) (d) of the Constitution⁶⁰ provides for the freedom to assemble and demonstrate together with others peacefully and unarmed. Article 29 (1) (e) of the Constitution provides for the freedom to form and join associations. The freedoms of assembly and association are subject to restrictions that are provided for under Article 43 (1) of the Constitution. These restrictions should not go beyond what is acceptable and democratically justifiable in a free and democratic society, or what is provided in the Constitution⁶¹.

Article 20 (2) of the Constitution provides that all government agencies and organs shall respect and promote fundamental human rights and freedoms. Article 212 of the Constitution provides for the functions of the police among which include to protect the lives and property of the people. The Police Act and the Penal Code Act, among others also provide some guidance on assemblies. Notably, the law governing assemblies and demonstrations is not comprehensive.

⁵⁷ Freedom of Opinion and Expression(art 19)GC (34) UN DOC CCPR/C/GC/34, December 1979, Articles 2 and 3.

⁵⁸ As above.

⁵⁹ Article 29 UDHR

⁶⁰ The 1995 Constitution

⁶¹ *Muwanga Kivumbi Vs Attorney General* (Constitutional Petition No. 9 of 2005) [2008] UGCC 4 (27 May 2008). The Court declared section 32 of the Police act (Cap 303) unconstitutional and echoed the importance of freedom of assembly as well as the restrictions attached to it. The Court also observed that in a democratic society , the police are supposed to keep law and order as well as to direct rallies and not to disperse them.

6.1.2. Analysis of the enjoyment of the freedom of assembly

An assembly is a peaceful gathering of two or more unarmed people in a private or a public place, inside or outside with the common intention to express an opinion, idea or information to others.⁶² This freedom should be enjoyed without compromising public order and the rights of others. The element of the freedom of assembly is that people should be able to gather peacefully for public expression of religion, political or any other grievances⁶³. Freedom of assembly is closely connected to freedom of political expression. Citizens should be able to peacefully consult one another about public affairs and petition redress of grievances from government. This is also important in the promotion of economic, social and cultural interests.⁶⁴

States have a duty to protect lawful demonstrations: - therefore, the law protects peaceful assemblies, those that are non-violent. In the event that these demonstrations turn violent, they must be legitimately dispersed as provided for under the UN Basic Principles on the use of force and firearms by law enforcement officials⁶⁵ as well as the UN Code of conduct for law enforcement officials⁶⁶. At the national level Section 36 of the Police Act and Section 69 of the Penal Code Act also provide that the police should use reasonable force while dispersing demonstrations. The basic principles require that rubber bullets and live ammunition shall not be used against persons except in self-defense or defense of others against the imminent threat of death or serious injury. Use of force is only permitted when less extreme means are insufficient to achieve the desired objective of managing the demonstration. If one's freedom of assembly is restricted, this restriction must have a proper basis in law, it must be necessary and proportionate in order to protect national security, prevent public disorder or crime, protect health morals and rights and freedoms of others.

UHRC Guidelines on Public Demonstrations and Assemblies

In order to provide guidance on demonstrations and assemblies, the UHRC through a consultative process that involved representatives from the Police Civil Society Organisations, Political Parties and Parliament in 2007 developed guidelines to promote the enjoyment of the freedom to assemble and demonstrate together with others peacefully and unarmed. These guidelines were based on the principle that police powers to regulate and direct demonstrations must meet the principles of legality, proportionality, necessity, accountability and the exercise of police power to facilitate rather than hindering the demonstrations. These guidelines also outlined the role of the police, the role of the organisers and the role of participants in the enjoyment of the freedom to assemble and associate with others.

'Walk to Work' Demonstrations

During the year 2011 the freedom of assembly was largely restricted as the 'walk to work' demonstrators and other attempted assemblies were routinely suppressed for security purposes by the police with the use of force. The 'walk to work' demonstrations that were aimed at protesting the high price of fuel and other essential commodities were launched by a pressure group called Activists for Change (A4C) on Thursday 7th April 2011 at fairway Hotel in Kampala. These demonstrations were slated to be carried out twice a week and were to spread out to other parts of the country such as Gulu, Wakiso, Ntungamo, Rukungiri, Masaka, Jinja, Mbale, Entebbe, Hoima, Buikwe, Mukono and Mbarara. The demonstrations went on from April through the latter part of the year taking different forms like walking to church and continuous car hooting and honking for five minutes at 5:00pm. The government described the demonstrations as illegal and having a sinister motive of overthrowing a legally elected government. The government blamed the ensuing violence from the protesters as police and other security agencies confronted the demonstrators and forcefully dispersed them with teargas, pink spray and bullets and also arrested some of them. Later on in the year, the Police used preventive detention and arrest to keep some opposition leaders off the streets.

62 M. Nowak CCPR Commentary (N. P Engel, 2005 487)

63 Richard Clayton, The law of Human Rights Vol 1, 1146

64 As above.

65 Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September, 1990. Principles 9-14.

66 Adopted by the United Nations General Assembly in Resolution 34/169 of 17 December 1979, Article 2 -3.

Most of these demonstrations and strikes started peacefully but ended violently. For those that were peaceful for example the demonstration by the ten women organizations, the strike by the lawyers and some of the walk to work demonstrations, the organisers together with the participants worked closely with the police.

Freedom of assembly is a freedom that is enjoyed collectively. This showed the importance of organisers, participants and the Police working together to ensure the enforcement of this right.



Police dispersing demonstrators
Source New Vision



A mother carries her children through the streets of Mityana town as the police fired teargas, 29.04.11
Source: New Vision

Table 6.1 Some demonstrations and strikes that happened in Uganda in 2011

Category of people	Reason for the demonstration or strike
A4C Demonstrations	Walk to work demonstrations that were protesting the high fuel prices and the rise in the cost of living.
Strike of the Traders of Nasser road, Nkuruma, Luwum and Burton street	The constant load shedding that was affecting the traders businesses.
Strike of KACITA Traders	The high taxes and the depreciation of the shilling against the dollar. It also spilled over to Masaka.
Strike of Taxi Drivers	The high operational charges that were being charged by UTODA.
Strike of Makerere staff	The delayed increase of their salaries.
Strike of Teachers	They demanded an increase in their salary. This strike started in July and continued reoccurring in the course of the year.
Strike of KCC Workers	They did not want to re-apply for their jobs in order to be re-appointed to their positions in the new KCCA
Makerere students Demonstration	They were protesting the increase in their tuition fees.
Kyambogo students Demonstration	They were protesting the increase in their tuition fees.
MUBS students Demonstration	They were protesting the increase in their tuition fees
Lawyers Strike	They protested against the way the government was handling the 'walk to work' demonstrations.
Demonstration of Women Organizations such as ACFODE, UWONET and FOWODE	They protested against the high fuel prices and essential commodities as well the way in which the police was handling the walk to work demonstrators.
Strike of the Medical Interns at Mulago Hospital	They protested against the proposal to extend their internship by a year.
Nurses strike	They wanted an increase in their salary.
Strike of the Makerere University lecturers and staff	They were demanding money from an insurance firm
Demonstration of the Gulu residents	They protested against the bad roads
Demonstration of Makerere University guild leaders	They protested against the closure of the institute
Demonstration of Traders in Katwe and Ndeba	They protested against the constant load shedding that was affecting their businesses
Demonstration of Masaka residents	They protested against UMEME's inadequate service delivery
Masaka cyclists	They expressed displeasure at the two motor cycles that were knocked down during the walk to work demonstrations in Masaka

6.1.2.1. Human Rights Concerns during the walk to work demonstrations

During the walk to work the UHRC had various concerns regarding the loss of lives, injuries, unlawful arrests and detention, violations of the rights to health, property, movement and vulnerable persons. The UHRC issued press statements on 15 April and 2 May 2011. The UHRC observed that in exercise of the right to freedom of assembly and demonstration should be peaceful.

i) Right to life

During the walk to work demonstrations some people were killed by military police and the police force. The people that were killed during the walk to work demonstrations included both demonstrators and non demonstrators. Newspaper reports stated that these included a two and a half year old girl that was not demonstrating but was shot in the head.⁶⁷ The UHRC established that indeed a two year old girl named Juliet Abigail Nalwanga was shot in the head by a Special Police Constable known as Paul Mugenyi at her home in Nyendo, Masaka on 21 April 2011. The UHRC found that there were other people who were shot by the police and the military. The UHRC also received some complaints alleging violations of the right to life during the 'walk to work' demonstrations.

ii) Injuries sustained by the people

UHRC investigations established that about 200 people sustained various injuries during the walk to work demonstrations. Some of the injuries were minor but some were serious. It is estimated that about 139 were referred to hospital and that 20 of these had bullet wounds. The demonstrators as well as those who were not taking part in the demonstrations sustained injuries during the walk to work demonstrations that started peacefully but ended up as riots.

iii) Arrests and detention

In the Kampala metropolitan area, UHRC found that about 700 people were arrested and detained during the 'walk to work' demonstrations. In the other parts of the country that is to say Hoima, Mityana, Masaka, Mbale, Mubende, Rukungiri, Luweero, Wakiso, Nsangi, Mbarara and Naluteya 141 people were arrested and detained. They were charged with offences like incitement to cause violence, failure to obey lawful orders, holding an unlawful assembly, rioting after a proclamation, malicious damage of property as well as treason. During the walk to work demonstrations some people were arrested and charged. However, during the court process it was difficult to get independent civilian witnesses and in instances when the police were able to get witnesses, the witnesses were not willing to testify in the court sessions hence frustrating the court process. Some of these cases were later on dismissed.

iv) Violation of the rights to health, education and property

When the the walk to work demonstrations became riotous in May, tear gas was also fired into health centres, schools, peoples' homes and shops. The tear gas affected some people in St John Health Centre Gayaza Wakiso District and schools like St. Bishop Mukwaya P/S Gayaza, Kololo S.S, Kasangati Muslim P/S and Wampewo P/S.⁶⁸ The Uganda Police apologized to the students and informed them that their acts were not intentional.⁶⁹ The teargas affected the patients and disrupted the education of the students.

There were allegations that some people also had their property stolen. There were also allegations that some chicken farms were affected by the tear gas. In general the demonstrations that turned riotous led to disruptions of economic activity and destruction of property including government property. A police truck windscreen was allegedly smashed during the walk to work demonstrations in Masaka by the demonstrators. Two police men and a soldier sustained gun shots during the process of dispersing the demonstrators in Masaka and a government car was torched by the demonstrators in Masaka.

⁶⁷ Newvision 22 April 2011.

⁶⁸ Daily Monitor 16 April 2011 and the New vision 12 April 2011.

⁶⁹ The New Vision April 13 2011.

The protestors also threw stones at the police officers as well as manhandling some of them during the walk to work demonstration that occurred in various parts of the country hence endangering their lives. These demonstrations also affected traders, students, men and women that were not participating in the walk to work demonstrations hence disrupting their daily activities. The traders lost their source of livelihood and income during these demonstrations.

v) Violation of freedom of movement

During the demonstrations freedom of movement was affected as routes were blocked. There were other limitations in movement of the opposition leaders. In order to prevent some opposition leaders from demonstrating a few of them were detained at their homes without charges as a preventive measure under the Criminal Procedure Code Act Section 26 (2) and the Police Act Section 24.

vi) Rights of vulnerable persons

During the demonstrations persons with disability, the elderly, children and patients had problems moving to safety. The Police were arresting and beating up people indiscriminately and some of them suffered during the demonstrations as they found difficulties getting back to their homes.

6.2. FREEDOM OF EXPRESSION

6.2.1 Legal frame work

The right to freedom of expression extends to holding, receiving and imparting all forms of opinion, ideas and information. It is not confined to categories, such as correct opinions, sound ideas or truthful information⁷⁰. This right is subject to legitimate limitations.

6.2.1.1 International legal framework

Article 19 of the UDHR provides for the freedom of opinion and expression, including freedom to seek, receive and impart information and ideas through any media regardless of frontiers. Article 29 (2) of the UDHR states that freedom of expression is subject to limitations as determined by law. Article 19 (2) of the ICCPR also recognises the freedom of the media and Article 19 (3) clearly stipulates that the rights enumerated carry with them special duties and responsibilities.

6.2.1.2 African regional legal framework

Article 9 (1) of the ACHPR provides that every individual shall have the right to receive information and Article 9 (2) provides for the right to express and disseminate opinions within the law. Article 10 (1) of the ACHPR and Article 11 of the ACHPR provide for restrictions that this right is subjected to.

6.2.1.3 National Legal Framework

Article 29 (1) (a), (b) and (c) of the Constitution provide for the enjoyment of the right to freedom of speech, expression, which shall include freedom of the press and other media as well as thought or religion. Article 41 provides for access to information. Article 43 (1) of the Constitution provides for the general limitations on fundamental human rights and freedoms that should not go beyond what is acceptable and democratically justifiable in a free and democratic society, or what is provided in the constitution.⁷¹ Other applicable laws include media laws like the Press and Journalist Act, among others.

6.2.2 Analysis of the enjoyment of the freedom of expression

Freedom of expression entails the freedom of speech, press, assembly or religion.⁷² Freedom of speech is the right to express one's thoughts and opinions without undue restriction. Freedom of press implies the right to print and publish materials without undue interference.

⁷⁰ Charles Onyango Obbo and Anor V Attorney General (Constitutional Appeal No. 2 of 2002) [2004] UGSC 1 91 February 2004)

⁷¹ As above.

⁷² Black's Law Dictionary (2004) 689.

The freedoms are all closely linked, enjoyed as a whole and must be weighed against other public and private interests. The main elements of freedom of expression are speech, opinion and information as well as thought, conscience and religion.⁷³ The right to freedom of expression is particularly important for journalists and other media practitioners who should be free to express their opinions without fear of prosecution. The law also protects one's freedom to receive information from other people. However in the enjoyment of this freedom the media must not violate other people's human rights, morality and safety.

Uganda enjoys a vibrant print and electronic media. It is one of the few African countries that have enacted an Access to information law. Private radio stations have increased in urban and rural areas, penetrating the remotest parts of the country facilitating unprecedented freedom of expression countrywide. There are more than 250 radio stations and over 40 TV stations. Despite all this, the UHRC found that threats to press freedoms through illegal detention and torture of journalists are on the rise.⁷⁴ The proposed amendment of the Press and Journalist Act 2010 also remains a threat to media freedom. The extent of freedom of expression cannot only be measured by the proliferation of radio and TV stations in the country.

6.2.3. Human Rights Concerns

The UHRC noted that journalists faced some challenges as they exercised their right to seek, receive and impart information. They were subjected to inhuman and degrading treatment, arbitrary deprivation of property and unlawful arrests. They were also denied access to news scenes and their equipment was confiscated. Moreover, they also faced challenges in their working conditions, professionalism, interference in their independence and the weak self regulations mechanisms.

i) Violation of the right to protection from torture or cruel and inhuman treatment

In 2011, the UHRC received 14 complaints of alleged torture and ill treatment of journalists by the UPF and investigations were still ongoing at the end of 2011. This was an increase in complaints received from journalists compared to the previous years. The Uganda Human Rights Network for Journalists documented 107 cases of attacks on journalists countrywide compared to 58 in 2010 and 38 in 2009. They also presented complaints of alleged violations of journalists' human rights by law enforcement officers to the UHRC. The also asked the IGP to meet the cost of treatment for injuries sustained during the walk to work demonstrations and for repair or replacement of their equipments that were destroyed. The IGP apologised for the way in which the journalists were handled during the walk to work demonstrations.⁷⁵ The Ugandan Human Rights Network for Journalists also addressed their concerns about their mistreatment to the defense and internal affairs committee of Parliament and the President.

ii) Violation of the Right to Personal Liberty

In 2011 several journalists were arrested on various charges including publishing false news under a law that was nullified by the constitutional court seven years ago in the case of Charles Onyango and Another Vs. Attorney General (Constitutional Appeal No.2 of 2001) [2004] UGSC 1. This case declared that S.50 of the Penal Code which prohibits publishing of false news was inconsistent with article 29 (1)(a) of the Constitution which provides for freedom of speech and expression which shall include freedom of the press and other media. Arrests on charges based on a law that has been declared unconstitutional would violate the right to liberty. It is estimated that about 20 journalists have pending files at various police stations.

⁷³ Article 18 ICCPR, Article 13 and Article 15 (2) ICESCR.

⁷⁴ The Open Society Initiative for Eastern Africa, Amplifying Voices The Uganda Issue at 11.

⁷⁵ The New Vision 16th May 2011.

Table 6.2 Number of complaints received by UHRC

Case No.	Violation	Status
MSK/11/11	Inhuman treatment and liberty	Investigations ongoing
MSK/12/11	Life	Investigations ongoing
MSK/14/11	Inhuman treatment	Investigations ongoing
MSK/15/11	Property	Investigations ongoing
MSK/17/11	Cruel and Inhuman treatment	Investigations ongoing
MSK/18/11	Cruel and inhuman treatment	Investigations ongoing
MSK/19/11	Cruel and inhuman treatment	Investigations ongoing
MSK/20/11	Cruel and inhuman treatment	Investigations ongoing
MSK/25/11	Inhuman Treatment/Access to information	Investigations ongoing
MSK/29/11	Torture, Inhuman Treatment	Investigations ongoing
MSK/30/11	Torture, Inhuman Treatment	Investigations ongoing
MSK/31/11	Torture, Inhuman Treatment	Investigations ongoing
MSK/32/11	Torture, Inhuman Treatment	Investigations ongoing
MSK/33/11	Torture, Inhuman Treatment	Investigations ongoing
UHRC85/2011	Cruel inhuman and degrading treatment	Due for summary of evidence
UHRC90/2011	Torture, cruel, inhuman and degrading treatment	Pending production of medical reports

iii) Right to property

According to the Uganda Human Rights Network for Journalists, in April and May 2011 about 10 cameras belonging to journalists were confiscated while the journalists were covering the walk to work demonstrations. It was alleged that although these cameras were returned to their respective owners the pictures and videos that they had taken were deleted. The UHRC also heard allegations that some of the recorders were not returned.

iv) Threats to freedom of expression and the media

The proposed Press and Journalist (Amendment) Bill 2010 continued to worry media practitioners in 2011. The proposals were aimed at giving the Media Council the authority to license newspapers annually and to close those that were deemed to have violated the provisions of the Act. The proposed amendment was giving the minister of information the power to appoint the chairperson of the media Council; and creating new criminal offences relating to the publication of information prejudicial to national security, public morality and economic interests of the country. The media fraternity was concerned that the said information was not defined and therefore they feared the provisions could be abused. As pointed out by UHRC in its annual report of 2008, the Press and Journalist Act already had some sections that had the potential to violate the freedom of expression and media freedom and the media fraternity had been calling for its review. In view of this, the proposed amendment had the potential of making a bad situation worse.

The government argued that the media were overstepping their limit and abusing their freedoms by acting irresponsibly and therefore they needed to be brought to order. The media fraternity and civil society was in the year engaged in a multitude of campaigns, consultations and lobbying to convince the government to withdraw the proposed amendment and introduce amendments that would instead facilitate freedom of expression as required by the constitutional guarantees as well as international obligations of the state.

v) Working conditions of the media practitioners

The UHRC noted that journalists lacked safety and protection mechanisms especially for the reporters in the field. Apart from the identification jackets, most journalists covering the 'walk to work' demonstrations and other dangerous scenes lacked bullet proof jackets, reflective jackets, health and life insurance and identity cards and yet they were covering news scenes which required such items for their own safety and protection.

This put the journalists lives at risk and deprived them of the right to work under satisfactory safe and healthy conditions. Moreover, journalists were also exposed to teargas, flying stones that were thrown during the protests and bullets as the security agents engaged with the rioters and demonstrators.

vi) Interference in editorial independence

Owners of private media continued to present evident interference in editorial independence of their media houses. This was particularly pronounced during the electoral period when proprietors influenced how their media houses covered the political contests. As was noted earlier, in extreme cases, proprietors prevented staff of their radio/TV stations or newspapers from covering or hosting guests that were deemed to subscribe to political ideology that was different from their own or from those politicians that had their sympathy.⁷⁶

In some cases, this interference was out of fear of hosting especially opposition politicians and the implications it would have for business since the public sector is a significant contributor to advertising revenue for these media houses. Private media owners seem to be more concerned about media outlets as business enterprises rather than custodians of information which is a human right and a public good. As a result, this interference denied some Ugandans the freedom to express themselves and to campaign for political offices on equal footing. Readers and viewers were denied the right to information that was balanced and empowering for them to make informed choices.

vii) Lack of professionalism

The journalism profession has a code of ethics that all journalists are required to abide by. All rights and freedoms come with duties and responsibilities. Freedom of expression and media freedom have serious responsibilities. However, there was growing concern about the irresponsibility of journalists that was still apparent in 2011, which could be attributed to capacity gaps in terms of training, facilitation and lack of awareness about human rights on the one hand, but also corruption, extortion and abuse of the power of the pen on the other hand.

The UHRC noted that there were a number of cases where journalists erred genuinely and media outlets made unsolicited apologies. The evident efforts by the media houses to correct some mistakes should be applauded. However, there were also cases of outright bribery and inducement to either publish favorable stories or "kill" damaging stories even when they were factual or had the potential to avert human rights violations. Individual journalists and media houses as institutions have been culpable. A prominent case was that of November 2010 when four journalists were arrested and some paraded on television for bribery and extortion when they attempted to extort 50 million shillings from the Permanent Secretary of the Ministry of Works. Most of the cases did not come out in public. All these ills violated the journalism code of ethics.

Consequently, people's right to information, right to privacy and freedom of expression were negatively affected. This was one of the strong points the government was advancing in its attempts to tightening the nuts on the media. The media fraternity needs to put its house in order and reign in the errant professionals.

viii) Weak Self Regulation Mechanism

The Banjul Declaration of Principles of freedom of expression in Africa confirmed that self-regulation was the best means of enforcing professionalism in the media as opposed to statutory regulation. This is because governments had failed to put in place regulatory bodies that were independent and adequately protected against political and economic interference.

The media in Uganda established in 2008 a self-regulatory body: The Independent Media Council of Uganda (IMCU) to enforce the professional and ethical conduct of media practitioners. However, by the end of 2011 the IMCU had not had the support it deserved from the media houses, the journalists, the public and the government.

⁷⁶ Chapter 5 on Elections and Electoral Democracy and the UHRC Report on the General Elections 2001, 24.

It is important that government supports the media to strengthen their self-regulation mechanism in accordance with the principles of freedom of expression, so that the level of professionalism in the media in Uganda can be raised and maintained.

6.3. CONCLUSION

The Freedoms of assembly and expression are inherent rights that citizens must be facilitated to enjoy. However, it should be noted that they are not absolute and can be limited in the public interest. It is important that the rights holders exercise their freedoms responsibly mindful of the rights of others. Likewise, the duty bears like the police who enforce the law should note that the primary objective of the law is to facilitate realisation of the freedom and not to deny them. They should enforce the law within that framework.

6.4. RECOMMENDATIONS

1. In the absence of a public order management law, the police, the public, and the organisers of assemblies and demonstrations are urged to use the UHRC guidelines on public demonstrations.
2. The Uganda Police Force should step up trainings for police officers on human rights and how to handle demonstrations including those that turn riotous. The Police should ensure that the officers deployed to manage riots are dressed in protective gear;
3. The Uganda Police Force should prosecute and discipline police officers who use excessive force during demonstrations and those who do not comply with human rights and democratic policing standards;
4. Ministry of Information and National Guidance and the Office of the Prime Minister should support the media practitioners' mechanism of self regulation that is already in place as a way of enforcing high ethical and professional standards. Independent media regulatory frameworks should be strengthened to promote a free but responsible media;
5. Parliament should review all the laws that are inconsistent with media freedoms in particular the Cabinet should scrutinize the proposed Press and Journalist (Amendment) Bill 2010 in line with human rights standards that are enshrined both in the Constitution and international human rights instruments to which Uganda is party; and
6. Ministry of Information and National Guidance and the office of the Prime Minister should devise means of regulating private media owners to ensure that they do not abuse the privilege of owning the means through which people exercise their freedom of expression.

GUIDELINES ON PUBLIC DEMONSTRATIONS AND PROCESSIONS IN UGANDA

All events including demonstrations, rallies, charity walks and processions will be hereby referred to as "Demonstrations".

1. The Role of the Police

The Uganda Police Force (UPF) Demonstrations and Processions Planning Unit (DPPU) in each District Police Commander's Office (DPC) shall

- 1.1 Receive notices of impending public demonstrations
- 1.2 Issue and receive Statement of Intent.
- 1.3 Hold a planning meeting with the Chief Organiser of the Demonstration at least (5) five days (or as soon as practicable) before the demonstration.
- 1.4 Give consistent responses to the organisers of demonstrations at all times.
- 1.5 For each planned demonstration, assign a contact officer to be in charge of dealing directly with the Chief Organiser. The contact officer should be readily available to work with the demonstration organisers throughout the event.
- 1.6 Respond in writing to a completed statement of intent within three (3) days of receipt of the same.
- 1.7 Work with the chief organiser of the demonstration to determine an appropriate traffic plan that allows for free flow of vehicles, pedestrians and participants. The traffic plan includes an orderly formation for boda-bodas, taxis, private cars and other vehicles and pedestrians (including people with disabilities) to ensure safety and limited inconvenience for all.
- 1.8 Carry out a risk assessment before the demonstration and notify the chief organisers.
- 1.9 Provide the chief organisers with a written explanation and legal justification regarding refusal or change of plan of the demonstration.
- 1.10 Ensure the demonstration is dispersed in an orderly manner before the hour of 6:00 pm.
- 1.11 Allow and not restrict the media from freely filming and covering the demonstration.
- 1.12 Ensure adequate debriefing with organisers after the demonstration.
- 1.13 Carry out any other lawful duties under the laws of Uganda.
- 1.14 During a demonstration, police may intervene appropriately, with only as much force as is reasonably necessary, in cases of,
 - a. Criminal behaviour,
 - b. Breach of peace,
 - c. Anticipated imminent violent situations,
 - d. Sight of any weapon/firearm and/or the use of any potentially dangerous weapon.
- 1.15 Police powers of arrest will be exercised where deemed appropriate.

2. The Role of the Organiser(s)

The organiser(s) of demonstrations shall:-

- 1.1 Identify a Chief Organiser for the Demonstration
- 1.2 Submit to the Demonstrations and Processions Planning Unit at the District Police Commander's Office, a completed Statement of Intent in triplicate (10) ten days prior to the intended demonstration (or as soon as Practicable.) Submit an endorsed copy of the Statement of Intent to the relevant / local police post/station.
- 1.3 Obtain permission from relevant bodies for restricted venues/gazetted places.
- 1.4 Meet with the Demonstrations and Processions Planning Unit to draft a demonstration and plan.
- 1.5 Work with the Assigned Police Contact Officer [DPPU] to determine an appropriate traffic plan that allows free flow of vehicles, pedestrians and participants. The traffic plan includes an orderly formation for boda bodas, taxis, private cars and other vehicles plus pedestrians (including people with disabilities), to ensure safety and limited inconvenience for all.
- 1.6 Comply with the agreed plan during the demonstration.
- 1.7 Before the demonstration commences, ensure all participants are aware of the demonstration plan including the route, their responsibilities and the purpose of the demonstration.
- 1.8 Ensure safety of person and property during the demonstration.
- 1.9 Provide no less than one steward per fifty demonstrators.
- 1.10 Ensure that the stewards are clearly identifiable from the demonstrators.
- 1.11 Ensure that the participants are unarmed and law abiding. In the event of any criminal behaviour, breach of peace, anticipated imminent violent situations, sight of any weapon/firearm and/or the use of any potentially dangerous weapon or deviation from the agreed plan, notify the closest police officer or chief organiser.
- 1.12 Take responsibility for all statements made to the media or the public and participants during the demonstration.
- 1.13 Ensure the demonstration is dispersed in an orderly manner before the hour of 6:00 pm.
- 1.14 Ensure adequate debriefing within forty eight (48) hours after the demonstration with the police.

3. The Role of the participants

The participants shall at all times during the demonstration.

- 1.1 Comply with the law and lawful orders.
- 1.2 Take responsibility for their individual actions.
- 1.3 Comply with the agreed demonstration plan.
- 1.4 Comply with the rules and maintain focus on the purpose of the demonstration.
- 1.5 Identify and report spoilers and criminals to the stewards, police and/or organisers.
- 1.6 Attend the demonstration unarmed and without any weapon of any kind.
- 1.7 Avoid the incitement of violence during the demonstration.

CHAPTER 7

UHRC POSTION ON THE PUBLIC ORDER MANAGEMENT BILL

7.0. INTRODUCTION

The mandate and functions of the UHRC is clearly spelt out in articles 48, 49, 51 -55 of the 1995 Constitution of the Republic of Uganda. In a nutshell, the UHRC is required to promote and protect human rights. As part of fulfilment of its mandate, the UHRC analyses and reviews bills to ensure that they comply with human rights standards as enshrined in the Constitution and in the international human rights instruments ratified by Uganda, as well as ensuring that bills are not in conflict with other laws.

This chapter arises from a position paper which resulted from a consultative process with a number of stakeholders. The chapter gives a background to the Public Order Management Bill, summarises the contents of the bill and points out the positive aspects and human rights concerns in the Bill. This is followed by recommendations intended to make the Bill compliant with Uganda's national and international human rights standards. In a nutshell, it is submitted that the Bill is necessary to regulate public demonstrations but should be based on the principle of facilitating rather than hindering demonstrations.

7.1. BACKGROUND TO THE PUBLIC ORDER MANAGEMENT BILL

The Bill follows the recent challenges posed by public demonstrations to organisers, law enforcement agencies, participants and the public at large. Noting these challenges, the UHRC through a consultative process in 2006-2007 involving the UPF, civil society organizations, and political parties, among others, developed the Guidelines on Public Demonstrations in Uganda.

The Guidelines not only affirm the rights of citizens to assemble and demonstrate but also provide for the role and responsibilities of the various actors as well as highlighting that this right is not absolute. The Guidelines, which are based on the Constitution and international human rights law, provide for the role of the Police, organisers of demonstrations, procedures for Police notifications, the use of force and the role of planners of demonstrations. The UHRC had hoped that these guidelines would eventually be translated into binding regulations and should have been instrumental in providing guidance to the drafting of the Public Order Management Bill.

7.2. SUMMARY OF THE CONTENTS OF THE BILL

The Public Order Management Bill seeks to do the following: regulate public demonstrations; lay out the duties of the police, organisers and participants within the principles of democracy, freedom of association and speech; and specify the procedure to be followed when organizing a public demonstration. The Bill is aimed at safeguarding public order and other related matters.

7.3. POSITIVE ASPECTS OF THE BILL

The UHRC welcomes the objectives of the Bill because it is important to have a law regulating public demonstrations which is a vital in a democracy. The UHRC appreciates Clause 3 of the Bill which provides that public order management is a shared responsibility for organisers, participants, local authorities, owners and custodians of the venues for the public meeting and the Police. This is in line with the UHRC Guidelines.

7.4. HUMAN RIGHTS CONCERNS IN THE PROVISIONS OF THE PUBLIC ORDER MANAGEMENT BILL

The right to peaceful assembly is provided for in the constitution, regional and international treaties ratified by Uganda.⁷⁷ The Constitution also provides that no person shall prejudice the fundamental or other human rights and freedom of others or the public interest.

⁷⁷ Article 29(1) (a),(d),(e) of the 1995 Constitution; Articles 19 -22 ICCPR; Article 11 ACHPR.

Furthermore, public interest shall not permit any limitation of the enjoyment or the rights beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution.⁷⁸

The Police have a role to respect, facilitate and protect without discrimination the enjoyment of people's fundamental rights and freedoms under articles 20, 21, 212 and 221 of the Constitution. The Police have to secure the correct balance between public order and the exercise of the rights and freedoms by individuals and groups, ensure impartiality and non-discrimination and behave in a non partisan, unbiased and impartial manner in order to serve the rule of law. In relation to the use of force, Police must be guided on the principles of legality, necessity, proportionality and accountability as was highlighted in the UHRC Guidelines.⁷⁹

As such, the spirit of the Bill must recognize the need to facilitate rather than hinder demonstrations. The UHRC is concerned with various aspects of the Bill relating to the definition of a number of terms, including the following: "political organisation", "public place" and "public meeting". This is in addition to clauses on such matters as the powers of the Inspector General of Police and other Officers, notice of a public meeting and notification by an authorised Officer, duties of the Police, use of firearms, responsibilities for organisers and participants, and gazetted areas.

7.4.1. Definition of Political Organisation

Clause 2 of the Interpretation Clause provides that:

Political Organizations means any organization which has among its objects any political purpose or which pursues a political purpose or any political organization within the meaning of the Political Parties Organizations Act, 2005.

This definition is too broad and might restrict citizen's rights to political participation, association, freedom of expression and opinion. If at all it is necessary to have such a definition, it should be restricted to the Political Parties Organizations Act 2005.

7.4.2. Definition of Public Place

The definition of a public place in the Bill is also broad. It is recommended that the definition of the Penal Code should be adopted.

Section 2 (z) of the Penal Code Act Cap 120 provides that:

"a public place "or "public premises "includes any public way and any building, place or conveyance to which for the time being, the public are entitled or permitted to have access either without or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court

7.4.3. Powers of the Inspector General of Police

The powers of the Inspector General of Police should be based on the premise that the State has a positive duty to protect the right to assembly and demonstration. The powers provided to the Inspector General of Police under Clause 4 to 'direct' the conduct of public meetings could be arbitrary.⁸⁰ This provision appears defiant of the Constitutional Court ruling which held that Police have regulative rather than prohibitive powers⁸¹ in relation to the exercise of the freedom of assembly and peaceful demonstration. Passing clause 4 in its current form would be in contravention of Article 92 of the Constitution that prohibits Parliament from passing any law to alter a decision or judgment of any court.

⁷⁸ Article 43 (1) of the 1995 Constitution.

⁷⁹ UHRC Guidelines on Public Demonstrations in Uganda , (2009) 9.

⁸⁰ Muwanga Kivumbi Vs Attorney General (Constitutional Court Petition NO. 9 of 2005) 2008 UGCC (4) 27 May 2008.

⁸¹ As above.

This clause should be deleted as it contravenes the Constitution and has the potential to lead to an arbitrary use of police powers. Parliament should consider a clause on the role on the duty of Police to facilitate peaceful assemblies without discrimination and the maintenance of law and order.

7.4.4. Meaning of a Public Meeting

The definition of public meeting in the Bill as a 'gatheringof three or more personsin other public places or premises *wholly or partly open to the air*' is ambiguous as this means that enclosed spaces are excluded.

It has been pointed out that the *right to assembly is the aggregate of the individual liberty of the person and individual liberty of speech and thus the liberty to express these opinions is the aim of the right to assemble*.⁸² Clause 6(1) which limits public meetings to three or more persons is prohibitive and does not reflect the positive duty to protect the right to peaceful assembly under Article 29(1)(d) of the Constitution. In addition, Clause 6(1)(a) and 6(1)(b) restricts the right to assembly by restricting the content of what is to be discussed in the meetings. Clause 6(2)(e) which is the exclusion clause further restricts the activities of political parties to 'the exclusive discussion of the affairs of the party or organization'.

These clauses are in conflict with the principles of a democratic society which entail criticism of government principles, policies, actions and the right to petition in the event that there is a divergent view. These clauses are also in conflict with the National Objectives and Directive Principles of State Policy that provide for the State to be governed by democratic principles which are to encourage the active participation of all levels of governance and the involvement of people in the formulation and implementation of development plans and programs that affect them.⁸³

The UHRC therefore recommends that:

- *The term "public meeting" should be redefined to a gathering of 50 or more persons within the meaning of 'public place' in the interpretation section.*

The definition of "public meeting" under clause 6 (1) a) and 6(1)(b) should be deleted since the purposes of political organizations are well laid out in the interpretation section under the Political Parties and Organizations Act (2005).

- *Clause 6(2)(e) should be deleted as it is against the principles of democracy as laid out in the 1995 Constitution and the positive duty of the State to protect freedom of assembly.*

7.4.5. Notice of a Public Meeting

Though giving notice under Clause 7(1) in itself does not infringe on the right to peaceful assembly, the strict application of the seven day period of notification can deter 'spontaneous' processions.⁸⁴ This is even more challenging where notice of a public meeting has to be addressed to the Inspector General of Police.

The content of the notice should not be aimed at defeating the purposes of peaceful assembly. Clause 7(2) (c) which requires organisers to estimate the expected number of persons is unrealistic, while Clause 7(3) which requires a letter of clearance from the proprietor could further restrict places of public meetings as proprietors could be reluctant to provide letters of clearance due to fear of appearing to support opposing views. These provisions are inconsistent with the positive duty to facilitate public meetings which was core to the Guidelines on Public Demonstrations.⁸⁵

82 As above, Justice Hon . A.E.N.Mpagi-Bahigeine.

83 See Principle II and X of the National objectives and Directive Principle of State Policy, (1995) Constitution.

84 R. Clayton (n 64 above), 1181.

85 UHRC (n 79 above).

UHRC therefore recommends that:

Clause 7(1) should include a proviso that in the event it is not reasonable practicable to give notice and where the assembly is peaceful in nature the assembly should proceed. Further, that the power to receive notices should be delegated to the O/C station.

- *Clause 7(2) (c) should be amended to exclude the estimated number of persons while clause 7 (3) should be deleted.*

7.4.6. Notification by authorised Officer

Clause 8(1)(b) provides for crowd and traffic control as one of the reasons for refusal to hold a public meeting. However, temporary disruption of pedestrian traffic does not constitute sufficient ground for denial of the right to assemble. This blanket provision in addition disregards the safe guard of whether holding a public meeting would be a non-obstructive use of a high way which would not be a threat to public peace or interfere with the rights of others for passage and re-passage.⁸⁶

Clause 8(1)(c) provides for “any other reasonable cause” as a ground for refusal to hold a proposed public meeting. This provision does not provide for what would constitute reasonable cause and therefore could be arbitrarily applied and used to impose conditions which are inconsistent with Article 29(1)(d) of the Constitution.⁸⁷

Clause 8(1)(d) provides for the right to appeal to the Inspector General of Police. However, this appeal lies from the decision of a delegated officer under Clause 5 who is acting on behalf of the Inspector General of Police.

Under Clause 8(2) what constitutes an “acceptable venue” is ambiguous as this is not put within the context of the purpose of the public meeting.

Clause 8(4) and 8(5) provides for appeal from the decision of the authorised officer to the Inspector General of Police within 15 days and to the High Court within 30 days. The time required to appeal and finally dispose such a matter would defeat access to prompt redress which is crucial for public meetings.

In light of the above, the UHRC recommends that:

- *Temporary disruption of pedestrian traffic or the non-obstructive use of a high way should be exceptions to the grounds for denial to hold a public meeting.*
- *Clause 8(1)(c) should include a provision that the restriction should not go beyond what is acceptable and demonstrably justifiable in a free and democratic society.*
- *The nature of the appeal under Clause 8(1)(d) should be clarified as this should be treated as an interim measure and handled expeditiously.*

The term “acceptable venue” under Clause 8(2) should be defined.

- *As is the case with election petitions under Elections Commission Act Cap 140, a provision should be included for court to hear and determine such an appeal as expeditiously as possible.*

7.4.7. Powers of an authorised Officer

Clause 9 gives power to the Inspector General of Police to prevent or stop the holding of a public meeting if it is contrary to the Act. This clause would introduce subjectivity since the grounds for the refusal to hold a public meeting under Clause 8(1)(b) and (c) are not explicitly laid out. The UHRC also recommends that the grounds for refusal to hold a public meeting should be explicitly laid out to avoid ambiguity.

⁸⁶ R. Clayton (n 64 above) 1149, 1182.

⁸⁷ n 82 above..

7.4.8. Duties of the Police

The duties of the Police in Clause 10 should be drafted to encourage cooperation and working together of the Police with the organisers and participants of public meetings to preserve law and order. It is important to include the duty to keep peace, protect life, property, liberty and security of person and the right to peaceful assembly.

7. 4.9. Use of Fire Arms

Though Clause 11 makes an exception to the use of fire arms, it does not explicitly state the confines within which the use of force is to be based. The use of force should be based on the principles of proportionality, legality and necessity in order to achieve a legitimate objective.⁸⁸ Lethal force should be used where there is an 'imminent threat to 'life' or 'serious injury'. However, the nature of the injury is excluded in Clauses 11(a), (b) and (d) and there is lack of accountability of law enforcement officials in the event of arbitrary use of force. Clauses 11(e), (f) and (g) are replicated from S. 28 of the Police Act Cap 303.

The UHRC recommends that the Clause should be redrafted to provide for these principles while clause 11(e), (f) and (g) should be deleted.

7.4.10. Responsibilities of organisers and participants

Clause 12(c) places a general responsibility on organisers and participants to ensure that demonstrators are unarmed, which both realistically and legally is the duty of the UPF while Clause 12 (h) seeks to place personal criminal liability on organisers which is in contradiction with Clause 12 (2) that imputes criminal liability.

In light of the above, the UHRC recommends that:

- *The role of the Uganda Police Force which includes ensuring that the participants are unarmed and peaceful should be adopted as was proposed in the Guidelines.*
- *The responsibilities of organisers and participants should be separated as was proposed in the Guidelines.*
- *Clause 12 (h) should be deleted.*

7. 4.11. Use of Public Address System

Clause 13 reproduce S. 40 of the Police Act Cap 303 while Clause 13 (1) attempts to define 'public place' which is already defined in the Interpretation Section and is still ambiguous as it still excludes enclosed spaces.

The UHRC recommends that this clause should be deleted.

7. 4.12. Gazetted Areas

Clause 15 gives wide discretion to the Minister to gazette any areas on the presumption that twenty five people will be gathered as was the case with Police (Declaration of Gazetted Areas) Instrument, 2007 (SI 53 of 2007) . This Clause does not state what constitutes "public tranquillity" which can be subjectively interpreted and used to infringe upon the right to assembly. Clause 15 also replicates S.35 of the Police Act Cap 303. Clause 15(4) gives wide "discretion" to the "authorised person" to issue permits without grounds for the issuing or withholding of permits and does not provide a timeframe within which the permit should be issued. Clause 15(5) that provides for a Chief Magistrate or Grade I Magistrate to make an order that a meeting should not convene will be made redundant because the denial of a permit in essence means that the public meeting would not be held.

⁸⁸ n 65 and 66 above.

Clause 15(8) introduces the aspect that the evidence of the officer should be *prima facie* evidence as to the number of persons present at the public meeting. The decision of whether or not to take evidence of parties to proceedings as conclusive on the face of facts presented should be for the discretion of the Court.

Therefore, a party to the proceedings should at the onset have the right to rebut evidence presented by the police.

To avoid the above violations, the UHRC recommends that:

- *The clause should be revised outlining the specific criteria the Minister will follow to gazette specific areas. In addition, the clause should be revisited to provide the criteria for granting or withholding a permit.*
- *There is need for a consistent procedure on the access to the courts which s have appellate jurisdiction.*
- *Clause 15 (8) should be deleted.*

7.4.13. Restricted Areas

Clause 16(1) limits entry into areas identified as “restricted” including Parliament and its precincts and the courts of judicature. Considering that the definition of “public meeting” includes a gathering of three or more persons held to form pressure groups to ‘submit’ petitions, this clause does not consider if the gathering is not a threat to public peace or interfere with the rights of others. Such a Clause would deny demonstrators access to areas where they can convey their message or submit petitions.

The UHRC recommends that Clause 16 should be revised with a proviso that the restriction should not go beyond what is acceptable in a free and democratic society.

7. 4.14. Penalties

The penalty of two years imposed under Clause 7(4) for failure to comply with the conditions under the Act and under Clause 9(4) for failure to obey an order for the dispersal of a public meeting is disproportionate to the offences committed.⁸⁹ UHRC recommends that the penalty should be reduced to six months imprisonment.

7.5. CONCLUSION

The UHRC welcomes the Public Order Management Bill but has concerns that the Bill in its current form does not comply with the human rights norms enshrined in our Constitution and Uganda’s international human rights obligations. The Bill should aim at facilitating rather than prohibiting demonstrations in conformity with the law. The Bill should be precise and balance the right to assembly with other rights, and should only impose restrictions that are acceptable and justifiable in a free and democratic society. The UHRC urges Parliament to take note and act on the human rights concerns raised in this Chapter. Furthermore, the UHRC requests Parliament to make reference to the UHRC Guidelines on Public Demonstrations in Uganda which should form the foundation of the law on Public Order and Management.

7.6. RECOMMENDATIONS

1. The Bill should aim at facilitating rather than prohibiting demonstrations in conformity with the law;
2. The Bill should balance the right to assembly with other rights, and should only impose restrictions that are acceptable and justifiable in a free and democratic society.
3. Parliament should review the Bill in light of the concerns expressed and use the UHRC Guidelines on Public Demonstrations which, were developed in a more consultative process, as the foundation of the law on public order and management.

⁸⁹ In comparison to Section 17 of the Kenya Public Order Act Cap 56 (2009) where the penalty does not exceed a fine of five thousand shillings or a term of imprisonment not exceeding six months.

CHAPTER 8

HUMAN RIGHTS IMPLICATIONS ARISING OUT OF LIGHTNING AND FLOODS, BUDUDA LANDSLIDES AND MARKET FIRE OUTBREAKS

8.0. INTRODUCTION

The calamitous events that occurred in the country in 2011 had a high human, material, economic and environmental cost and impacted negatively on human rights. The surge in lightning strikes that were mostly fatal, the floods and landslides as well as the fire outbreaks were some of the disasters whose adverse effects stretched beyond the capacity of the communities to cope with the disruption of their lives and livelihoods. Trees which are important in preventing disasters related to weather such as floods, by preventing the washing away of top soil, are disappearing at an alarming rate due to human activity to satisfy fuel needs, demands for land or commercial interests. States have an obligation to ensure that people affected by disasters have minimum requirements like water, sanitation, food, health services and shelter to satisfy their basic right to life with dignity⁹⁰ and there is a need to integrate human rights in all disaster preparedness and management efforts through avoiding all forms of discrimination and dehumanisation. This chapter assesses government response to these human rights threats that struck Uganda in 2011 in light of international human rights standards, points out challenges and makes appropriate recommendations.

8.1. LEGAL FRAMEWORK RELATING TO DISASTERS

8.1.1. International Legal Framework

At the international level, the UDHR provides for protection of the rights to life, security of person, property and education.⁹¹ The UDHR and the ICESCR also provide for the right to a standard of living adequate for health and well-being of himself and of his or her family.⁹² While the CRC provides for a normative framework for physical, psychological and cognitive protection of learning in emergency situations.⁹³ The minimum common standards in disaster management are community participation especially the disaster affected population, initial assessment of the nature of emergency and its effects, response, targeting, monitoring by collecting and analyzing information to continually measure the progress and evaluation which may be during or at the end of the response.⁹⁴

The CEDAW provides for special protection of women against non-discrimination in times of disasters and the CRPD places an obligation upon states to ensure protection and safety of PWDs in situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.⁹⁵

8.1.2. Regional Legal Framework

At the regional level, the ACHPR⁹⁶ and the African Charter on the Rights and Welfare of the Child (ACRWC)⁹⁷ reiterate the protection of the rights provided in the international instruments mentioned above.⁹⁸ The African Charter also places a role on individuals to assist the State in helping victims of disaster to get incorporated into society by being hospitable in cases of relocation and the State has the obligation to provide compensation in order to facilitate people to start all over after a disaster.

90 The Sphere Humanitarian Charter and minimum standards in disaster response further provide clear guidelines on how effective response should be articulated to ensure minimum loss of lives and livelihoods.

91 Article 3, 17 and 26, UDHR.

92 Article 25 of UDHR Article 11 of the ICCPR.

93 Article 27 of the CRC.

94 n 90 above.

95 Article 11 of the CRPD.

96 Entered into force on 21st October 1986.

97 Entered into force on 29th November 1999.

98 Article 4 and 6 of the ACHPR and Article 4 of the ACRWC respectively.

8.1.3. National Legal Framework

At the national level, the Constitution has provisions on the right to life, security, property and education.⁹⁹ It also provides for the right to a clean and healthy environment.¹⁰⁰

The surroundings in which a person lives or resides should be healthy and not disastrous/hazardous. Article 249(1) provides for a Disaster Preparedness and Management Commission for Uganda to deal with both natural and man-made disasters. While, Article 40(1) (a) provides for persons to work under satisfactory, safe and healthy conditions.

8.2. LIGHTNING

The UHRC noted that occurrences of lightning were prevalent in 2011 and became a public threat due to the loss of life witnessed. Lightning is produced in thunderstorms when liquid and ice particles above the freezing level collide and build up large electrical fields in the clouds. There were a number of affected areas across the country with Kiryandongo District being struck three times by occurrences of lightning. Table 8.1 below shows the affected districts in the country in 2011.

Table 8.1: Areas affected by Lightning in 2011

Affected Regions	Affected Districts
Northern Uganda	Gulu District
	Alebtong District
	Kotido District
	Zombo District
Western Uganda	Kiryandongo District
	Kamwenge District
	Kibaale District
	Rubirizi District
Central Uganda	Buikwe District
Eastern Uganda	Jinja District
	Sironko District

Source: UHRC

a) Impact of Lightning

Lightning had a great impact on the right to life, education and the right to a clean and healthy environment in the affected regions. All the affected areas registered deaths, injuries and burns as a result of the lightning attacks. This constituted a breach of the right to life as well as the children's right to education because the classrooms had been destroyed due to the absence of lightning conductors. Some of the teachers lost their lives which affected the learning process. Hospitals were overwhelmed and there were concerns of a clean and healthy environment and the adverse effect such as injuries, exposed the inadequacies in the health facilities. For instance, the number of patients could hardly be contained in hospitals like Kiryandongo Hospital.

20 children died after lightning struck their school in Kiryandongo district. Six people were also recorded dead in the districts of Jinja and Gulu combined. The Resident District Commissioner of Kiryandongo District told reporters that 36 other pupils had been admitted to hospital after sustaining serious injuries. This occurred as the students waited for a downpour to subside before heading home. In Kibaale District, 40 students of Kyenzige Model Primary School were struck by lightning although majority were treated and discharged; some remained admitted because of their injuries. The occurrences of lightning were rampant because the sun was maximizing its 11th year solar cycle. In process of completing the cycle, the sun emitted gases into the earth, which caused enormous electrical discharge.¹⁰¹

⁹⁹ Articles 22, 23, 26 and 30 of the 1995 Constitution.

¹⁰⁰ Article 39. 1995 Constitution.

¹⁰¹ Mr. Benon Fred Twinamatsiko; Physicist at the Department of Physics, Makerere University, Kampala in an interview with Uganda Radio Net on 28th June 2011.

b) Government Interventions

- Conducted campaigns to encourage construction workers to install lightning arresters on buildings to reduce on lightning related deaths.
- Education campaigns to teach people in mostly affected districts to avoid taking shelter in tall structures, such as towers, tall trees, fences, telephone lines and power lines because lightning struck the tallest object in an area.
- Provision of rubber shoes to pupils and students plus electrical lights to all schools.
- MoES put in place supervision measures to ensure that compliance with lightning arresters on buildings for classrooms and staff quarters.
- Rolled out a comprehensive inspection exercise in schools and education institutions to confirm the installation of lightning conductors.

c) Challenge in dealing with occurrences of lightning

- There was challenge with enforcing approved building plans with lightning conductors. The contractors and building owners did not comply with the requirement of having lightning conductors on the actual buildings.

8.3. PREVALENCE OF FLOODS

In 2011, the country experienced adverse effects of climate change which contributed partly to the floods that occurred. Deforestation, which also has its contributions to global warming increased due to the socio-economic crisis being experienced in the country which, left many areas prone to the effects of heavy rains. Floods devastated the Eastern part of Uganda unlike in 2007¹⁰² were the flood affected both the Northern and Eastern parts Uganda. The floods were associated by heavy rains that affected low altitude areas and the poor drainage that does not allow for the proper movement of water which left disrupted road networks, destroyed food crops as well as people's shelters. Table 8.2 indicates the affected districts in the Eastern part of Uganda.

Table 8.2: Flood affected areas during 2011

Affected Region	Affected Districts
Eastern Uganda	Rakai District
	Apac District
	Bulambuli District
	Nebbi District
	Butaleja District
	Kaabong District

Source: UHRC

The floods affected the western districts of Mbarara, Isingiro and Ntungamo districts whereby people could not transport their goods because the floods had washed away the bridges. This caused an inadequacy in food supply threatening survival. In addition, Butaleja district was also affected by the floods mainly in the sub-counties of Himutu and Mazimasa where a total of 1,392 people were affected.

a) Impact of floods in the affected areas

The floods greatly impacted on the right to food, the right to shelter, and the right to health. Districts like Butaleja, Bulambuli, Bududa, Kween, Tororo, Bukedea, Nebbi, Moyo, Kisoro and Amuria had flooding problems, which culminated into famine because of the destruction that came with the large amounts of

¹⁰² UHRC, the 10th Annual Report (2008) 81-83.

water. The Eastern part of Uganda which relies largely on agriculture in terms of food continued to struggle even after the floods as the ground remained soggy thus inhibiting cultivation. In Koliir Sub-County in Bukedea District, crops such as beans, cassava tubers, potatoes and cotton were destroyed.

Most people abandoned their homes because water had seeped through the mud floors and wattle huts and destroyed most of their property. The brick soils used to build got mashed in the water which left the huts to collapse and a number of the people homeless. Furthermore, the excess water brought on by the floods was stagnated which created breeding grounds for disease causing agents. There was an outbreak of cholera and malaria in the districts. While the use of flood water for domestic purposes created additional health threats.

b) Government Interventions

- The Ministry of Disaster Preparedness under the OPM supplied both food and non-food items to Wadelai sub-county in Nebbi district to support nearly 10,000 flood victims.
- The Office of Disaster Preparedness sent food to Teso-Sub region to address some of the immediate needs of the people affected by the floods.
- National Agricultural Advisory Services provided cassava cuttings to meet the needs of those whose cassava plantations had been destroyed by the floods.
- the committee that was formed in parliament made an assessment of the impact of the floods in order to find a durable solution to the problem.

c) Challenges in dealing with floods in Eastern Uganda

- there was no special procedure adequately laid down for women and children hence, very little attention.
- Inaccessible roads delayed the delivery of relief items to the victims.

8.4. BUDUDA LANDSLIDES

The landslides in Bududa District that were a catastrophe in 2010 continued to cause havoc in the eastern part of Uganda. In 2011, the landslides remained a major concern due to the loss of life, destruction of property as well as injuries experienced. On 11 August 2011, the landslides that were accelerated by the heavy rains, left eight people injured and 420 others without property. This occurred in Simuyu village in Bulucheke Sub-County where various people were left displaced and without food. On 27th August 2011, Bulambuli district also experienced landslides and the Sub-Counties of Bulaganya and Sisi were mostly affected. Due to the heavy rains on the slopes of Mt. Elgon, 26 people died and 500 were displaced.

a) Impact of the Bududa landslides

Equally the landslides had a great impact on the right to property, the right to food, shelter and life. The mountain slopes were immensely affected by the change in weather that saw heavy rains weaken the soil which caused a mudslide that resulted in a number of the residents being buried. Significant numbers of people were left displaced as soil, mud and boulders submerged villages. There was no land for cultivation and the people's homes were buried and destroyed.

b) Government Interventions

- Government committed itself to provide more tapelines for the residents to be able to repair their temporary accommodation structures
- Rolled out a programme to raise funds to construct permanent structures at the camp in Kiryandongo
- Rolled out a programme to raise funds to build schools, health centres and police stations among other social services in the resettlement camps

c) Challenges in dealing with the Bududa landslides

- People from Bududa not affected by the landslides but followed the landslide victims to take advantage of relief supplies. This made it difficult to provide adequately for the people in the camps.
- Inadequate land to relocate the people to less landslide prone areas.
- Difficulties in ensuring that the new location had structures to provide for basic human rights, like health centres, schools for their children, food and land on which to grow food.
- Inhabitants of the new location were reluctant to welcome the victims to their land.

8.5. FIRE OUTBREAKS IN MARKETS

The UHRC noted that fire outbreaks in various markets were prevalent in 2011 which raised concern in the public due to the destruction of property estimated to have been worth billions of shillings. Table 8.3 shows the various market places gutted by fire outbreaks.

Table 8.3: Markets gutted by fire outbreaks in 2011

Affected Region	Affected Market
Kampala	St. Balikuddembe Market (also known as 'Owino Market')
	Kisekka Market
	Kibuye Market
	Kintintale Market
	Kalerwe Market
	Katwe Market
Central Region	Masaka Market
Eastern Region	Napier Market
	Soroti Market
	Mbale Market
West Nile	Arua Market
South Western Region	Mbarara Market

Source: UHRC

Most of these market fires were believed to have started abruptly due to alleged illegal connections of power and electrical failure. Interviews with some local market management authorities such as with the market chairman of St. Balikuddembe revealed that the fires were also related to poor administration in these markets. The power struggles and infighting among leaders in the various markets caused vendors to undermine cooperation and followership, which caused them to take advantage of the set regulations.

a) Impact of the fire outbreaks in markets

traders lost lots of money and property due to the fire outbreaks in the various markets in the country. Merchandise was destroyed by the fires which left vendors distraught as some of them had obtained loans to invest more in their businesses. The vendors lacked information on the probable causes of the fires in the various markets and the re-occurrence of the fires not only in St. Balikuddembe Market (Owino market) have been recognized as a challenge to both the market vendors and the authorities.

b) Government Interventions

- Victims were compensated to facilitate them to start over.
- A commission of inquiry into the fire outbreaks was instituted by the Uganda Police Force (UPF) to investigate into the causes of the fires in the markets.

c) Challenges in dealing with fire outbreaks in markets

- Late arrival of the police fire brigade led to gross destruction of property in the markets
- The police fire brigade experienced inadequate equipment to properly putout the fires.
- The police fire brigade also had insufficient water to adequately stop the fires in the various markets.

8.6. CONCLUSION

The UHRC notes that there has been improvement in Government response to disasters that occurred in 2011. However, government actors need to continue to incorporate their different capabilities in handling disasters in order to curb their impact. During 2011, disasters of lightning, floods, Bududa landslides and fire outbreaks in markets affected a range of human rights that had a negative impact on the enjoyment of human rights by the affected communities.

8.7. RECOMMENDATIONS

As recommended in the previous annual reports:

- Government should establish the Disaster Preparedness and Disaster Management Commission to deal with disaster in accordance with Article 249 (1);
 - Government should increase budget allocations for disaster preparedness and response as well as the promotion of research and technology in disaster risk reduction;
 - Office of the Prime Minister should strengthen Disaster Preparedness and Management Institutions at National and Local Government levels by equipping them with human, logistic and financial resources for effective response and management; and
2. The Office of the Prime Minister should strengthen collaboration with international disaster relief actors for timely, coordinated and effective emergency response.
 3. The Ministry of Works and Transport should: ensure that in the construction of buildings, expert supervision is provided to ensure that lightning arresters are installed and advice is given on the type of housing to be placed in disaster prone areas; and consider re-building the markets with materials that do not easily conduct fire in order to improve on the working conditions of the traders; and
 4. The Uganda Police Force should publish the report of the commission of inquiry into the fire outbreaks in the markets

CHAPTER 9

RIGHT TO HEALTH

9.0. INTRODUCTION

The right to health also means the “highest attainable standard of health” which encompasses a wide range of socio-economic factors that promote conditions in which people can lead a healthy life.¹⁰³ The underlying determinants of health, include food and nutrition; housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions; and a healthy environment. The right to health has critical elements namely; availability, accessibility (including non-discrimination, physical accessibility, economic accessibility and information accessibility), acceptability and quality are all inherent to the right to health.¹⁰⁴ In 2011, the UHRC continued to monitor the situation of the right to health in various health facilities around the country by visiting health facilities. The UHRC was not only monitoring the Government’s commitment towards the realization of the right to health in Uganda, but also the effectiveness of the redress and referral mechanism that ensures accountability in the event that health rights are violated. This chapter analyses the right to health within the legal framework, tracking progress of the realisation of the right, identifying recurrent issues and making appropriate recommendations.

9.1. LEGAL FRAMEWORK FOR THE RIGHT TO HEALTH

9.1.1. International legal framework

At the international level, the UDHR is the basic norm in respect to the right to health. The UDHR provides that everyone has a right to a standard of living adequate for health and well-being of oneself and his family.¹⁰⁵ The ICESCR recognizes everyone’s right to the highest standard of physical and mental health.¹⁰⁶ The CEDAW places an obligation on state parties to take appropriate measures to eliminate discrimination against women and ensure access to health-care services including those related to family planning, pregnancy, confinement, post-natal period as well as adequate nutrition during pregnancy, lactation and emergency obstetric care.¹⁰⁷ The CRC provides for the obligation on States to reduce infant and child mortality, and to combat disease and malnutrition.¹⁰⁸ The CERD provides for the obligation of State parties to undertake to prohibit and eliminate racial discrimination in all its forms in the enjoyment of a number of rights including the right to public health, medical care, social security and social services.¹⁰⁹

9.1.2. Regional legal framework

The ACHPR provides that everyone has the right to enjoy the best attainable state of physical and mental health. States Parties to the Charter are charged with the duty of taking the necessary measures to protect and preserve the health of their people.¹¹⁰

9.1.3. National legal framework

The 1995 Constitution addresses the obligation of the State to promote the right to health but does not specifically state what the right to health constitutes.¹¹¹ Other national laws such as the National Drug Policy and Authority Act 1993, National Medical Stores Act 1993, National Environment Act 1995 as well as the Public health Act 1935 (Cap 281) are more specific on important ingredients for the promotion of the right to health.

103 ESCR Committee General Comment 14, para 8: The Right to the Highest Attainable Standard of Health (Article 12) (GC 14) UN DOC E/C 12/2000/14.

104 As above.

105 Article 25, of the UDHR.

106 Article 12, of the ICESCR.

107 Article 12, of the CEDAW.

108 Article 24, of the CRC.

109 Article 5 (e) (iv) of the ICERD.

110 Article 16 of the ACHPR.

111 National Objectives and Directive Principles of State Policy XIV (b) and XX.

9.2. UHRC INTERVENTIONS

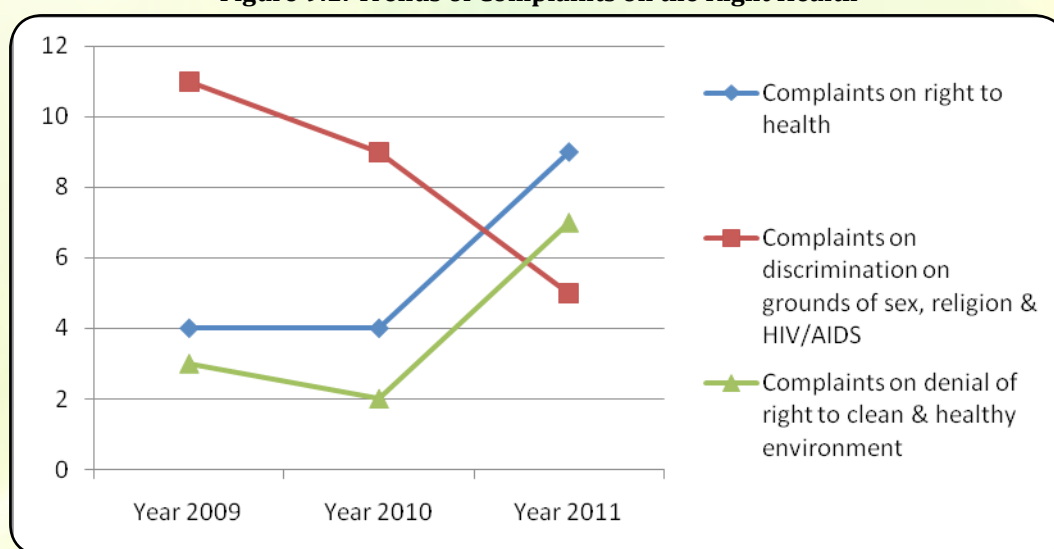
9.2.1. Complaints received

In 2011, the UHRC received 21 complaints of violation of the right to health compared to the 15 received in 2010. Some of the complaints were on the right to health while others were on discrimination on grounds of HIV/AIDS and denial of the right to a clean and healthy environment. Table 9.1 below shows the number of complaints received by the UHRC over the years while figure 9.1 shows the trends on complaints in respect of the right to health.

Table 9.1: Number of various complaints of violations related to the right to health

Type of complaint received	2009	2010	2011
Complaints on right to health	4	4	9
Complaints on discrimination on grounds of HIV/AIDS	11	9	5
Complaints on denial of right to clean & healthy environment	3	2	7
Total	18	15	21

Figure 9.1: Trends of Complaints on the Right Health



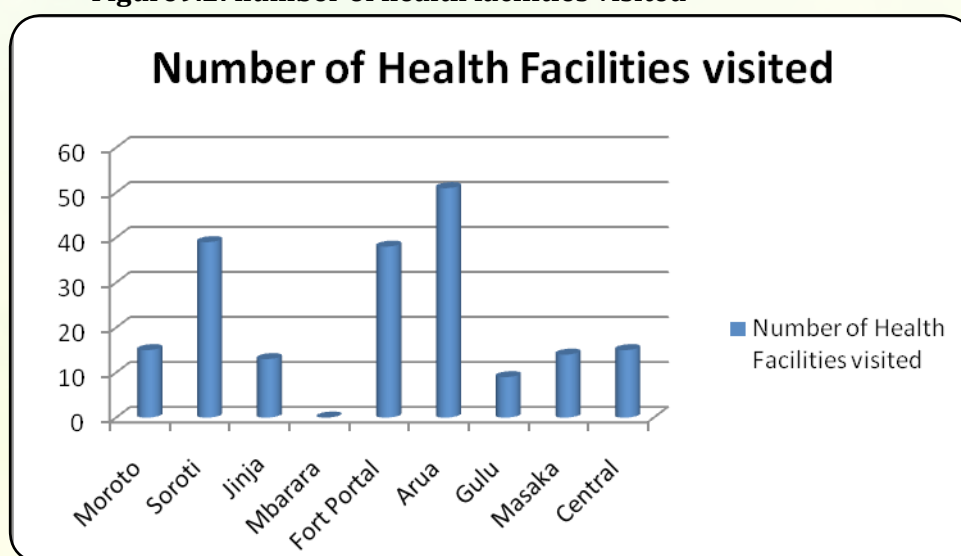
9.2.2. Monitoring the right to health

In 2011, the UHRC inspected 194 health facilities (hospitals and health centres) compared to 51 in 2010. The UHRC monitored accessibility, acceptability, affordability, quality of health services as well as the progressive realisation of the right to health. A series of recurrent challenges faced by the health sector were observed and are discussed in detail below. These included: inadequate funding; unavailability and inaccessibility of health facilities and services; inadequate staffing, poor remuneration and welfare; poor working conditions; burden of communicable and non communicable diseases; escalation of the head nodding disease; burden of maternal health and child mortality rate. Table 9.2 and Figure 9.2 indicate the number of health facilities visited by the UHRC per region. Refer to Annex 11 contains a table on the health facilities visited by the UHRC in 2011.

Table 9.2: Number of health facilities visited by the UHRC in 2011 per Regional office

Regional office	MRT	SRT	JJA	MBR	FPT	ARU	GLU	MSK	CTRL	Total
No. of HCs visited	15	39	13	0	38	51	9	14	15	194

Figure 9.2: number of health facilities visited



Highlights of findings in selected health facilities visited by the UHRC in 2011

9.3. ANALYSIS OF THE REALISATION OF THE RIGHT HEALTH

1. DOKOLO DISTRICT

Agwata Health Centre III

Agwata HC III located in Dokolo district in Agwata Sub-County had in place programmes for the VHTs trainings, Community outreaches programmes on community health and HIV/AIDS counseling and testing programmes and family planning programmes. The facility had ramps making it very easy and convenient for vulnerable groups such as patients with disabilities to access the facility.

Although patients were charged for services like delivery, the health centre required that the expectant mothers provide items like gloves, and kits and before delivering from the health facility. Incidences of drug stock outs were reported in the health facility and this was attributed to the supply system of drugs from MoH to the health facilities which did not put into consideration the needs of the health centre at the time the drugs were being dispatched.

At the time of inspection, the ambulance of the health facility had broken down. A woman and the unborn child had died at the health centre from obstructed labour because the health centre had failed to transport her to Lira Referral Hospital. Similarly, a victim of domestic violence who had been cut with an axe by the husband and referred to the hospital could not be transferred due to lack of transport.

2. SEMBABULE DISTRICT

Sembabule Health Centre IV

Sembabule HC IV is located in the town council in Sembabule District and the patients mostly accessed the services of the facility on the market days because of lack of means of transport. Even when ill, patients wait for the market day in order to use the trucks that go to the villages to ferry produce to the market.

The health centre had a double cabin pickup as an ambulance but at times there was no fuel to facilitate referrals due to inadequate funds for purchase of fuel as the government PHC quarterly releases were irregular and inadequate.

The health centre also was not connected to piped water and yet water services existed within the town. There was no alternative source of power such as a generator and yet there were power fluctuations due to the general load shedding within the district which hindered work in the laboratory.

Rakai Hospital

The hospital ambulance had broken down 5 years before. The hospital only had a pickup vehicle which is in a dangerous mechanical condition. A request had been sent to MoH through the RDC and President's office more than two years before but no response had been received to date. The UHRC team was told that in case of serious emergencies, the medical staff volunteer their personal vehicles to transport patients to Masaka Regional Referral Hospital, located about 50km away.

Ntuusi Health Centre IV

In Ntuusi Sub-county, Lwemiyaga County in Sembabule District. The UHRC team noted problems of accessibility to health centres. The team was informed that unlike in the neighboring Mawogola County where there were several health centre IIs, IIIs and a health Centre IV, the whole population in Ntuusi Sub county has only one Health Centre IV at Ntuusi. The Ntuusi Health Centre IV, also served the entire Lwemiyaga County.

Lwebitakuli Health Centre III

The health centre lacked sufficient supply of safe water as the only available underground water tank was leaking at the time of the visit. During the dry season, the health centre bought each jerry-can of water at UGX 700. In addition, there was lack of safe drinking water for the community in Lwebitakuli sub-county. Water was accessed from valley dams that were shared with animals. This accounted for the high rate of water borne diseases in the area such as diarrhoea and dysentery registered at the health centre.

The delivery and maternity wing was so small that there was no privacy for the mothers. The labour bed was small and very high for a mother of average height; and was inaccessible for women with disability.

3. HOIMA DISTRICT

Hoima Referral Hospital

The hospital had old dilapidated buildings. Most of the buildings had been constructed in 1935 but had never been renovated. The sanitation at the hospital had deteriorated with many in-patients and their attendants finding it nowhere to ease themselves. Some of the functioning toilets have been locked up and all patients had to use one toilet that was also about to be filled up.

The hospital also lacked a surgeon and interviews with some patients revealed that mothers preferred Traditional Birth attendants as opposed to the mid- wives in the hospital.

4. KIRYADONGO DISTRICT

Kiryadongo Hospital

Kiryadongo hospital is a government hospital located in Kiryadongo District and serves a population of about 280,000 people. The hospital was faced with challenges of dilapidated buildings, and a broken down water system that no efforts were being made to repair.

5. BUNDIBUGYO DISTRICT

Kikyo Health Centre IV

Kikyo health centre IV is found in Bundibugyo District and had the following problems: old dilapidated buildings, no provision for staff accommodation and patients with communicable diseases were not isolated. The health facility wards were not enough. Surgical patients and TB patients were admitted in the same ward. The health centre also lacked ultra scan services and a mortuary.

6. NAKAPIRIPIT DISTRICT

Tokora Health Centre IV

Tokora HC is found in Nakapiripit District and had a planned capacity of 19,233 people in Kakomongole Sub-County. However, at the time of the visit the UHRC found out that it served about 45,000 people in Chekwi County. The health centre had a challenge of both the pit latrine and placenta pits being filled up.

Moruita Health Centre II

Moruita HC also found in Nakapiripit District served a population of about 600 people. It was faced with challenges of lack of pit latrines and there was no provision for staff accommodation. The health facility also had poor power supply.

9.3.1. Positive Developments in the Health Sector

The UHRC observed and commends Government for the progress made towards improving the health sector. The UHRC noted that Government had established more health facilities, built the capacity of the VHTs and had stepped up community outreach programmes.

a) Building and renovation of health facilities

The UHRC observed and commends the Government for the continued efforts to make available health services by establishing more health facilities in the different sub-counties in the various districts. The UHRC further commends the Ministry of Health for the efforts to renovate some of the health facilities. For instance, in the Northern Region, Dokolo Health Centre IV, Minakulu Health Centre III, Agwata Health Centre III in Dokolo District, Bata Health Centre III, Kwera Health Centre III, Kangai Health Centre III were either renovated or had new buildings.

b) Capacity building for Village Health Teams

The MoH continued to implement training programmes for the Village Health Team trainings as well as providing support supervision and monitoring them. VHTs were trained in 18 districts of Lyantonde, Bullisa, Budaka, Namutamba, Moroto, Kotido, Kaabong, Amudat, Nakapiripirit, Napak, Wakiso, Butambala, Gomba, Mpigi, Kanungu, Masaka, Bukomansimbi and Lwengo. In addition, the reviewed VHT training materials, strategy, operational and supervision guidelines were disseminated, support supervision and monitoring of VHTs was conducted in 40 districts. A total of 110,000 bicycles were distributed to VHTs.

c) Community Outreach Programmes

The MoH stepped up community outreach programmes on community health and HIV/AIDS, counselling and testing programmes as well as family planning programmes in the health facilities inspected by the UHRC. The MoH undertook social mobilization in 75% of the districts to control emergencies and epidemics (Cholera, H1N1, Influenza, Yellow Fever outbreak and vaccination, Hepatitis E, Ebola, Nutrition promotion and Child Days).

9.3.2. The Recurrent challenges in the realisation of the right to health

The health sector continued to face a number of challenges despite the Government's effort to increase the availability of health services at the parish level in the various districts. Some of these areas of concern are discussed below:

a) Budgetary Allocation to the Health Sector

As noted in the previous UHRC annual reports, the health sector remains underfunded. The World Health Assembly requires that everyone should be able to access health services and not be subjected to financial hardship in doing so.¹¹² In addition, States have some minimum core obligations which they should not be operating under.¹¹³ These immediate obligations include the guarantees of non-discrimination and equal treatment, as well as the obligation to take deliberate, concrete and targeted steps towards the full realisation of the right to health. Such concrete steps would be the preparation of a national public health strategy and plan of action.

The Abuja Declaration adopted by African leaders declared that the response to HIV/AIDS, TB and other related infections would become the highest priority in their national development plans.¹¹⁴

¹¹² Adopted by the World Health Assembly Resolution 58.33 of 25 May 2005..

¹¹³ As above; ESCR Committee (n 103 above) para 31.

¹¹⁴ The Abuja Declaration adopted in 2001 by the African Leaders during the African Summit on HIV/AIDS, Tuberculosis and other related infectious diseases.

In response, African leaders pledged to target the allocation of at least 15 per cent of their annual budget to the improvement of the health sector. In addition, they committed to mobilise all the human, material and financial resources required to provide care, support and quality treatment to their populations living with HIV, TB and other related infections.

Progressive realisation means that States have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realisation of the right to health. Financing to the health sector increased to UGX. 985.8 billion (USD 412 million) in FY 2010/11 from UGX. 660 billion (USD 270 million) in FY 2009/10 while financial assistance from development partners was expected to reduce in line with the overall budget. The budgetary allocations indicated that GoU would be funding 71 percent of the health sector budget. Table 9.3 shows the budgetary allocations to the health sector over the years.

Table 9.3: Trends in the Financing of the health sector over the years

Year	GoU	Donor	Total	Per Capita Expenditure in UGX	Per Capita Expenditure in USD	GoU allocation to health as % of total GoU allocation
2005/06	229.86	268.38	498.24	26,935	14.8	8.9
2006/07	242.63	139.23	381.86	13,518	7.8	9.3
2007/08	277.36	141.12	418.48	14,275	8.4	9
2008/09	375.46	253	628.46	20,810	10.4	8.3
2009/10	435.8	301.8	737.6	24,423	11.1	9.6
2010/11	569.56	90.44	660	20,765	9.4	8.9

Source: MoFPED approved estimates and Budget Performance Reports.

Although, the GoU allocation to the health sector has been rising steadily over the last ten years, owing to economic growth as indicated in the above table, the proportion of the budget spent on health did not increase. The donor project component reduced significantly in FY 2010/11 due to the exit of some development Partners such as DANIDA, from the sector. In the same vein, the proportion of the total Government budget to health still averaged at 9% which was still short of the Abuja target of 15%.

b) Unavailability and inaccessibility of Health facilities

As noted in the 12th Annual Report, one of the major targets for the HSSPII is to improve the accessibility of the health facilities by locating them within 5km walking distance as well as having them well-equipped. However, the UHRC continued to observe that health care services were constrained by a number of factors including accessibility, social-cultural issues as well as low literacy levels. There were challenges of lack of skilled health professionals in public facilities, late referrals, cost of care and lack of health information. On accessibility, the UHRC for instance, found out that Lemusui HC II served 15 villages and parts of Karita in Amudat district and the people who lived on the mountain. This was way beyond the target of locating HCs within 5kms. The nearest health centre to Lemusui was 15kms away. Amolator HC 1V, Kween HC IV and Sironko HC IV had ambulances that had broken down and repairs had not been undertaken for a very long time.



Grounded Ambulances at HCIV in Amolatar District as of 7th December 2011

c) Inadequate remuneration and welfare

In 2011, the UHRC continued to observe challenges of inadequate remuneration and welfare in the health facilities visited. Health professionals remained generally underpaid in comparison to the work they were doing. Consequently they were greatly demotivated. For instance, the UHRC was informed by some health professionals found at Minakulu HC III that they earned UGX. 90,000/= every month and yet they worked day and night. They were overwhelmed with work due to the limited number of health professionals at the unit. Furthermore, at Kamwenge HCIII in Kamwenge District and Kikube HC IV in Hoima District the staff complained about lack of accommodation and poor remuneration including non-payment of hardship allowance. The UHRC team also found that Karugutu HCIV, Bweramure HCII, Rwebisengo HCIII, Kyaterekera HCIII, Kikyo HCIV, Nyahuka HC IV, Busaru HCIII lacked accommodation for staff.

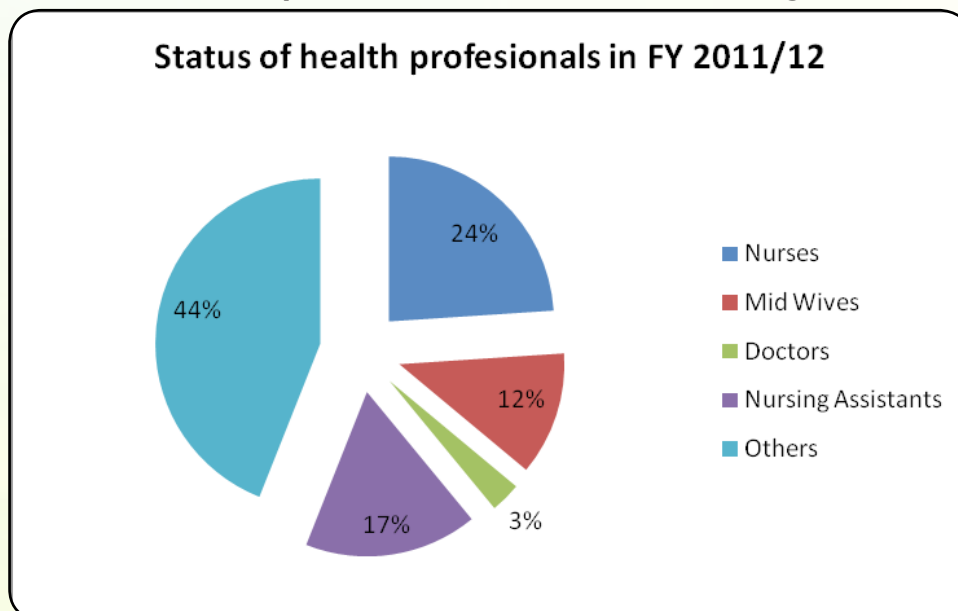
d) Inadequate staffing levels

Data for Human resource for the health sector, both Public and Private Not for Profit (PNFPs) combined indicated an uptake of 37,368 health professionals into the health facilities.¹¹⁵ The staffing levels were better in referral hospitals than in district health units, where only 52% of the posts were filled. However, the UHRC noted that critical health professionals were unavailable in most health facilities.

In Kamwenge District, Rukungu HCIV had 32 staff out of the 48 planned for staff. While Bigodi HC III had 11 staff out of the 19 planned staff and Kapir HCIII had a total of 08 staff without a doctor or a clinical officer. The understaffing levels in the health facilities resulted into the existing staff switching roles from this to that. There were health facilities in the countryside managed by lower-health professional staff instead of doctors. This meant that quite a range of services intended to be provided by these facilities were not offered for instance health issues that needed physical examination by the doctor. Figure 9.3 shows the absorption of health professionals into health facilities during 2011.

¹¹⁵ The Primary Health Care Guidelines and Transfers for District Health Services of September 2011/12, issued by MoH.

Figure 9.3: Status of health professionals in health facilities during FY 2011/12



Source: Primary Health Care Guidelines and Transfers for District Health Services FY 2011/12 MoH



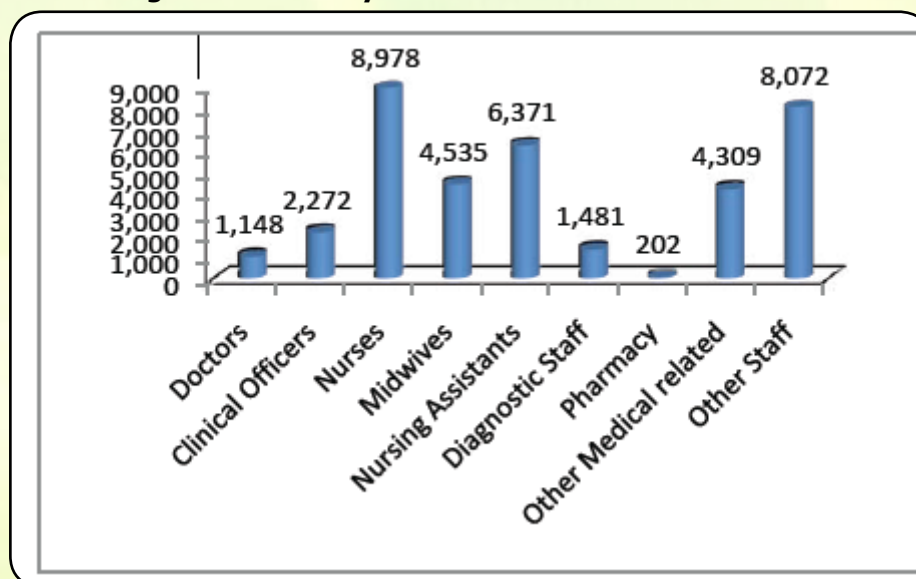
Patients wait in queues to be attended to at Kapir HCIII in Ngora District

Table 9.4 and Figure 9.4 below show the staffing levels in the public sector filled by trained health personnel and density of health personnel in government owned health facilities and private not for profit health facilities.

Table 9.4: Staffing Levels in the public sector filled by trained health personnel

Cadre of Staff	Mulago		Butabika		RRHs		DHOs		Districts Health Units		Total Norms	Total Filled	% filled
	Norms	Filled	Norms	Filled	Norms	Filled	Norms	Filled	Norms	Filled			
Doctors	241	203	26	15	520	204	80	63	824	306	1,691	791	47%
Clinical Officers	45	56	12	14	395	261	0	5	2,598	1,678	3,050	2,014	66%
Nurses	940	846	154	127	1,371	1,102	80	10	9,098	4,721	11,643	6,806	58%
Midwives	121	95	0	0	701	477	0	0	4,536	3,002	5,358	3,574	67%
Pharmacists	8	4	2	2	36	13	0	2	40	3	86	24	28%
Dispensers	34	26	5	5	80	36	0	0	244	78	363	145	40%
Lab. Scientists	63	55	6	6	180	108	0	1	2,236	958	2,485	1,128	45%
Radiographers	33	28	2	3	53	35	0	0	80	22	168	88	52%
Health Assistants	0	0	0	0	0	0	0	0	2,573	1,570	2,573	1,570	61%
Other Medical Related Staff	252	168	87	92	356	173	320	210	4,951	1,816	5,966	2,459	41%
Grand Total	1,737	1,481	294	264	3,692	2,409	480	291	27,180	14,154	33,383	18,599	56%
Percent filled		85.3		89.8		65.2		60.6		52.1		56	

Source: Uganda Human Resources for Health Biannual Report October 2010 to March 2011

Figure 9.4: Density of Health Personnel GoU & PNFP

Analysis of data on Human Resource for Health (HRH) for the health sector; both the public and PNFP combined indicated that the country had 37,368 health workers. Out of these 8,978 (24%) were nurses, 4,535 (12%) midwives and 1,148 (3%) doctors. The data also indicated that the nursing assistants still formed a big number of the health workers at 6,371 (17%). This implied that more effort was needed to recruit and retain the qualified health staff particularly at HC II, HC III and HC IV levels. The number of health personnel in Uganda was still very low as shown by the health worker population ratio. Overall, the ratio of 1.49 core health workers per 1,000 people, was still well below the WHO recommended minimum of 2.3 per 1,000.

e) Poor working conditions

The UHRC noted poor conditions of work and terms of service as a hindrance to effective service delivery. The poor conditions of work were mostly experienced at health centres II, III and IV which were closest to the people. The UHRC noted the poor state of ambulances in a number of the health centres visited. For instance, Karugutu HC IV, and Bweramule HCII in Ntoroko District lacked ambulances, a mortuary and a fridge to store vaccines; Kikube HCIV in Hoima District lacked a ward, yet it was supposed to admit patients; and the staff complained of being poorly paid and lacked accommodation.

Rukungu HC IV and Bigodi HC III in Kamwenge District had no ambulance yet the nearest referral hospital(Buhinga) is in Fort Portal 70kms and 75km away respectively. Buhimba HC III, Bugambe HC III and Muhorro HC III in Hoima District lacked ambulances as well. In Kamwenge HC III, the weighing scales were non-functional and Rwenjaza HC II lacked a laboratory.

Health facilities at the sub-county did not have effective means of transport to transfer emergency cases. They mostly relied on the district health facilities to provide transport for referrals and incase the district ambulance was not available, relatives of the patient took responsibility or the patient remained at the health facility regardless of his or her condition.

f) Essential medicines and health supplies

The supply of drugs in health facilities was changed from the '*Pull system*' to the '*Push system*' where by the National Medical Stores was paid to deliver drugs and other health equipments to the health facilities.¹¹⁶ The UHRC continued to observe that the uniformed dispatch of drugs to health facilities without due consideration of their respective continued to affect accessibility to essential medicines.¹¹⁷

There were complaints of essential drugs running out of stock before the period they are expected to last. For example Gborokolongo HC II and Ariwa HC III in Arua District did not have essential drugs on the day the UHRC visited them.

It was also noted that there was irregular supply of ARVs in Karugutu HC IV in Ntoroko District while Kamwenge HC III, experienced drug stock-out and sometimes stayed without drugs for three months. Health facilities such as Kikyo HC IV lacked ultra scan services plus a mortuary and Muhorro HCIII in Kibaale District lacked a theatre for minor surgery.

g) Communicable diseases control

In 2011, Communicable diseases accounted for 54% of the total burden of disease in Uganda with HIV/AIDS, tuberculosis (TB) and malaria, being the leading causes of ill health. Most of these diseases were aggravated by poor nutrition.¹¹⁸

i) HIV/AIDS treatment services

Despite the increase in uptake of HIV/AIDS services, there were challenges of: procurement and logistics; lack of monitoring of HIV/AIDS care and treatment services; high costs of drugs and commodities; and high reliance on donor support which slowed down the scaling up of priority services. This was made worse by the limited physical infrastructure and human resource capacity at district and facility level for the delivery of comprehensive care.

¹¹⁶ Push system is where the supplier decides on the types and quantity of drugs to allocate to a particular health facility without considering the needs of the health facility while the '*Pull system*' is where a particular health facility places an order for drugs according to the demand.

¹¹⁷ The uniformed dispatch of drugs involves health facilities filling in the quantity of drugs needed on a standard form that contains a list of drugs.

¹¹⁸ Health Sector Strategic and Investment Plan 2010/11 – 2014/15, 14.

The fragmentation of the HIV/AIDS programme in a context where human resource for health was a major challenge brought in problems like the creation of parallel information systems. Table 8.6 below shows the performance of the health sector against selected HIV/AIDS programmes. Out of 4,980 health facilities, 38% in 2011 had HIV Counselling and Testing (HCT) services compared to 2010 where only 37% of the health facilities had HCT services. On the other hand, there was a 32% increase in the health facilities that provided PMTCT services from 23% in 2010. However it was hard to deduce the actual performance in regard to health facilities that provided HCT in ANC and safe male circumcision due to inadequate capturing of data.

Table 9.5: Performance against selected HIV/AIDS Programme lead indicators

Indicator	2009/10	2010/11	Comments
Proportion of health facilities with HIV Counseling and Testing (HCT) services	37% (1,840/4,980)	38% (1,904/4,980)	Minimal scale up of HCT services up to HC II level. Progress slow due to inadequate supply of kits and availability of trained personnel
Personnel Proportion of health facilities with PMTCT services	23% (1,150/4,980)	32% (1,589/4,980)	There is an increase in the number of facilities providing PMTCT services
Proportion of pregnant women accessing HCT in ANC	83% at 90% reporting	82% at 70% reporting	Not able to deduce actual performance due to poor reporting. There is need to strengthen M&E component
Number of males circumcised	Not known as the intervention was new	Not known	Most circumcision was done by other health service providers and not captured in the HMIS. Need to include safe male circumcision in the HMIS.
No. of people counseled and tested for HIV	Male= 999,728 Female= 1,992,665 Total= 2,992,393	Male=833,393 Female=1,413,127 Total= 2,246,520*	There is a big discrepancy between the number of people counseled and tested and the laboratory tests done (8,338,860).

Source: UACP Database

*HMIS data however 8,338,860 lab tests were done

ii) Malaria and Tuberculosis treatment services

The burden of Tuberculosis (TB) and Malaria in Uganda remained high in terms of morbidity, mortality and economic losses. The misdiagnosis and overdosed prescription of people with tuberculosis continued to be the largest cause of multidrug-resistant TB in Uganda. Multidrug-resistant TB, (known among medical circles as MDR-TB), occurs when patients are no longer responsive to first-line drugs like isoniazid and rifampicin.¹¹⁹ Some patients were resistant to second-line drugs while others could not afford the available TB treatment because it was either too expensive or in short supply.

On the other hand, the major challenges that affected malaria prevention and control were: shortage of Artemisinin Combination Therapies (ACTs) due to inadequate procurement and delivery to health facilities and Community Medicine Distributors (CMDs); irregular and inadequate expansion of Indoor Residual Spraying (IRS); inadequate capacity for malaria diagnosis; understaffing; and inadequate partner control.¹²⁰ Table 9.6 shows the performance of the health sector against selected malaria control programme leading indicators in FY 2009/10 and FY 2010/11.

¹¹⁹ <http://ugandaradionetwork.com> accessed on 1 December 2011.

¹²⁰ MOH (n 118 above) 17.

Table 9.6: Performance against selected Malaria Control Programme lead indicators¹²¹

Indicator	2009/10	2010/11	Comment
% of under-fives with fever who receive malaria treatment within 24 hours from a VHT	13.7 (UMIS)	No data	Roll out of ACTs to community level still awaiting release of AMFm and GF Round 10 grant currently delayed but under negotiation. VHTs in at least 27 districts are distributing ACTs (procured by partners) as part of the iCCM, which targets U5 children with malaria, pneumonia and diarrhea
% of pregnant women who have completed IPT2uptake	47 (HMIS)	43(HMIS)	Reduction. Need for new thoughts & approached on improving performance
% of households sprayed with insecticide in the last 12 months	99	96.7	2009/10 results were from 6 districts while 2010/11 results are from 10 districts but still in the same geographical area
Case fatality rate(%)among malaria in-patients under five	1.4 (HMIS)	1.2 (HMIS)	Data yet to be validated and adjusted for the more representative figures
% of public and PNFP health facilities without any stock outs of first line anti-malarial medicines	No national data	39	Results from support supervision in 128 out of a total of 363 health facilities in 34 Districts
% of planned RBM partnership review meetings held	75	50	Modalities for engagement with partners currently under review including recent appointment of partnership coordinator

Source: Annual Health Sector Performance Report 2010/11

h) Inadequate quality of medical services

The UHRC noted that some health professionals did not demonstrate a high degree of professionalism especially at HC II, III and IV. In some facilities patients alleged that some staff were often unfriendly and were often absent from the HC. In Kabarole District in Western Uganda some patients alleged that 'midwives at HC III were not friendly. This explained partly why many patients resorted to referral hospitals even when the cases could have been handled at lower health centres.

There were also incidents when health facilities were closed yet patients were waiting for treatment. For instance, Kasese HCIII was closed due to lack of toilets. The flush toilets had been blocked 3 years before and the one stance pit latrine shared by both the patients and staff was full. As a result, the admission unit had to be closed and the out-patient department opened for only two hours while other patients were referred to Rukoki HCIII 4kms away from the municipality.

I) Escalation of the Head Nodding Disease

Nodding disease also known as 'nodding syndrome' is a little-known disease which is currently restricted to small regions in South Sudan, Tanzania and Uganda.¹²² In the case of Uganda, the outbreak of nodding disease was first reported in northern Uganda in 2009 with cases in Kitgum, Lamwo and Pader districts. This caused a lot of panic and fear among the population in Northern Uganda and about 170 deaths had been documented. By December 2011 the disease was reported to have escalated and claimed about 200 lives all of whom were children. It was reported to have spread to over seven districts.

121 MOH, Annual Health Sector Performance Report 2010/11, 14.

122 UGANDA: Nodding disease or "river epilepsy"? IRIN Africa accessed 19 October 2010

However, statistics the from MoH showed that the affected areas were Pader, Kitgum and Lamwo districts as indicated in table 9.7 below.¹²³

Table 9.7: Identified Cases affected by Nodding Disease in Uganda as at December 2011

District	No. of cases	Affected Sub-Counties
Pader	1,416	Awere, Puranga, Angangura, Atanga & Pajule
Kitgum	479	Akwanga, Kitgum Matidi, Labong, Amida & Namokola
Lamwo	328	Palek Gem, Padiba East, Padibe West, Palebek Kal, Palebek Ogil & Lokung

The disease which is fatal and physically disabling affects young children and adolescents between the ages of 5-15 years. The major symptoms of the disease are head nodding, mental retardation, and stunted growth. When victims are given food or feel cold, they develop seizures leading them to nod very rapidly in a continuous, pendulous nod. With these epilepsy-like symptoms, children with the disease were extremely prone to accidents and most of the related deaths were from secondary causes. The government was criticised for the slow response in treating the disease that had continued to claim lives. When the UHRC interviewed local representatives, they attributed the outbreak to the effects of the over two decade-long insurgency that the region faced until 2006. There is no known cure for nodding syndrome, but the MoH had begun using anti-convulsants drugs to treat its signs and symptoms. Out of desperation, traditional approaches like rites and rituals that saw goats, and chicken slaughtered to appease spirits have been tried.

In addition, UHRC consultations with MoH revealed that the Ministry had undertaken the following in trying to manage the disease;¹²⁴

- Provision of supportive treatment to affected children
- Trained health workers and village health teams
- Conducted a survey to determine the prevalence of the disease in the affected districts.
- Disseminated survey findings with recommendations to all relevant district local authorities.
- Prepared and implemented a comprehensive response plan which was shared with the district leadership and partners (local and National)
- Prepared a supplementary budget request to implement the response plan
- Modified the annual mass drug administration treatment of Onchocerciasis elimination strategy in view of the higher prevalence of river blindness in the three districts affected by nodding disease.

However, the inability by the government to adequately diagnose and control the spread of the disease violated the right to health.

J) Non-communicable Diseases

Non-Communicable Diseases (NCDs) in the year under review continued to be a challenge. These diseases included cardiovascular diseases, diabetes, chronic respiratory diseases, cancers, injuries and disabilities, oral diseases, genetic diseases and mental health conditions. The increase in NCDs was due to multiple factors such as adoption of unhealthy lifestyles, increased ageing population and side effects of life-long antiretroviral treatment for HIV/AIDS. There were insufficient numbers of adequately trained health professionals to provide NCD screening, early diagnosis, and treatment services.¹²⁵ Appropriate screening and diagnostic equipment was also not generally available at the health facilities as well as the insufficient supply of medicines and supplies for treating NCDs particularly at lower level health facilities.

¹²³ Dr. James Mugisha, Presentation to the UHRC at the 14th Annual Report Stakeholders Meeting, An Overview of the Implementation of the Right to Health, 8-10, February 2012.

¹²⁴ As above.

¹²⁵ n118 as above .17.

The available data from the Health Management Information System (HMIS) shows as indicated in the table 9.8 below, that the number of new patients who attended Out Patient Department (OPD) with hypertension and diabetes was increasing annually.

The continued lack of community based data delayed the formulation of evidence based national NCD policies and strategies as well as the development of a comprehensive and integrated action plan against NCDs in our population. There were limited public awareness activities for prevention and control of NCDs. The continued manifestation of the above factors undermined the population's access to quality NCD care.

The table below shows the numbers and percentages of patients with hypertension and diabetes attending the Out Patient Department (OPD) over the years. In 2011, there was an increase of 0.6% in patients with hypertension from 0.5% in 2010, while the percentage of patients with diabetes attending OPD remained the same in FY 2009/10 and 2010/11.

Table 9.8. Patients attending OPD with Hypertension and Diabetes

	2008/09		2009/10		2010/11	
Diagnosis	No.	% total of OPD attendance	No.	% total of OPD attendance	No.	% total of OPD attendance
Hypertension	185,864	0.6%	190,065	0.5%	200,221	0.6%
Diabetes Mellitus	81,420	0.3%	75,066	0.2%	86,010	0.2%

Source: MoH, HMIS

K) Burden of Maternal Health

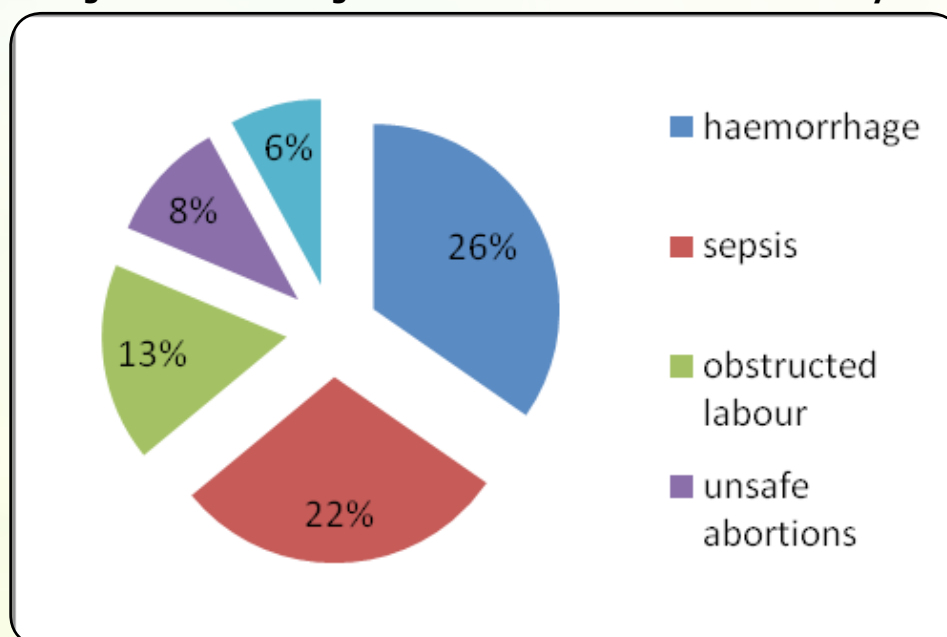
The maternal mortality rate for Uganda had reduced, although the rate was still higher than the set Millennium Development Goals (MDG) target of 131 deaths per 100,000 live births. The leading direct causes of these deaths were haemorrhage, sepsis, obstructed labour, unsafe abortions and hypertensive disorders in pregnancy. The main factors for maternal deaths related to three delays – delay in seeking care, delay in reaching facilities and intra-institutional delay in providing timely and appropriate care. Those that related to abortions arose mainly from unwanted or unintended pregnancies.¹²⁶

Ministry of Health had put in place interventions such as community mobilization and capacity building for human resource at district and lower levels to deliver reproductive health services, as well as provide Emergency Obstetric Care (EmOC) at HC IIIs, HC IVs and hospitals. It also provided for family planning services especially to adolescents. In spite of this, maternal health audits indicated that the proportion of pregnant women delivering in GoU and Private Not for Profit (PNFP) facilities was still low.

The proportion of facilities providing appropriate EmOC was still low and so was access to post-natal care within first week of delivery which stood at 26%. About 15% of all pregnancies developed life threatening complications and this was especially for those that conceived too early (under 18 year) or too late (above 35years). Only 40% of the national need for EmOC was met and 11.7% of women delivered in fully functional comprehensive EmOC facilities. Figure 9.5 and Figure 9.6 below indicates the percentages of direct causes of maternal mortality as well as maternal mortality trends over the years respectively.

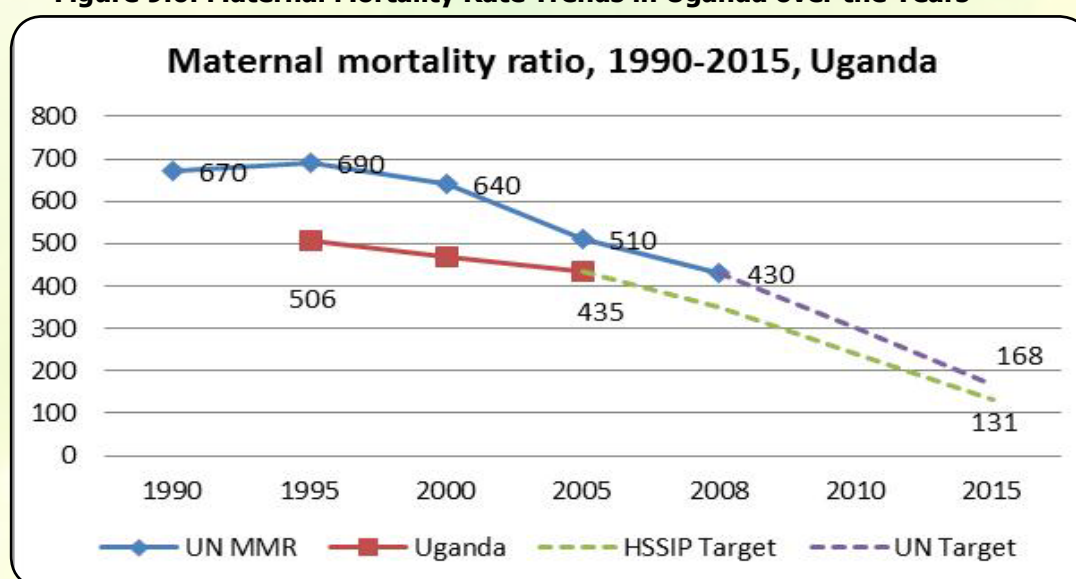
¹²⁶ n 123 above.

Figure 9.5: Percentages of direct causes of Maternal Mortality¹²⁷



Source: Health Sector Strategic and Investment Plan 2010/11 – 2014/15

Figure 9.6: Maternal Mortality Rate Trends in Uganda over the Years¹²⁸



Source: Annual Health Sector Performance Report 2010/11

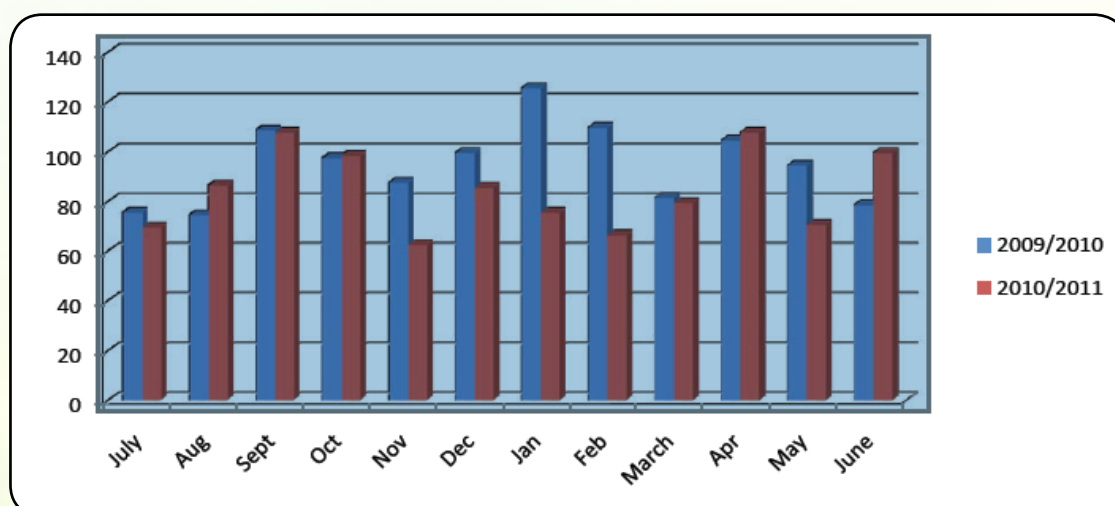
The referral mechanism faced challenges of poor road networks or difficult terrain in hard-to-reach areas, insufficient funds for operating and maintaining ambulances, as well as lack of relevant emergency medicines and supplies including blood at the endpoint of referral. The funding for procurement of family planning services especially in hard to reach areas was insufficient and left an unmet need of 41%.¹²⁹ Most of the HC IVs were unable to provide comprehensive sexual reproductive health services. The Figure 9.7 below shows health facility-based maternal deaths in the financial year 2009/10 and 2010/11.

¹²⁷ n 118 above 12.

¹²⁸ n 123 above 11.

¹²⁹ n 118 above 12.

Figure 9.7: Health facility-based maternal deaths in FY 2009/10 and 2010/11

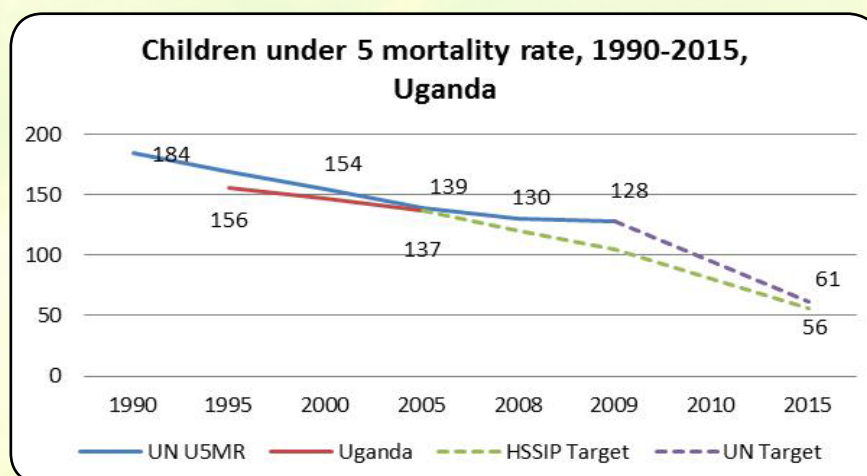


Source: MoH HMIS

L) Child mortality rate

Child Mortality refers to the death of infants and children under the age of five and it is one of the MDGs. The MDG report for Uganda 2010 indicated slow progress towards achievement of the set target.¹³⁰ Hospital based mortality data indicated that malaria was the top most (27.2%) cause of under five mortality followed by anaemia (12.1%), pneumonia (11.4%), perinatal conditions (7.8%) and septicaemia (5.0%). Most of the deaths occurred early during admission and due to shortages of blood for transfusion in some facilities as well as high chronic malnutrition and micronutrient deficiencies in the populations. More than one third of the deaths in the first year of life occur in newborns 0-28 days, mostly in the immediate period after birth. They are due to perinatal conditions like birth asphyxia, pre term birth and infection. Figure 9.8 below shows trends of child mortality rate of children under 5 over the years.¹³¹

Figure 9.8: Under 5 Mortality trends in Uganda



Source: Annual Sector Health Performance Report 2010/11

M) Neglected Tropical Diseases (NTDs)

Since the inception of the right to health unit, the UHRC has recommended that attention must be paid to neglected tropical diseases. The Ministry of Health has responded that activities relating to the handling of neglected tropical diseases have been integrated within child day plus activities such as mass deworming and azithromycin administration for trachoma. Nevertheless, the UHRC found that neglected tropical diseases are still prevalent. For example Trypanosomiasis is still prevalent in Nakapiripirit, Adjumani, Moyo, Arua and Yumbe District. Other neglected tropical diseases such as common intestinal worms, elephantiasis and river blindness are also still prevalent.

¹³⁰ See Millennium Development Goals Report for Uganda September 2010 at 20 -21

¹³¹ n 123 above 8.

9.4. CONCLUSION

Despite some progress made towards improving the health sector in Uganda, it continued to face a number of recurrent issues. The most notable shortcomings were the chronic under-funding to the sector which affected the procurement of essential health commodities and the timely implementation of planned activities. The inability to attract and maintain an effective workforce negatively affected service delivery. The combination of all the challenges discussed inevitably affected the realisation of the right to health in the country.

9.5. RECOMMENDATIONS

1. As recommended in the previous annual reports:
 - Government should increase the budget allocation to the health sector in line with the Abuja Declaration in order to address concerns of accessibility, acceptability, affordability and poor quality health services.
 - Ministry of Health should prioritise NTDs control as a development program and allocate it funding;
2. The UHRC also recommends that:
 - MoH should recruit health professionals to fill up the positions in health facilities as per the demands of the health standards based on the grading system;
 - MoH should construct more wards, office spaces, maternity, and laboratories as well as providing constant water and power supply plus relevant equipments in health facilities;
 - MoH should procure new, modern and efficient ambulances for health facilities to ensure prompt and timely transfer of emergency cases and grounded ambulances should be repaired;
 - MoH should put in place a mechanism of generating community-based data to expedite the process of formulation of national NCD policies on prevention and treatment; and
 - MoH should urgently address the problem and implement the respond plan to the head nodding disease in the affected areas.
3. MoPS should revise the salary rate of health professionals and increase it to a level that attracts more professionals into government health service delivery as opposed to private practice;

CHAPTER 10

THE RIGHT TO ADEQUATE HOUSING IN THE CONTEXT OF RURAL- URBAN MIGRATION

10.0. INTRODUCTION

The inadequate protection and realisation of the right to adequate housing in Uganda is entrenched in the colonial era where by restrictive by-laws confined settlement in urban areas with sufficient amenities to European administrators while Africans were relegated to informal settlements.¹³² This discrepancy was not addressed by post-independence governments which continued to consign the poor to undeveloped parts of towns such as Katanga, Kisenyi and Kivulu.¹³³ This was further complicated by the land tenure system such as the 'mailo' tenure which allowed for the growth of informal settlements for rent as landowners were not keen on property development.¹³⁴ Later, the Structural Adjustment Policies (SAPs) adopted by the NRM/A government in 1987 necessitated the reduction in the provision of key social services such as housing and decreased the service sector in the agricultural industry. This increased unemployment and migration to urban areas in order to seek employment, which has placed pressure on housing in informal settlements.¹³⁵

General Comment 4 of the CESCR notes that the right to adequate housing goes beyond having a 'roof over one's head or viewing shelter as a commodity' to entail the right to live somewhere in security, peace and dignity.¹³⁶ The right to adequate housing in Uganda has been narrowly interpreted as having shelter to the exclusion of interrelated rights such as health, property and protection of the family.

This Chapter evaluates the right to adequate housing within the context of rural-urban migration. The choice of this context is informed by the impact of the history indicated above. The chapter highlights the legal framework, identifies what constitutes the right to adequate housing, state obligations and the core factors determining this right. Developments in the legal and policy framework and the core factors are analysed, challenges are highlighted and recommendations made for the realisation of the right to adequate housing.

10.1. THE LEGAL FRAMEWORK

In spite of this colonial and post-independent legacy, Uganda is a state party to and has ratified various international and regional human rights treaties providing for the right to adequate housing. In addition, provisions of these instruments are reflected in the 1995 Constitution.

10.1.2. International legal framework

Article 25 of the UDHR recognises the right to an adequate standard of living including housing. Article 11 (1) of the ICESCR reiterates the provision in the UDHR and in addition provides for the 'continuous improvement of living conditions'. Article 5 (e) (iii) of the CERD prohibits discrimination on the basis of race, colour, national or ethnic origin in regard to the right to housing. Article 8 (1) of the Declaration of the Right to Development provides for the state to take measures to realise the right to development which includes equal opportunity to access housing.¹³⁷ Article 49 (3)(d) of the International Convention on the Protection of the Rights of All Migrant workers and Members of Their Families provides for non discrimination of migrant workers in relation to access to housing while Article 14(2)(h) of the CEDAW provides for non discrimination in enjoying 'adequate living conditions particularly in relation to housing'.

132 H. Onoria, 'Guaranteeing the Right To Adequate Housing and Shelter in Uganda: The Case of Woman and People with Disabilities', Human Rights and Peace Working Paper No.6 (2007), at 13.

133 As above 14.

134 As above.

135 As above 16 and presentation by I.Katongole on An Analysis if the Right to Adequate Housing: Achievements, Challenges, Recommendations and Implementation of UHRC Recommendations at the 14 Annual Report Stakeholders Consultative Meeting on 9 February 2012 where it was pointed out that the estimated demand for basic and inadequate housing in Kampala is 560,000 units out of 798,000.

136 General Comment 4 on the Right to Adequate housing, (art 11) (GC 4) UN. DOC E/1992/23, para.7.

137 Adopted by the UN General Assembly Resolution A/RES/41/128. Accessed at <http://www.un.org/documents/ga/res/41/q41r128.htm> on 28 February 2012.

Article 27(3) of the CRC requires the state to provide material assistance and put in place support programmes particularly with regard to the right to adequate housing. Article 9 the CRPD provides for the state to take appropriate measures for PWDs to access, on equal basis, facilities including housing.

10.1.3. Regional legal framework

Though the right to adequate housing is not explicitly provided for in the ACHPR, it has been interpreted as an 'outcome' of the enjoyment of the best attainable standard of physical and mental health, the right to property and the protection of the family which are 'a combined effect of Articles 14, 16 and 18' of the ACHPR.¹³⁸ Article 20(2)(c) of the African Charter on the Rights and Welfare of the Child reiterates Article 27 (3) of the CRC.

Article 16 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa expressly provides for the right of women to access adequate housing.¹³⁹

10.1.4. National legal framework

Objective XIV of the NODPs as contained in the Constitution departs from the standard of 'adequate housing' and instead provides that Ugandans shall enjoy rights and opportunities and access to 'decent shelter'. This is a narrow interpretation that excludes the aspect of living in security, peace and dignity which are essential components of the right to adequate housing. In spite, of this divergence, Article 45 of the Constitution provides for reference to international and regional obligations assumed by Uganda. Article 45 stipulates that rights and duties relating to fundamental and other human rights not explicitly provided for in Chapter Four of the Constitution shall not exclude others not specifically provided. Other national legislation related to the right to adequate housing highlighted in the analysis in different legislation is inadequate.

10.2. WHAT CONSTITUTES THE RIGHT TO ADEQUATE HOUSING

General Comment 4 of the CESCR re-emphasizes statements of the Commission on Human Settlements and the Global Strategy for Shelter 2000 by pointing out that adequate housing means:

.....adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities-all at a reasonable cost¹⁴⁰

The UN Special Rapporteur on adequate housing has defined adequate housing as

the right to every woman , man , youth and child to gain and sustain a safe and secure home and community in which to leave in peace and dignity¹⁴¹

10.3. STATE OBLIGATIONS

The specific obligations regarding respect and protection of the right to adequate housing were clarified by the African Commission on Human and Peoples' Rights in *The Social and Economic Rights Action Centre and the Centre for Economic Rights and Social Rights v. Nigeria*.¹⁴² The African Commission on Human and Peoples' Rights pointed out that the obligation to respect required the state to refrain from practices, policies and legal measures violating the integrity of the individual from using materials to satisfy individual, family or community housing needs. The African Commission on Human and Peoples' Rights further pointed out that the obligation to protect obliges the state to prevent violations of an individual right to housing by any other individual or non state actor.

138 The Social and Economic Rights Action Centre and the Centre for Economic Rights and Social Rights v. Nigeria , ACHPR Comm. No.55/56 , para. 60. See also Article 14 that provides for the right to property, Article 16 provides for the right to health and Article 18 provides for the family as the natural unit and basis of society and the state should protect its physical and moral health.

139 Entered into force in 2005 and ratified in 2010. Accessed at <http://www.achpr.org/english/women/protocolwomen.pdf> accessed on 29 February 2012.

140 General Comment 4 on the Right to adequate housing , para.8.

141 <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx> accessed on 21 January 2012.

142 no 148 above, 11, para.61.

Though the African Commission on Human and Peoples' Rights did not make specific reference to the obligation to fulfill in regard to the right to adequate housing, it was pointed out that this required the "state to move its machinery towards the actual realisation of these rights".¹⁴³

10.4. FACTORS DETERMINING THE RIGHT TO ADEQUATE HOUSING

The core elements that constitute 'adequate' housing are:¹⁴⁴

- Legal security of tenure which guarantees legal protection against forced evictions, harassment and other threats;
- Availability of services, materials, facilities and infrastructure which are essential for health, security, comfort and nutrition;
- Affordability where the costs associated with housing do not threaten or compromise basic needs;
- Habitability where inhabitants have adequate space, and are protected from health, structural hazards and disease vectors;
- Accessibility to those entitled to it with special attention and priority given to vulnerable groups such as women, children, PWDs, HIV-positive individuals, persons with mental disabilities, victims of natural disasters and people living in disaster prone areas.
- Location where adequate housing allows access to health care services, schools, employment options and other social facilities; and
- Cultural adequacy where policies, materials and the way houses are constructed enables the expression of cultural identity and diversity of housing.

10.5. ANALYSIS OF THE RIGHT TO ADEQUATE HOUSING IN THE CONTEXT OF RURAL URBAN MIGRATION

The analysis of the right to adequate housing is based on factors determining the right to adequate housing. This analysis has been done within a context of the increasing urban population from 840,000 in 1980 to 4,859,500 in 2011.¹⁴⁵

10.5.1. Legal Security of tenure

Though the legal and policy initiatives undertaken by the government do not make specific reference to the right to adequate housing, they are aimed at preventing violations of the right to adequate housing by providing for security of tenure including urban dwellers.

(i) Legal initiatives

The Land Act (Cap) 227 provides for protection of *bonafide* occupants who have occupied and utilized land unchallenged for 12 years or those settled on the land by Government.¹⁴⁶ In addition, the Land Act protects spouses with security of occupancy as well as vulnerable persons such as women, children and PWDs in respect of land held under customary tenure.¹⁴⁷ The land (Amendment) Act 2010 further enhanced the security of occupancy of lawful and *bonafide* occupants by allowing the Minister to determine the annual nominal ground rate on registered land in the event that the land board failed to do so within six months of coming into force of the Land (Amendment Act) 2010.¹⁴⁸ Under the Land (Amendment Act) 2010 lawful or *bonafide* occupants can only be evicted by an order of court or for non-payment of rent and any change in title by the land owner does not affect the existing lawful or *bonafide* related interests.¹⁴⁹ The Condominium Act 2001 provides for individual ownership of housing units in multiple unit buildings (flats).

143 As above 7, para.47.

144 no.138 above. para.8.

145 The National Upgrading Strategy and Action Plan (2008), 1.

146 Section 29 of the Land Act Cap 227.

147 As above, Section 38 and 27.

148 See Section 1 of the Land (Amendment) Act 2010.

149 As above, Sections 2-3.

(ii) Policy initiatives

The National Land Use Policy (2007) was aimed to achieve “sustainable and equitable socio- economic development through optimal land management and utilisation”. The specific goals were: to promote sustainable land use and management; ensure well planned and affordable settlements for both rural and urban areas; and update and harmonise land related policies and laws.¹⁵⁰ The National Upgrading Strategy and Action Plan (2008) seeks to uplift the lives of at least one million people by the year 2020 while the National Shelter Strategy (1989-2011) was aimed at creating an environment where decent and affordable housing could be provided.

Though these legal and policy initiatives attempt to address the right to adequate housing through provision of security of tenure they still have underlying challenges. These include:

(a) Nature of the land tenure systems

The Land Act recognises four systems of tenure which are customary, freehold, *mailo* and leasehold.¹⁵¹ Of the four systems of land ownership, 37.3% of the land in urban centres is customarily owned while 8.4% is *mailo*.¹⁵² Both these land systems allow for limited access to and security of tenure from “forced evictions or harassment” leading to occupation of land on a temporary or illegal basis.¹⁵³ Though the Land (Amendment Act) 2010 sought to prevent arbitrary evictions of *lawful or bonafide* occupants by prescribing the rent payable, evictions regarding payment of rent are still common.¹⁵⁴ In addition, customary ownership of land does not ensure equity in the distribution of land resources and is discriminative in regard to vulnerable persons such as women and children who do not have any ownership rights over these temporary or illegal structures. The security of tenure is further complicated by continuous urban migration in a situation where 93% of gazetted towns have not translated structural plans into implementable structural plans.¹⁵⁵

(b) Lack of provision for the urban poor

The Condominium Act (2001) provided an opportunity for individual ownership of units by sitting tenants. However, these units were not accessible to the urban poor who were not able to purchase housing units which were costing between UGX 34,000,000 to UGX 41,000,000. In addition, it has been noted that one of the weaknesses of the National Shelter Strategy (1989 -2001) is that it did not cater for low income earners.¹⁵⁶

Policies such as the National Land Use Policy (2007) and National Upgrading Strategy and Action Plan(2008) that aim to provide affordable settlements cannot be effectively implemented unless the systems of land tenure are addressed. This is because the systems of tenure promote the growth of temporary and informal settlements where planning, provision of basic services and infrastructures are hindered.¹⁵⁷

10.5.2. Availability of services, materials, facilities and infrastructure

Adequate housing requires that facilities essential for health, security, comfort and nutrition are provided. These facilities should have access to safe drinking water, sanitation and drainage, food storage, refuse disposal and emergency services.¹⁵⁸ As indicated in Table 10.1 below, the number of urban dwellers in 2011 was 4.8 million with Kampala region having a population of 1.65 million.¹⁵⁹ Of this urban population 49.6% lives in informal settlements which are a result of lack of coherent planning and inadequate implementation of structure plans.¹⁶⁰

150 Ministry of Lands, Housing and Urban Development, ‘Issue Paper For the National Land Use Plan’ Volume 1, 2008 at 5.

151 no 146 , Section 2.

152 Ministry of Lands, Housing and Urban Development Statistical Abstract Volume 1, 2010 at 28.

153 The Uganda National Land Policy (Final Draft) (2011), 28; The National Development Plan (2010/11-2014/15) 160.

154 As above , the Uganda National Land Policy (Final Draft) (2011), 21.

155 no.154, at 161, See also no.154, at 168.

156 S. Mukiibi, The Effect of Urbanisation on the Housing Conditions of the Urban Poor in Kampala, Uganda, 39.

157 no. 156, 20.

158 ESCR Committee no 138, para. 8 (b).

159 Uganda Bureau of Statistics, Statistical Abstract (2011), 7-8.

160 as above; 53.

These informal settlements have extended to areas such as Kasubi, Katwe, Kalerwe, Bwaise, Wandegaya, Nakulabye, Naguru II and Kibuli.¹⁶¹ This situation could worsen considering that the urban population has been projected to increase from 3.7% in 2012 to 7.8 % in 2022.¹⁶² The locations of these informal settlements or slums do not have access to services such as water supply, sewage management and garbage disposal. In addition, no assessment was done with regard to the capacity of the land to accommodate an increase in population and whether the land use is compatible with adjoining land uses. This lack of coherent planning affects the effectiveness of other sectors such as water, agriculture and human settlements which have a direct impact on the health, security, comfort and nutrition of people living in these temporary or illegal structures.¹⁶³

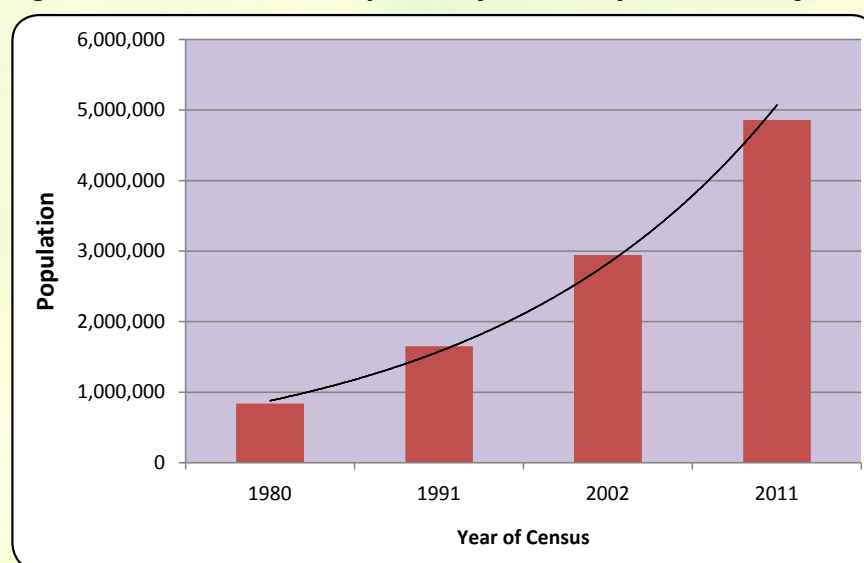
Table: 10.1. Total and Urban population growth rates

Year of census	Population in millions	Urban population in millions	Urban population of Kampala region	Urbanization level (%)	% of urban population in Kampala
1980	12.6	840,000	-	6.7	-
1991	16.7	1,650,000	774,241	9.9	46.9
2002	24,067,200	2,943,500	1,189,142	12.23	40.4
2011	32,939,800	4,859,500	1,659,700	14.8	34.2

Source: UBOS Statistical Abstract 2011

Figure 10.2 shows the urban population has been rapidly increasing since 1980 and was expected to increase as per the 2011 projections to 4,859,500 million.

Figure 10.2: Urban Census Population (1980-2002) and 2011 Projection



Source: UBOS Statistical Abstract 2011

10.5.3. Affordability

The cost of acquiring adequate housing should not threaten or compromise basic needs. Unemployment in the urban areas is three times higher than in rural areas with the highest unemployment rate at 11% in Kampala.¹⁶⁴ This means that the low income earners including those who have migrated to urban areas can only afford housing in informal settlements as the cost of the majority of housing units provided by the private sector are determined by forces of demand and supply. This is in a situation where the demand for housing exceeds the supply of housing units with the urban areas having a backlog of 153,000 units.

¹⁶¹ no. 161 above, 41.

¹⁶² no.158 above, 42.

¹⁶³ no.160, 42.

¹⁶⁴ UBOS, Uganda National Household Survey (2009/10), Socio Economic Module, Abridged Report, 44.

This increased cost of acquiring adequate housing leaves the low income earners with two options; either to purchase houses or rent houses while compromising their basic needs or acquire low cost housing such as temporary or semi permanent houses. This situation is further complicated by the slow adoption of new cost effective technology in engineering in the housing industry. Though mortgage financing would have been one of the ways to access adequate housing, this is hindered by the fact that the collateral needed to ensure access to funds is in the form of land titles that the urban poor and especially women do not have access to.¹⁶⁵ Mortgage financing is further hindered by the high cost of housing loans which was as high as 29%.

10.5.4. Habitability

Adequate housing requires that inhabitants have adequate space which ensures protection from health, structural hazards and disease vectors. In order to assess if a house has adequate space, attention has to be paid to the construction materials used because these are indicative of the durability, permanency of the dwelling unit and the socio economic status of the household.¹⁶⁶ Of the settlements in urban areas 14.2 % are thatched houses, 17.2% have mud and poles for walls while 29.6% have floors constructed with earth. These construction materials point to dwelling units which are likely to collapse and are susceptible to fire outbreaks. In Kampala region 73.6% of households have a one roomed house which encourages the spread of communicable disease such as T.B which is a leading cause of morbidity and mortality.¹⁶⁷ The location of these illegal settlements in marginal areas such as swamps and other flood prone areas exposes the inhabitants to the full force of floods during the rainy season.¹⁶⁸



Kampala floods-Bwaise

Photo Source: New Vision

10.5.5. Accessibility

Adequate housing is required to be accessible to those who are entitled to it especially the vulnerable groups such as women, children, PWDs. HIV-positive individuals, persons with mental disabilities, victims of natural disasters and people living in disaster-prone areas. The temporary or illegal structures in informal settlements do not put into consideration the physical accessibility for vulnerable persons such as children, PWDs and persons with mental disabilities. These structures do not cater for the special needs of these vulnerable persons thus placing them in precarious situations of threats to their health and injuries from unplanned structures.

¹⁶⁵ As above, 133 .68% of mortgage titles are owned by men while 14 % are owned by women.

¹⁶⁶ no. 156 above.

¹⁶⁷ no. 166 above, 113. no 166 above 246.

¹⁶⁸ no.156 above 28.

This is further complicated by the fact that vulnerable persons such as PWDs and people living with HIV/AIDS do not have economic accessibility to adequate housing due to their limited access to land because of poverty induced evictions, land grabbing and abuse of land inheritance procedures.¹⁶⁹

10.5.6. Location in relation to social services

Adequate housing should guarantee access to facilities such as health care services, employment and schools. Since informal settlements in the Kampala region are unplanned, there is no consideration of employment opportunities, health care and education services. These unplanned settlements are therefore in “marginal” areas with “high environmental concerns” and a “risk to health” hazards.¹⁷⁰



Kampala floods-Kale

Photo Source: New Vision

10.5.7. Cultural Diversity

Policies, materials and the mode of construction of houses should enable the expression of cultural identity if the right to adequate housing is to be realised. Currently the policies in place do not provide guidance to investors in the housing industry on how they should allow for expression of cultural identity in light of modern technology. Considering that the majority of housing units are provided by the private sector, materials and the mode of construction depend on the interest and personal preferences of private investors and the cost of construction materials. This has been further compounded by the decision of government to restrict itself to a regulator and not a provider of housing which has left the housing sector in the hands of private investors.

10.6. CHALLENGES

The challenges that hinder the realisation of the right to adequate housing are rooted in historical and structural management and administration of land. This situation has been aggravated by the following factors:

1. Lack of a National Land Policy that would address the multiple land tenure system that hinders access to land and renders the occupation of land by the urban poor on a temporary and illegal basis. The policy would enable the orderly development of urban areas ;

¹⁶⁹ As above.

¹⁷⁰ As above.

2. Lack of a harmonised National Urban and Development Policy to guide urban development, promote sustainable development and address the management of the existing urban population;
3. Inadequate financial and human resource capacity at the national level to ensure well planned, managed and sustainable urban centres;
4. Low levels of income that hinder the urban poor from purchasing houses that are durable and in well planned areas. The urban poor are further constrained by the restrictive mortgage financing that hinders acquisition of adequate housing; and
5. Limited government intervention at the legal, policy, and implementation level in provision of low-cost housing. Government has not adequately provided for the right to adequate housing in the 1995 Constitution. Reference to the right is made in the NODPs where there is lack of clarity of the obligations of government. In addition, though policies make reference to provision of decent and affordable housing this is not yet achieved because of prices determined by the market and the restricted role of the Government of only a regulator.

10.7. CONCLUSION

Though aspects of the right to adequate housing have been provided for in the existing legal and policy framework, there are still challenges in fulfilling the core elements of the right to adequate housing. As a result the largest proportion of the urban population lives in conditions where their security, peace and dignity are not respected.

10.8. RECOMMENDATIONS

1. The Ministry of Lands, Housing and Urban Development should conclude development of the National Land Policy which seeks to address the land tenure systems and the sustainable use and management of land while focusing on vulnerable persons;
2. In addition to the Land Policy, the Ministry of Lands, Housing and Urban Development should develop a National Urban and Development Policy, National Human Settlement Policy and implement the National Land Use Policy and National Upgrading Strategy and Action Plan;
3. Government should strengthen the capacity of the Directorate of Physical Planning and Development and Kampala Capital City Authority to plan, enforce and monitor implementation of physical development plans;
4. Kampala Capital City Authority should implement the Physical Planning Act (2010) that provides for the approval of development plans before the execution of housing projects or construction;
5. Government should facilitate and fund the acquisition of low cost houses by low income households; and
6. Parliament should enact a law providing for the right to adequate housing in accordance with Article 8(A) of the 1995 Constitution (As Amended).

CHAPTER 11

BUDGET ANALYSIS WITH REGARD TO HEALTH, EDUCATION AND HOUSING

11.0. INTRODUCTION

Funding impacts significantly on the realisation of human rights. Oftentimes it is a critical indicator of the commitment of the duty bearer to translate policy and plans into tangible results for the right holders. This chapter focuses on budget allocations to the health, housing, and education sectors in line with the priorities identified under the National Development Plan (2010/11-2014/15 (NDP). The UHRC focused on these specific rights because they are central to the enjoyment of all economic, social and cultural rights and include various social economic factors that lead to a healthy life.¹⁷¹ The budget analysis is made within the context of Uganda's international human rights obligations and budget allocations to the health, housing and education sector. The chapter highlights challenges and makes recommendations to address them.

11.1. STATE PARTY OBLIGATIONS

The right to health, education and housing are provided for under the ICESCR.¹⁷² Article 2 of the ICESCR provides for the obligation of the State Party to the Covenant to take steps to the 'maximum' of the 'available resources' to achieve the progressive realisation of the rights recognised in the Covenant. The Limburg Principles on the Implementation of Economic, Social and Cultural Rights (1986) clarified that 'progressive realisation requires the State to move expeditiously towards the realisation of the rights in the Covenant and does not imply the right to defer efforts to ensure the full realisation of these rights indefinitely.¹⁷³ It was further clarified that in order to determine whether adequate measures have been taken for the realisation of the rights in the Covenant, attention has to be paid to 'equitable and effective use' and of access to the available resources.¹⁷⁴

The CESCR in General Comment 3 noted that the:

...minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant.¹⁷⁵

11.2. Budget Analysis for health, education and housing

The Budget for the Fiscal Year 2011/12 was UGX 9.84 trillion under the theme; *Promoting Economic Growth, Job Creation and Improved Service Delivery*.¹⁷⁶ The budget analysis takes into consideration the funds allocated to these three sectors to find out if the allocations were equitable and whether they were made to priority areas.

11.2.1. Right to Health

Article 12(2) of the ICESCR expounds on the steps to be taken to realise this right. This includes provision for reduction of still births and infant mortality; improvement of environmental and industrial hygiene; prevention, treatment and control of epidemic, endemic, occupational and other diseases; and creation of conditions which assures medical services and medical attention in the event of diseases.

171 ESCR Committee General comment 4 (n 142 above), para. 1; ESCR Committee General Comment 14 (n 107 above) para 14; ESCR Committee General Comment 13: The Right to Education (art 13) (GC 13) UNDoc. E/C.12/1999/10 para. 3.

172 Articles 11-13.

173 Principle 21.

174 Principle 27.

175 ESCR General Comment 3: The nature of States Parties' Obligations(art.2 (1) (GC 3) para.10.

176 See www.swedenabroad.com/Page_____110412.aspx accessed on 5th April 2012

In relation to this, the objectives in the NDP include: ensuring universal access to quality Minimum Health Care Package with emphasis on vulnerable populations: and increasing motivation, productivity and performance of human resource through the development and utilization of the health work force.¹⁷⁷

(i) Budget analysis for Health

Health service delivery is financed by the government, private sources and development assistance under the sector wide arrangement. Table 11.1 below shows trends in budgetary allocation to the Health Sector.

Table 11.1: Trends of Government and Donor allocation to the Health Sector Funding

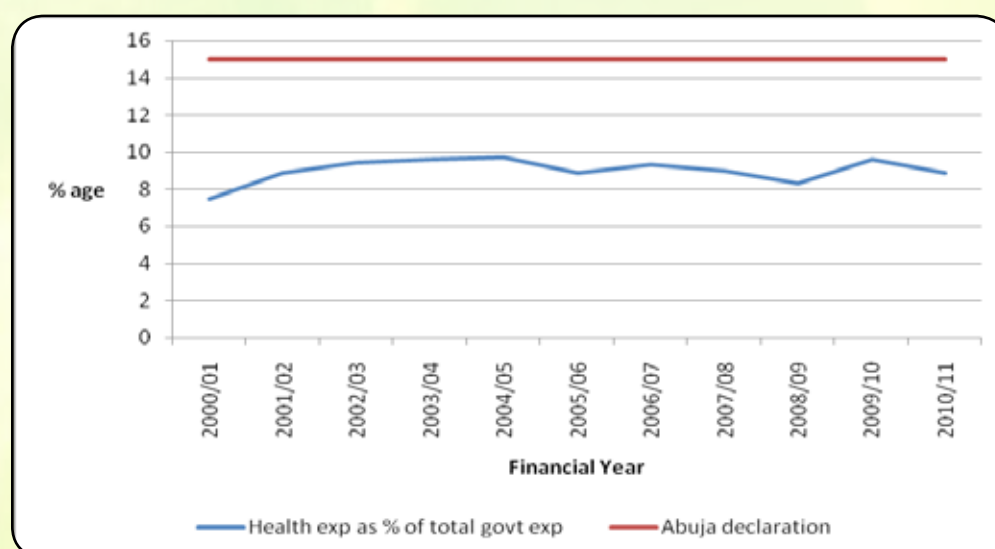
Year	GoU Funding (UGX bns)	Donor Projects and GHIs (UGX)	Per capita public health exp (UGX)
2009/10	435.8	301.8	24,423
2010/11	569.56	90.44	20,765

Source Ministry of health

Table 11.1 above indicates that government spending on the health sector increased from 435.8 billion in FY 2009/10 to 569.56 billion in FY 2010/11, whereas donor funding decreased from 301.8 to 90.44 billion in FY 2009/10 and FY 2010/11 respectively.

In FY 2009/10 the budget allocation for health was 9.6% of the total government expenditure which reduced to 8.9% in FY 2010/2.¹⁷⁸ The UHRC notes that this was far below the state commitment of a minimum of 15% of the total government expenditure in the Abuja Declaration.¹⁷⁹ Figure 11.1 shows the percentage of the Government health expenditure in relation to the Abuja commitment of 15%.

Figure 11.1: Government health expenditure as % of the total government expenditure in relation to the Abuja Commitment of 15%



From the above information, whereas the funding from donors was reducing, Government funding increased in FY 2009/10 and 2010/11. However, it should be noted that the total government expenditure on the health sector remained at about 9% of the total national budget. The UHRC further observed that private individuals financed the health care budget through 'out-of pocket' funding that contributed between 40 to 42% of the overall expenditure.¹⁸⁰ Figure 11.2 makes a comparison of Government and Donor funding to the Sector.

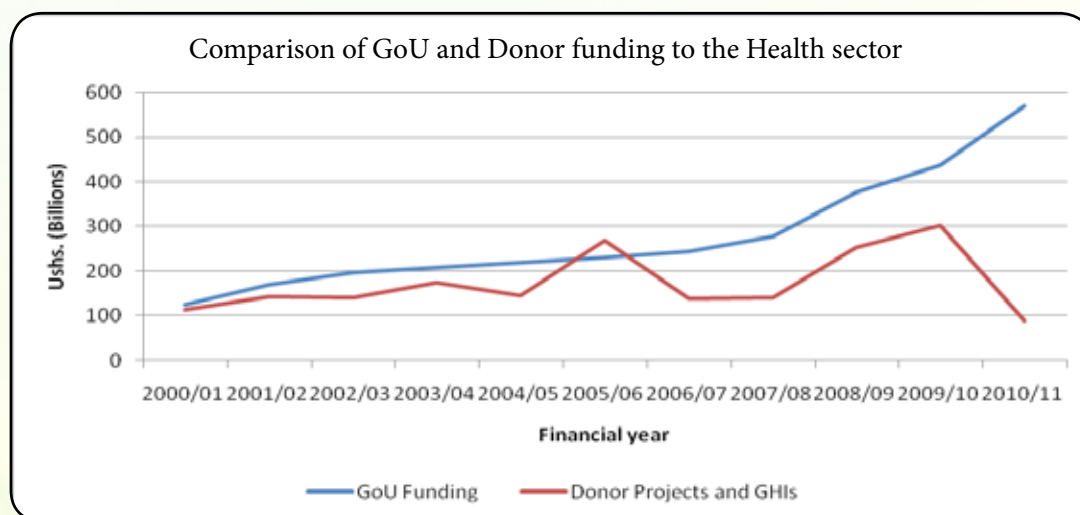
¹⁷⁷ The National Development Plan 2010/2011 to 2014/2015, April 2010, 257. The National Development Plan 2010/2011 to 2014/2015, April 2010, 259.

¹⁷⁸ n 123 above, 26.

¹⁷⁹ no 114, Abuja Declaration

¹⁸⁰ National Health Accounts(NHA) study for Uganda for FY 1998/1999 to 2010/2011, 19.

Figure 11.2: Comparison of GoU and Donor funding to the Health Sector



(ii) Allocations within the Health Sector

In FY 2010/11, recurrent expenditure such as wages, utilities and other operational costs accounted for 83% of the total allocations while capital expenditure such as infrastructure development and capacity building accounted for only 17%.¹⁸¹ According to the World Health Organisation, US\$ 44 should be spent per person per year, but only US\$11.1 was spent in the financial year 2009/2010 which further reduced to US\$9.4 in FY 2010/11. The impact of this was that there was inadequate funding for drugs and other medical supplies as well as health services such as immunization programmes, emergency and basic obstetric care.

(iii) Allocations to the Uganda National Minimum Health Package

Allocations to the Uganda National Minimum Health Package would help assess the steps that the Government has taken to realise the right to health. The Uganda National Minimum Health Care Package consists of health promotion; disease prevention and community health initiatives, including epidemic and disaster preparedness and response; maternal and child health; prevention, management and control of communicable diseases; and prevention, management and control of non communicable diseases.¹⁸²

(iv) Maternal and reproductive health

In the FY 2010/11 UGX 24 billion¹⁸³ was allocated to maternal and reproductive health, representing only 2.4% of the total health budget.¹⁸⁴ This inadequate funding could not effectively address, the increased maternal mortality ratio, of 435 deaths per 100,000 live births. This translates to about 6,000 women dying every year due to pregnancy -related causes and does not meet Target 5 of the MDG of 131 deaths per 100,000 live births.¹⁸⁵

(v) Primary health care

Though the UHRC notes that there has been a gradual increase in the primary health care wages over the last three years, there has been a decrease in the other components of the primary health care grant. For instance, in FY 2010/11 there was a 39% decrease in the primary health care non-wage and yet there was an increase in the number of districts. This led to the scaling down of outreach activities like immunization because of the limited funds and the inadequate purchase of essential medicines and maintenance of the facilities. Table 11.2 illustrates allocation to primary health care.

¹⁸¹ n 123 above 25.

¹⁸² As above .

¹⁸³ Provided by the World Bank

¹⁸⁴ Mr. Patrick Tumwebaze, Executive Director, Uganda Debt Network Presentation to the UHRC at the Consultative Meeting for the 14th Annual Report, Budget Analysis 2010/11 and 2011/12 from a Human Rights Perspective with a Special Focus on Health, Educationa and Housing, 8th-10 February 2012,

¹⁸⁵ undp.or.ug/download.php?f=Uganda_MDGs_Report_2010.pdf accessed on 5th April 2012

Table 11.2: Primary Health Care Grants for FY 2009/10 to FY 2010/11 in billions of UGX

Financial Year	PHC Wages	PHC Non wages	PHC NGOS(PNFP)	General Hospitals	PHC Devepoment Grant	Total
2008/09	85.1	28.7	17.7	10.6	15.3	157.4
2009/10	107.5	28.7	17.7	10.2	15.3	179.4
2010/11	124.5	17.4	17.7	5.9	15.3	180.8

Source: Approved Budget Estimates of Revenue and Expenditure –MOFPED

(vi) Prevention and control of epidemic, endemic, occupational and other diseases

The UHRC noted that the country was hit by disease outbreaks in 2011 and the Government response was timely in respect of one confirmed case of Ebola in Luwero.¹⁸⁶ However, Government response was inadequate for: Cholera in Hoima, Bundibugyo, Nakapiripirit, and Amudat districts; Polio in Bugiri district; Yellow fever in Northern Uganda; Hepatitis E Virus in Kaabogo Town Council; Nodding Disease in Kitgum, Pader, and Lamwo districts; and Protein Energy Malnutrition in Namutamba district. According to MoH, inadequate logistics and lack of an epidemic preparedness plan and funds hampered the response.¹⁸⁷ The UHRC could not establish the actual amount allocated to programmes like reproductive health, child health and prevention and control of diseases, because MoH had not yet institutionalised National Health Accounts in its system.

11.3.1. Right to education

Article 13 (2) of the ICESCR outlines the steps that a State Party needs to take to realise the right to education. These are: the provision of free and compulsory primary education; accessible secondary and higher education; intensifying of fundamental education; development of a system of schools and an adequate fellowship system; and improving the material conditions of staff. The NDP provides for strategies to address access to and equity in both primary and secondary education; improve the quality of education by strengthening the teaching force; and expand and improveschool infrastructural facilities.¹⁸⁸

The Government put in place a policy of Universal Primary Education (UPE) in 1997, which continues to be the main policy for primary Education and Universal Secondary Education (USE) started in 2007. The Education and Sports Sector in Uganda is comprised of Government, private formal and non-formal educational institutions namely: pre-primary; primary; secondary; business; technical and vocational education and training and higher education levels.

11.3.2. Budget Analysis for Education Sector

The education Sector was supported with funding from both Government and donors. Government contributed most of the funding in FY 2011/12. The UHRC noted that compared to the health and housing sectors, the education sector has over the years been allocated the highest amount of resources in the national budget. However, though the budgetary allocation was higher in terms of percentages, the total amount was inadequate for the required expansion of service delivery.

11.3.3. Budget allocation to the Education Sector

The allocation to the education and sports sector as a proportion of total GoU expenditure has progressively declined from 17% in FY 2009/10 to 16.8% in FY 2010/11.¹⁸⁹

¹⁸⁶ Viral Hemorrhagic Fever.

¹⁸⁷ n 123 above 89.

¹⁸⁸ n 179 above 220-224.

¹⁸⁹ n 178 above 19.

Though, the government funding (donor inclusive) increased from UGX. 1,079.7 billion in FY 2009/10 to UGX. 1,242.66 billion in FY 2010/11 and then to 1,416.27 billion in FY 2011/12. There was a general decline in the proportions allocated to the education and sports sector in relation to the national budget. That was from 17% in FY 2009/10 , 16.8% in FY 2010/11 and 14.5% in FY 2011/12.¹⁹⁰ Figure 11.3 shows Government funding to the education and sports sector while Figure 11.4 shows Government and donor funding to the education and sports sector.

Figure 11.3: GoU funding to the Education and Sports Sector

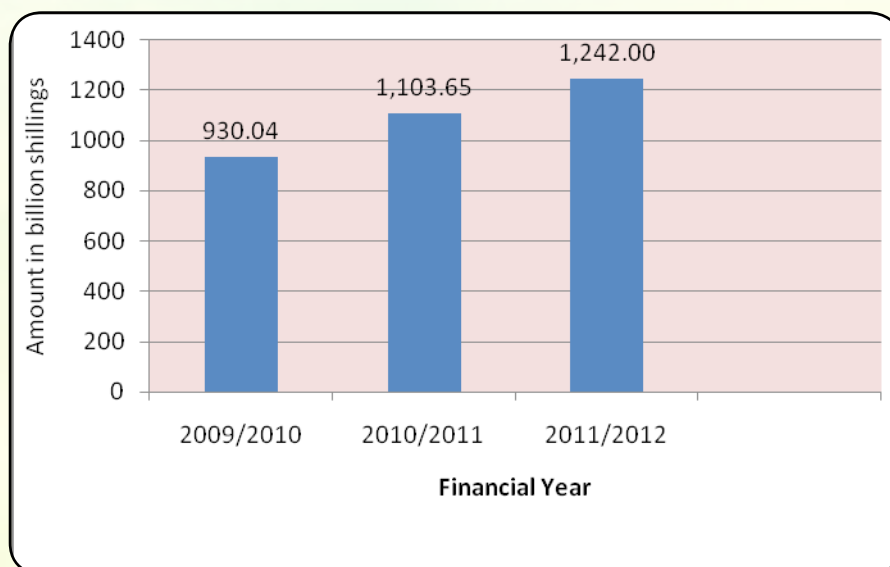
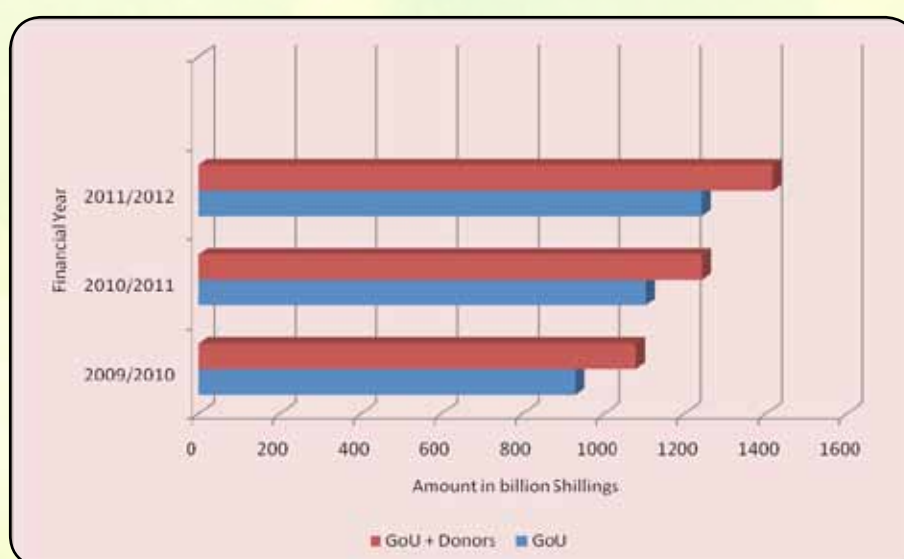


Figure: 11.4: GoU and Donor Funding to the Education and Sports Sector



11.3.4. Allocations within the Education Budget

(i) Funds allocated for UPE

The UHRC noted that the budget allocation for the UPE remained constant at UGX. 41.00 billion for both FY 2009/10 and FY 2010/11 and then increased to UGX. 49.68 billion in FY 2011/12 as shown in Table 11.3 below. The UHRC notes that though funding increased, there were still challenges in the UPE program such as increased dropout rates and inadequate infrastructure.

¹⁹⁰ n 176 above.

Table 11.3: Showing total allocation for the UPE program from FY 2009/2010 To FY 2011/2012

FY	Total Amount Allocated in billion UGX
2009/2010	41.009
2010/2011	41.009
2011/2012	49.68

(ii) Funds allocated for USE

The trend of allocation of funds to USE shows an increase from UGX 87.403 billion shillings in FY 2010/11 to UGX in 89.960 billion in FY 11/2012.

(iii) Development of schools at all levels

In 2011, Government completed the construction of the 5 Seed Secondary Schools namely, Bagezza SSS in Mubende district, Namugongo SSS in Kamuli district, Mbarara SSS in Mbarara district, Mateete SSS in Sembabule district and Pakada SSS in Zombo district.¹⁹¹ Government also completed the rehabilitation, expansion and re-equipping of Rukungiri Technical Institute. In addition, Kabalega SS in Masindi district, Mpanga SS in Kabarole district, Kigezi College Butobere in Kabale district, Lango College in Lira district and Kololo SS in Kampala district were rehabilitated and expanded.¹⁹² However, the Government funding for school construction through School Facilities Grants (SFG) was inadequate. In FY 2010/11 UGX 62.22 billion was allocated increasing to UGX 70.55 billion in FY 2011/12 which translates to 5% of the total Education and Sports Sector Budget.¹⁹³

(iv) Funds allocated for special needs

In FY 2010/11, the allocation to special needs was UGX 1,307,439,615 which was 0.63% of the recurrent budget of Vote 13 amounting to UGX 206.271 billion.¹⁹⁴ It is estimated that 10% of children of school going age need special needs education. The number of children with special needs (in both primary and secondary schools) was reported to have increased by 11.9% from 194,682 in 2008 to 217,770 in 2009, yet the special needs sub-sector has continued to receive minimal funding. Table 11.3 shows the special needs budget allocation in the Ministry of Education and Sports Sector.

Table 11.3: Special needs budget allocation in the MoES

FY	Education Budget	Amount allocated in billion UGX	% age of the Education budget
2009/2010	177.674	0.470	0.075
2010/2011	206.271	1.307	0.63
2011/12	155.443	1,217	0.78

The NDP provides for use of SFG to expand and improve classrooms, teachers' houses, pit latrines and other related facilities in order to improve hygiene, safety and security of children at school.

(v) Material Conditions of work

In FY 2009/10, UGX. 372.03 billion was allocated for 130,630 teachers and inspectors while in FY 2010/11 UGX. 459.26 billion was allocated for 149,441 teachers and inspectors.¹⁹⁵ The UHRC noted that this was inadequate and the education and sports sector faced challenges such as; low staff morale, absenteeism and staff attrition due to poor salary, in addition to poor inspection in schools. These conditions resulted into a strike by teachers due to the poor remuneration.

191 Budget speech by Hon. Maria Kiwanuka, Minister of Finance Planning and Economic Development for FY 2011/2012 delivered at the meeting of the 1st session of the 9th Parliament of Uganda on 8th June 2011

192 As above.

193 Approved Estimates Revenue and Expenditure Recurrent and Development for FY 2011/2012, 19-20.

194 As above 19-22.

195 Ministry of Education and Sports, Education and Sports Sector Budget Performance FY 2010/2011, 25.

In addition, the trend of completion rates reported by the Ministry of Education and Sports revealed a rate below 50% in the academic years 2006, 2007 and 2008, of 52% and 54% in 2009 and 2010 respectively.¹⁹⁶

11.4.1. Right to housing

Article 11 of ICESCR points out that State Parties should take “appropriate steps” to ensure the right to an adequate standard of living including housing and the continuous improvement of living conditions. The objectives under the NDP include: to prevent slum development and upgrade the existing ones; and to promote and ensure availability and accessibility of affordable housing finance.¹⁹⁷

11.4.2 Budget Analysis of the housing sector

Out of the UGX 19.000 billion that was allocated to the Ministry of Lands, Housing and Urban Development in FY 2011/12. Of this 2.4 billion shillings was allocated to the Housing Directorate.¹⁹⁸

(i) Budget allocations to the housing sector

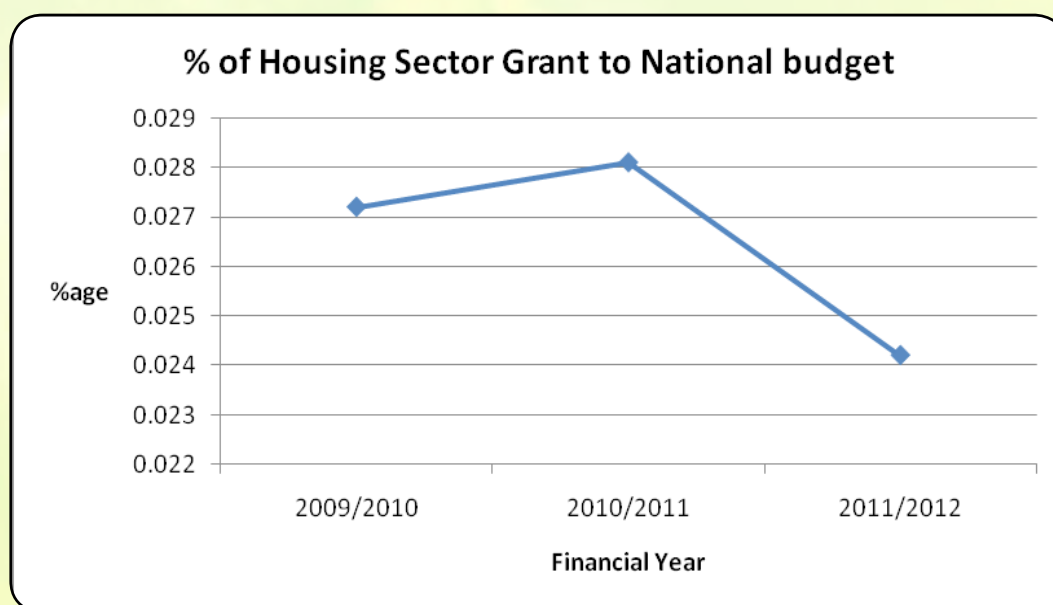
In FY 2010/11, 0.028% was allocated to the housing sector which translated into UGX 2.1 billion, while in FY 2011/12, 0.024% was allocated which translated into UGX 2.4 billion of the National Budget.¹⁹⁹ Though the amount allocated showed an increase, the percentage of the housing sector grant to the National Budget has decreased since FY 2009/10. Table 11.5 and Figure 11.5 show the budget allocation to the Housing Sector from FY 2009/10 to FY 2011/12

Table 11.5: Government Budget allocation to the Housing Sector from FY 2009/10 TO 2011/2012

FY	09/10	10/11	11/12
% of Housing Sector Grant to National budget	0.0272	0.0281	0.0242
Amount in UGX allocated to Housing (billions)	2.0	2.1	2.4

Source: Directorate of Housing

Figure 11.5: Budget allocation to the Housing Sector from FY 2009/10 to 2011/12.



¹⁹⁶ <http://www.parliament.go.ug/images/stories/parliament/LOP%20STATEMENT%20IN%20REPLY%20TO%20THE%20STATE%20OF%20THE%20NATION%20ADDRESS%202011.pdf> assessed on 9th March 2012.

¹⁹⁷ n 176 above 135.

¹⁹⁸ Ministry of Finance, Planning and Economic Development, Approved Budgets Estimates 2011/12 (2011).

¹⁹⁹ Mr. William Mudde Walaga, Director for Housing on Presentation on An Assessment of the the Right to Adequate Housing: Achievements, Challenges, at the 14 Annual Report Stakeholders Consultative Meeting 8-10 February 2012.

(ii) Allocations within the housing sectors

Of the UGX 2.4 billion, UGX.1.94 billion was allocated for recurrent expenditure while UGX 0.96 was allocated to development. The total amount allocated to housing development and estates was UGX 1.29 billion of which UGX 0.58 billion was allocated to human settlement which would have contributed to the improvement of the situation of the disadvantaged and poor people.

11.5. Budgetary Challenges

Despite the fact that the real GDP grew from 5.5% in FY 2009/10 to 6.3% in FY2010/ 2011 challenges still prevailed. Inflation rates rose to double digits and the population growth rate stood at 3.6%. The inflation rate was estimated at 18.7% in July 2011 being the highest since February 1993.²⁰⁰ This affects the quality of services delivered and inevitably the progressive realisation of the right to health , education and housing.

11.6. CONCLUSION

The UHRC commends Government for providing funding to the sectors of Education, Health and Housing. However, the UHRC notes that the allocations to and within these sectors and is not adequate to meet the minimum core obligations under the ICESCR and the objectives and strategies identified under the NDP.

11.7. RECOMMENDATIONS

1. The MoFPED should allocate adequate funds to the health, education and housing sectors in order for to meet the minimum core obligations under the ICECR and the objectives in the NDP;
2. The Ministry of Education and Sports should finalise the Special Needs Education policy and provide sufficient funding towards this sub-sector to cater for the increased number of children with special needs;
3. The MoFPED should allocate adequate funds to the Ministry of Education and Sports and Ministry of Heath in order to implement a salary scale that attracts and retains qualified professionals within the sectors;
4. The MoFPED should allocate adequate funds to the Ministry of Education and Sports in order to cater for indirect costs such as lunch in order to retain children in schools;and
5. The MoH should conclude the process of developing a health financing strategy.

²⁰⁰ Uganda Debt Network Review and Analysis of the 2010/11 Budget Proposals: A Review undertaken by the Civil Society Budget Advocay Group (CSBAG) (2011) ,25.

CHAPTER 12

UGANDA'S UNIVERSAL PERIODIC REVIEW

12.0. INTRODUCTION

Following the adoption of Resolution 60/251, the 192 UN member states agreed to have their human rights record reviewed once every four years through the newly established United Nations Human Rights Council.²⁰¹ The Universal Periodic Review (UPR) is a state driven process based on cooperation and interactive dialogue which provides states with the opportunity to show steps taken to improve the human rights situation and address challenges encountered. The UPR is aimed at improving the human rights situation on the ground, sharing best practices and enhancing the capacity of the state to fulfill its human rights obligations.²⁰² Although the UPR is state driven, it for the participation of relevant stakeholders including National Human Rights Institutions (NHRIs) and Non-Governmental Organisations (NGOs). This is through submission of reports which are considered during the review; attending the UPR and UPR Working Group sessions; and making statements when the outcome of the State review is considered.²⁰³

On 11th October 2011, at the 12th Session of the Human Rights Council, Uganda was reviewed for the first time on its compliance with all its treaty obligations. The UHRC took a central role during the UPR Process in line with its mandate to monitor Government's compliance with international treaties and conventions obligations on human rights.

12.1. PRIOR TO THE UPR REVIEW

12.1.1. Submission of the UHRC Report

During the UPR process, the UHRC submitted a report that highlighted progress and challenges. This was a culmination of the UHRC's Annual Reports assessing the human rights situation from 2007 to 2009.²⁰⁴ The UHRC Report noted progress in putting in place national legal frameworks, policies and programmes that promote and protect human rights. However, human rights concerns were noted including: non-submission of state reports and inadequate implementation of recommendations of regional and international mechanisms; the low quality of education, health facilities and services; threats of extinction of the culture of minority groups; existence of legal frameworks that infringe on the freedom of expression; infringement of the freedom of assembly; and lack of personal liability for perpetrators of violations of the freedom from torture or cruel, inhuman or degrading treatment or punishment.²⁰⁵

12.1.2. Submission of the state report

The UHRC was among the various stakeholders including government Ministries, Agencies and Non Government Organisations that were part of the consultative process that underpinned the development of the State Report. The UHRC was able to provide objective criticism on the state of human rights in the country during the process of compiling the report. In addition, the UHRC assisted the State to organise regional consultative meetings in order to ascertain the human rights situation in various parts of the country.

201 The UN General Assembly Resolution 60/21. See also Objective 4 of the UN Human Rights Council: Institutional Building A/HRC/RES/5/1. Accessed at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx> on 25 November 2011.

202 As above, Accessed at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx> on 12 January 2012.

203 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NotesNHRIs.aspx> (accessed on 12 January 2012).

204 Information Note For National Human Rights Institutions regarding the Universal Periodic Review Mechanism -10th,11th and 12th UPR sessions, held in Geneva from 17-28 January, from 2-13th May and from 3rd to 14th October 2011. (accessed at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NotesNHRIs.aspx> on 12 March 2012).

205 UHRC Submission For the Universal Periodic Review in October 2011.

12.2. DURING THE REVIEW

At the review, the UHRC had the status of an observer at the Human Rights Council. The UHRC noted that during the interactive dialogue, 55 delegations made statements expressing appreciation for the national report and the comprehensive presentation made by the delegation of Uganda.

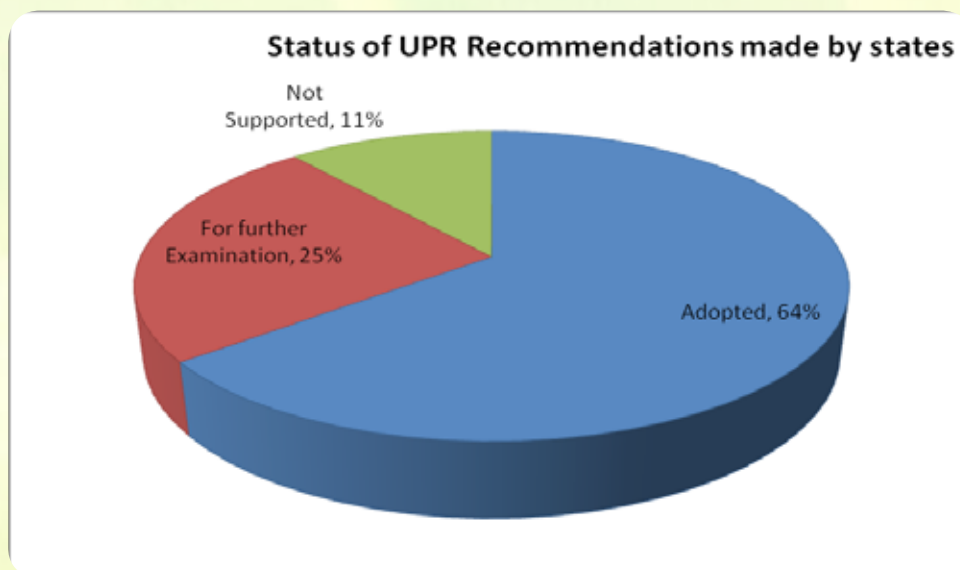
12.2.1. Positive Aspects

Delegations commended Uganda for being a party to the eight core international human rights instruments; cooperation with different regional bodies; establishing an 'A' accredited National Human Rights Institution (the UHRC),²⁰⁶ an Equal Opportunities Commission, Amnesty Commission, National Council for Children and the National Council For Health. Other commendations were in respect of the progressive realisation of economic, social and cultural rights; addressing fundamental human rights such as food, health, education, housing, water and environment; promotion of rights of children, women and PWDs; commitment in the fight against poverty, gender mainstreaming and HIV/AIDS control; incorporation of the Rome Statute of the International Criminal Court into domestic law; and introducing a *defacto* moratorium on the use of the death penalty.

12.2.2. Human Rights Concerns and Recommendations

Delegations noted concerns including: existence of the death penalty; use of excessive force by security authorities; lack of a law criminalising torture; limitations on the exercise of the freedom of assembly and association and made recommendations. Of these Uganda adopted 110 recommendations, 42 recommendations were to be further examined and responses to be provided by the 19th session of the Human Rights Council in March 2012 while 19 recommendations did not enjoy the support of Uganda as shown in Figure 12.1²⁰⁷

Figure 12.1 Status of UPR Recommendations made by States



12.2.3. Recommendations adopted

The recommendations adopted by Uganda included:

1. Domestication of international human rights instruments

The delegations of Chad, Indonesia, Mexico and Australia urged government to:

- Domesticate international human rights instruments;

²⁰⁶ An "A" Status allows the Uganda Human Rights Commission to submit reports its own UN Symbol, address the Human Rights Council during the review and be part of the leadership of the International Coordinating Committee.

²⁰⁷ Recommendations have been clustered based on similarity with the most encompassing recommendations being reported.

- Harmonise civil, religious and customary legislation with Articles 15 and 16 of the CEDAW, specifically through revising and amending the current version of the bill on Marriage and Divorce, ensuring that it does not discriminate against women; and
- Strengthen efforts to fulfill its obligations under CEDAW, including implementation of the Domestic Violence Act.

2. Rule of law

The delegation of Hungary urged government to enhance the separation of powers between the executive branch and the judiciary.

3. Independence of democratic institutions

The delegations of Austria, USA, Nepal urged government to:

- Ensure the independence of the UHRC and other democratic institutions; and
- Make the Electoral Commission appointment process more consultative.

4. Justice, law and Order Institutions

The delegations of the Holy See and Czech Republic urged government to:

- Accelerate the improvement of the judicial, police and prison system in line with international human rights standards; and
- Improve overall conditions of prisons and adopt relevant measures to tackle the problems such as overcrowding, unsatisfactory state of prisons and shortcomings in the supply of health care.

5. Bail

The delegation of Belgium urged government to let the decision to grant or withhold bail remain a prerogative of the judiciary.

6. Accountability

The delegations of Canada, Czech Republic, Hungary, Norway, Switzerland, Austria, Hungary, Denmark, Netherlands, USA and Belgium urged government to:

- Ensure that impartial , independent investigations are undertaken into allegations of human rights violations by security forces, including torture and other cruel , inhuman or degrading treatment, and the findings of those investigations made public;
- Take immediate measures to investigate the excessive use of force and incidents of torture by the security forces and to prosecute and punish its perpetrators;
- Investigate and hold accountable police and security officers, who attacked human rights defenders, journalists, and civilians during the 2011 post election period;
- Investigate and prosecute all persons found guilty of extrajudicial killings and attacks on human rights defenders;
- End intimidation and hold accountable state security agents and members of the police and army who have committed human rights abuses as well as ensure adequate compensation for victims;
- Further prevent impunity, broaden victim participation in court proceedings as well as ensure witness protection ; and

- Investigate and prosecute intimidation and attacks on Lesbian, Gay, Bi-sexual, Transgender and Inter-sex(LGBTI) community members and activists.

7. National Preventive Mechanism

The delegation of Spain urged Uganda to establish without delay a national preventive mechanism against torture allowing NGOs and the UHRC to have access to detention facilities.

8. Food

The delegation of Brazil urged the government to implement policies to support food production, access to credit and school meal programmes linked to local food production.

9. Health

The delegations of Cuba, Holy See, Singapore, Canada, Algeria, Turkey and Belgium urged the government to:

- Advance in designing a health programme allowing to tackle Malaria, Tuberculosis and HIV/AIDS and continue decreasing the child and maternal mortality rates, and increase life expectancy;
- Maintain measures to reduce HIV/AIDS mainly through strategies of abstinence and fidelity as well as through better access to medicines for all people in need, to avoid an increase in the infection rate;
- Continue to work with the World Health Organisation and other relevant international agencies to further reduce the prevalence rate of HIV/AIDS and enhance access to quality health services for its people;
- Take steps to ensure that well functioning health information systems are in place which combine disaggregated data from facilities, administrative sources and surveys , to enable effective monitoring of progress;
- Consolidate on-going actions to reduce maternal mortality, improve life conditions of persons with disabilities and address the challenge of costly justice system, especially for the poor in rural areas;
- Improve health indicators, particularly decrease Maternal Mortality Rates which remain short of the 2015 MDG's target; and
- Create a health insurance scheme for the poor.

10. Education

The delegations of Angola, Singapore, Morocco, Chad and Poland urged the government to:

- Continue to reinforce the development policy on primary education;
- Continue to ensure access to education for all and improve the education standards to lay a firm foundation for its economic development;
- Continue its efforts in the area of the right to education, in particular, the integration of human rights in sectoral strategies for education, by guaranteeing the inclusion of modules on human rights in the school curricula; and
- Increase public expenditure on education and undertake additional efforts to improve the functioning of the education system, in order to ensure quality education for all children.

11. Freedom of Assembly and Expression

The delegations of United Kingdom of Great Britain and Northern Ireland, Chile, Belgium, Netherlands, Austria, Sweden, USA, Ireland, Switzerland, Slovakia and France urged government to:

- Respect, protect and promote freedoms of expression and assembly and amend laws that are contrary to these obligations;
- Guarantee freedom of expression, particularly the possibility to express criticism and opinion regarding acts of government;
- End intimidation, threats and physical attacks on journalists and promote open reporting and commentary on issues of public concern;
- Take steps to put in place public order legislation which respects the right of assembly and demonstration while safeguarding citizen's rights to protection and safety;
- Undertake legislative reforms so that protection and promotion of laws on the freedom of expression and peaceful assemblies and associations would be guaranteed to all the residents of the country;
- Lift the ban on all forms of public assembly and demonstrations;
- Assure full respect of freedom of association and peaceful assembly and punish all excessive use of force by security officers against peaceful demonstrators; and
- Train security forces to respect freedom of expression and assembly.

12. Death penalty

The delegation of Belgium urged government to consistently apply the rulings of the Court by converting all death sentences into life in prison after more than three years on death row.

13. Elimination of safe houses

The delegation of the USA urged government to eliminate detention facilities known as 'safe houses'.

14. Human Rights Education

The delegations of Nepal, Chad, Costa Rica, Ghana and Swaziland urged government to:

- Integrate human rights education in the school curricula and introduce human rights education to increase the awareness of people about all sets of human rights;
- Incorporate the World Programme on Human Rights Education and Training, particularly its second step, in its national programmes;
- Ensure more resources are allocated to Human Rights Education in parts of the country that have for a long time been under rebel control or have endured destabilisation as a result of many years of civil strife; and

15. Marginalised and Vulnerable persons

The delegations of Costa Rica and Nepal urged government to:

- Take measures to ensure effective compliance with legislations regarding the most vulnerable groups of the population; and
- Continue efforts to protect the rights of marginalised and vulnerable population.

15.1. Indigenous Communities

The delegations of Algeria and Congo urged government to:

- Pursue accommodative dialogue with indigenous communities, with a view to minimise disruptive approaches to their life styles and traditions while improving their life conditions; and
- Continue to take legislative and administrative measures to improve the life of Batwa people.²⁰⁸

15.2. Women

The delegations of Azerbaijan, Czech Republic, Poland, Burkina Faso, Canada, Norway, France, Congo, Chile, USA, Azerbaijan and Brazil urged government to:

- Take administrative measures to ameliorate the situation of women and children;
- Put in place appropriate regulatory and enforcement measures to increase compliance with the Domestic Violence Act and Female Genital Mutilation Act, and take steps to ensure that acts of violence against women, including women with disabilities , are investigated and prosecuted;
- Prevent, investigate and prosecute sexual and gender violence against all women, including women with disabilities;
- Continue its initiatives aimed at improving the rights of Ugandan women and girls, including through the enforcement of the Domestic Violence Act;
- Ensure the implementation of laws protecting women from violence, including sexual violence and sexual harassment;
- Put in place a comprehensive strategy, including review and formulation of legislation, to eliminate or modify traditional practices and stereotypes that discriminate against women;
- Take further necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and pay special attention to the needs of rural women;
- Ensure that laws, regulations and plans are followed up with adequate training and resources to make certain that the improved rights of women become a reality; and
- Ensure that military personnel assigned to peace missions are provided with adequate training and clear guidance in relation to the protection, rights and needs of women, including issues related to sexual and gender violence as well as sexual exploitation and abuse.

15.3. Children

The delegations of Zimbabwe, Burkina Faso, Indonesia, USA, Ghana and Holy See urged the government to:

- Enforce more effectively the child labour and trafficking laws;
- Put in place stringent measures to ensure that children and youth are not recruited into the abhorrent practices incompatible with Ugandan law and culture;
- Take necessary measures to protect Ugandan children against all practices detrimental to their physical and moral integrity;
- Continue efforts to provide better protection for the children , including reviewing its juvenile justice system;

²⁰⁸ The recommendation referred to "BATWAS' people.

- Strengthen long term efforts to provide reintegration measures in order to provide all children who have been recruited or used in hostilities with child and gender sensitive multi disciplinary assistance for their physical and psychological recovery; and
- Strengthen and further develop measures to ensure that all children born within the national territory are registered.

15.4. Persons with disabilities

The delegations of Slovakia, Hungary, Mexico and Spain urged the government to:

- Implement the steps envisaged in the promotion of rights of PWDs, with a special emphasis on equal opportunities for children with disabilities;
- Adopt measures to guarantee the rights of PWDs, in particular, to fight against all forms of discrimination faced by women with disabilities , and regarding the lack of equal opportunities for minors with disabilities, with a particular attention to albino children;
- Ensure the right to vote for PWDs in line with the Convention on the Rights of Persons with Disabilities, and implement, among others alternative measures to enable them to vote freely and in secret , and to easily access facilities;
- Improve access for persons with disabilities to education and health care with particular focus on children; and
- Ensure that the Ministry of Health in partnership with the Ministry of Gender, labour and Social Development mainstream disability in their awareness raising campaigns with a view to eliminate negative attitudes towards people with disabilities in health centres.

16. Domestic Service Workers

The delegation of the USA urged the government to amend the laws to include protection of domestic service workers.

17. Migrants and Refugees

The delegation of the Holy See urged government to improve the life conditions of migrants and refugees in Uganda.

18. Internally Displaced Persons

The delegation of Zimbabwe urged the government to continue to tirelessly address the issue of resettlement of IDPs including by putting in place resources in provision of basic services and infrastructure development.

19. Human Rights Defenders

The delegation of Slovakia urged government to ensure that human rights defenders perform their legitimate duties free from any harassment and intimidation in line with international standards including the UN Declaration on Human Rights Defenders.

20. Female Genital Mutilation

The delegations of France, Japan, Poland, Slovenia and Spain urged the government to:

- Complete its strict approach to female genital mutilation with awareness raising, prevention and education of the concerned communities;

- Take measures to prevent domestic violence, ensure equal rights and equal political participation of women, and take all necessary steps to effectively implement the Act on the Prohibition of Female Genital Mutilation adopted in 2010 as well as to prosecute and punish the perpetrators of the practice.

21. Ritual Killings

The delegation of the Czech Republic urged government to take the necessary measures to combat incidents of ritual killings of children and adults in various parts of Uganda and to ensure effective investigation and prosecution of these crimes.

22. Implementation of the UPR

The delegations of the Russian Federation, China, Poland, Hungary, Tanzania, Rwanda, and Indonesia urged government to:

- Draw and implement a national plan of action on the implementation of the recommendations made in the course of the UPR;
- Engage civil society and ensure a participatory process in the implementation of the UPR recommendations;
- Establish a permanent institution to synchronise the implementation of recommendations, the monitoring of performance and reporting ;
- Develop and enhance the status of the national plan of the UPR follow up into a comprehensive national human rights' plan of action in order to coordinate promote and advance human rights in a sustainable manner; and
- Enhance cooperation with civil society in the promotion of human rights.

23. Implementation of plans

The delegations of Ghana, Singapore, Algeria and Cuba urged government to:

- Continue with the implementation of its NDP which promotes greater public-private partnership and the continuation of its export led and market driven development;
- Pursue a participatory process in implementing the NDP;
- Intensify the Implementation of the National Action Plan on Women and of gender sensitive poverty reduction and development programmes; and
- Continue to implement strategies and socio economic development plans in order to advance the realization of the MDGs by 2015.

24. Strengthening of Cooperation

The delegations of Rwanda, Senegal, Angola, Argentina, Mozambique and Sri Lanka urged the government to:

- Consider sharing with other countries in need its best practices in promotion and protection of human rights;
- Strengthen its cooperation with the OHCHR and seek international assistance for the implementation of the Plan of Action on Human Rights;
- Seek technical assistance with a view to strengthening its appreciable efforts in the area of human rights;

- Strengthen its efforts, including with the international cooperation, aimed at preventing , sanctioning and eradicating all forms of violence against women, including female genital mutilation, and also adopt measures to harmonise the legal recognition of civil, political, economic and social rights between women and men;
- Receive the assistance it requires, in personnel and logistical resources, to develop the health sector in order to reduce the child mortality rate; and
- Request international assistance in order to combat scourges such as malaria, tuberculosis and HIV/AIDS.

12.2.4. Recommendations to be examined

The recommendations to be further examined with responses to be provided by the 19th session of the Human Rights Council in March 2012 were to;

1. Ratify the Second Optional Protocol to the ICCPR and amend the constitution to abolish any constitutional provisions that provide for the death penalty;²⁰⁹
2. Ratify the OPCAT and adopt national legislation accordingly and take necessary measures to put an end to such acts, notably by bringing to justice state officials guilty of torture or ill treatment;²¹⁰
3. Enact a law prohibiting torture and ratify the OPCAT as the UHRC has recommended; demonstrate real commitment by holding those accountable who have committed acts of torture and ensuring timely and adequate compensation to victims;²¹¹
4. Enact an Anti torture bill by the current Parliament;²¹²
5. Consider acceding to the OPCAT²¹³ and the Optional Protocol to CEDAW;²¹⁴
6. Ratify the Optional Protocol to CEDAW;²¹⁵
7. Study the possibility and conclude the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance;²¹⁶
8. Ratify the 1961 Convention on the Reduction of Statelessness;²¹⁷
9. Issue a standing invitation to all mandate holders of the Human Rights Council;²¹⁸
10. Consider positively and arrange for the visit of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression as soon as possible;²¹⁹
11. Establish a moratorium on executions, with a view to totally and definitely abolishing the death penalty, and commute all death sentences into life imprisonment;²²⁰
12. Introduce, as a matter of urgency, comprehensive, efficient measures to prevent and combat wide spread exploitation of children, in line with its international commitments, notably ILO Conventions No.138 and 182;²²¹

209 This was proposed by the delegations of Czech Republic, Belgium, Switzerland, Australia, Romania and Sweden.

210 This was proposed by delegations of Switzerland, Brazil, Chile, Argentina, Holy See and Belgium.

211 This was proposed by the delegations of Sweden, France, Norway, Denmark, United Kingdom of Great Britain and Northern Ireland, Mexico, United States of America, Holy See and Austria.

212 This was proposed by the delegation of Ireland.

213 This was proposed by the delegations of Australia and Costa Rica.

214 This was proposed by the delegation of France.

215 This was proposed by the delegation of United Kingdom of Great Britain and Northern Ireland.

216 This was proposed by the delegations of Spain and Japan.

217 This was proposed by the delegation of Slovakia.

218 This was proposed by the delegations of Hungary, Brazil, Spain, Latvia and Romania.

219 This was proposed by the delegations of Canada and Latvia.

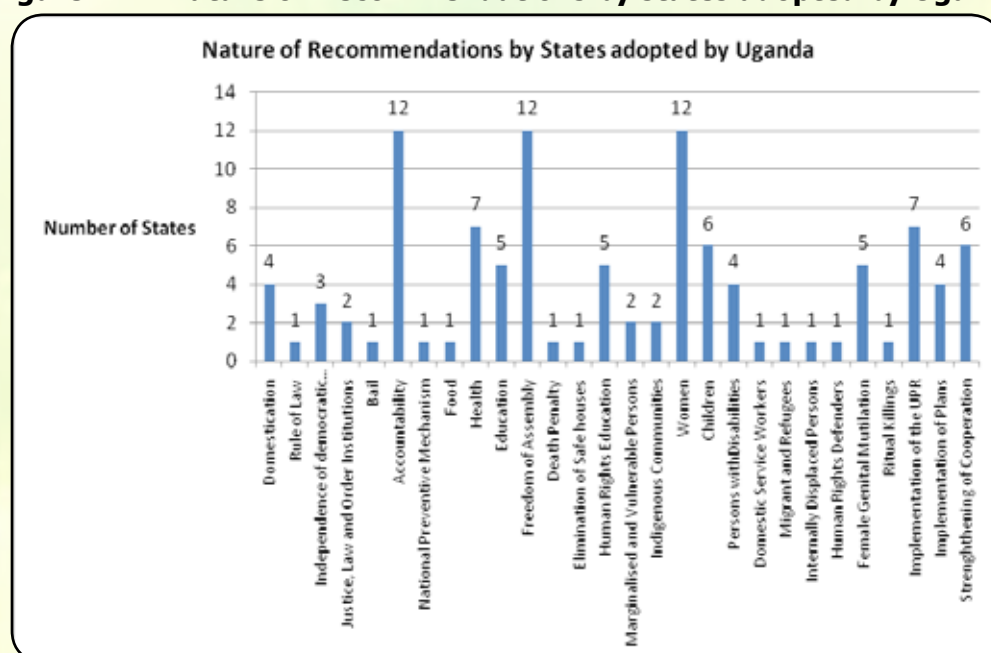
220 This was proposed by the delegations of France, Switzerland, Spain, Turkey, Holy See, Costa Rica and Romania. This included recommendations of a de facto and a de jure moratorium.

221 This was proposed by the delegation of Slovakia.

13. Align policies to ensure access to land and water for pastoralists with the African Union Framework on Pastoralism and conclude regional agreements to facilitate cross border pastoralism;²²²
14. Adopt a list of hazardous jobs for children;²²³
15. Ensure that the Public Order Management Draft Bill be brought in line with Uganda's international human rights obligations;²²⁴
16. Amend or reform other areas than the Domestic Violence Act of Uganda legislation where women still face discrimination ;²²⁵
17. Enact the marriage and divorce bill ;²²⁶
18. Increase access to sexual and reproductive health services by raising the health budget to 15 percent in line with the Abuja Declaration;²²⁷
19. Speed up the registration in the pipeline in order to deal with the pending challenges in the promotion and protection of human rights.²²⁸

Figure 12.2 presents a summary of States that made recommendations on different human rights concerns in Uganda. Of the recommendations made, issues of freedom of assembly, accountability and women attracted the highest number of recommendations by delegations.

Figure 12.2 Nature of Recommendations by states adopted by Uganda



12.2.5. Update on recommendations to be examined

At the time of launching this Report the Government had provided responses to the Human Rights Council.²²⁹ The Government had accepted the following recommendations: to pass the Anti Torture Bill; ratify the Optional Protocol to CEDAW; enact the Marriage and Divorce Bill; bring the provisions of POMB in line with Uganda's international human rights obligations; align policies to ensure access to land and water for pastoralists with the African Union Framework on Pastoralism: and conclude regional agreements to facilitate cross border pastoralism; introduce comprehensive and efficient measures to prevent and combat wide-spread exploitation of children, in line with its international commitments, notably ILO Conventions

222 This was proposed by the delegation of Netherlands.

223 This was proposed by the delegation of the United States of America.

224 This was proposed by the delegations of Norway and Austria.

225 This was proposed by the delegation of Norway.

226 As above.

227 This was proposed by the delegation of Belgium.

228 This was proposed by the delegation of Rwanda.

229 The Report of the Working Group on the Universal Periodic Review A/HRC/19/16/Add.1.

No.138 and 182; adopt a list of hazardous jobs for children; and increase access to sexual and reproductive health services by raising the health budget to 15 percent in line with the Abuja Declaration.

The Government had partially accepted the following recommendations: to incorporate the provisions of OPCAT into a domestic bill, study the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Second Optional Protocol to the ICCPR; and consider acceding to the Optional Protocol to CEDAW.

The following recommendations were not accepted by the Government: to ratify the Second Optional Protocol to the ICCPR and the International Convention For the Protection of All Persons From Enforced Disappearance; establish a moratorium on executions; and issue standing invitations to all mandate holders of the Human Rights Council.

12.2.6. Recommendations that did not enjoy the support of Uganda at the UPR

1. Sexual orientation and gender identity²³⁰

- Decriminalise homosexual relationships between consenting adults;
- Dismiss the proposed Anti-Homosexuality Bill 2009;
- Fulfill its obligations under international human rights law and repeal or reform laws that explicitly or implicitly discriminate on any ground including sexual orientation and gender identity;
- Abstain from applying legislation that criminalises homosexuality;
- Derogate the legalisation that criminalises the lesbian, Gay, Bi-sexual and Transgender community, and put an end to the defamatory and harassing campaigns against them;
- Reconfirm its commitment to protecting the rights of all persons regardless of their sexual orientation or gender identity in anti discrimination and equal opportunity legislation and bodies;
- Repeal all provisions criminalising sexual activity between consenting adults and ensuring the same rights for same sex couples as heterosexual couples; and
- Immediately and unconditionally release all persons currently detained for the reason of homosexuality alone.

2. Public Order Management Bill

Refrain from enacting the proposed Public Order Management Bill and fully guarantee freedom of assembly;²³¹

3. Registration of Non Governmental Organisations²³²

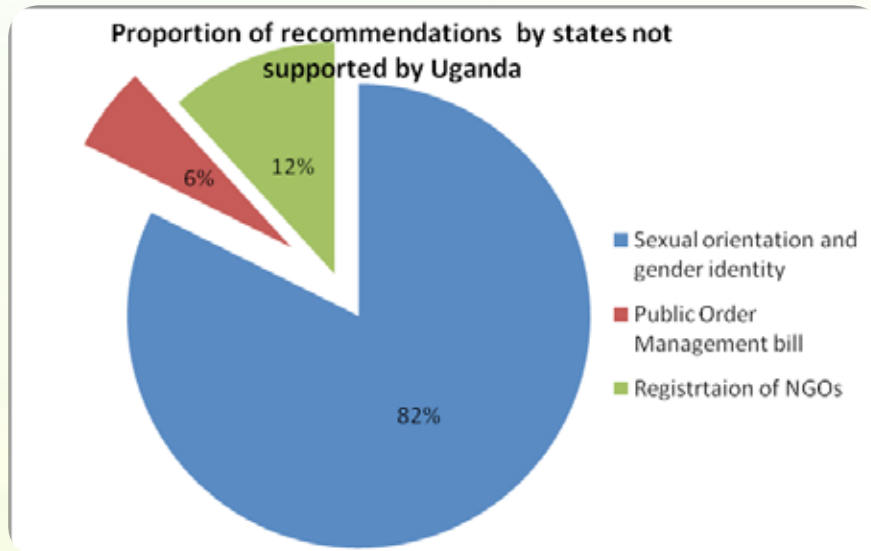
- Ease the heavy administrative burden on NGOs, such as the yearly registration obligations; and
- Simplify NGO registration requirements and remove the NGO Board from the supervision of security organisations.

²³⁰ This was proposed by the delegations of Canada, Norway, Slovenia, Belgium, Switzerland, Australia, Argentina, Brazil, Austria, Spain, Sweden, Netherlands, United States of America and Denmark.

²³¹ This was proposed by the delegation of Germany.

²³² This was proposed by the delegations of Hungary and the United States of America.

Figure 12.3 Proportion of Recommendations by States not supported by Uganda



Of the recommendations that did not enjoy the support of Uganda, sexual orientation and gender identity concerns attracted the highest number of recommendations by delegations followed by NGO registration as shown in Figure 12.3

12.2.7. Voluntary pledges and commitments

The government of Uganda made voluntary pledges and commitments which were to:

1. Develop and implement a national action plan on human rights ;
2. Carry out an annual review of the human rights situation in the country and report as appropriate;
3. Establish a Cabinet Sub-Committee to provide policy oversight and guidance on human rights issues;
4. Mainstream human rights issues in all aspects of governance;
5. Establish an Inter- Ministerial Technical Committee to provide technical back up to the Cabinet Sub-Committee;
6. Establish a human rights desk under the Ministry of Justice and Constitutional Affairs to coordinate human rights issues at the national level. The mandate of the desk will be defined in consultation with the Uganda Human Rights Commission;
7. Establish a Focal Point in the Ministry of Foreign Affairs to provide coordination of stakeholders with the international community;
8. Designate Focal Points in each of the stakeholders to follow up and report on the implementation of human rights issues;
9. Inculcate human rights, voter education and civic education in the education curriculum of schools
10. Mainstream human rights issues in the training curriculum of security agencies.

12.3. CONCLUSION

The first review of Uganda's human rights record provided a comprehensive and objective overview of the human rights situation in the country. The UPR provided an opportunity for interactive dialogue that highlighted steps taken to promote and protect human rights, best practices, challenges and prospects to enhance the state capacity to promote and protect human rights. The UPR also enabled the state to make voluntary pledges and adopt recommendations that will be vital in monitoring government compliance with its convention obligations and also provide a basis for the next review.

12.4. RECOMMENDATIONS

1. The government should implement the voluntary pledges made and recommendations adopted in order to ensure the effective promotion and protection of human rights; and
2. The government should adopt a consultative process for the implementation of recommendations that have been adopted.

CHAPTER 13

GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

13.0. INTRODUCTION

The UHRC makes recommendations to various actors for the protection and promotion of human rights in line with its Constitutional mandate. In fulfilment of its functions, the UHRC followed up progress made in respect of its recommendations it has made in its previous thirteen Annual Reports. This helps duty bearers to focus on human rights issues within their areas of operation that may require added attention or action.

This chapter tracks compliance with recommendations made in previous annual reports. The chapter categorises recommendations into those that have been fully complied with, those that have been partially complied with and those that have not been complied with at all. During 2011 there was 77.5% full or partial compliance with UHRC recommendations compared to the 72% reported in 2010. On the other hand, there was 22.5% non-compliance compared to the 28% reported in the previous Annual Report.

13.1. RECOMMENDATIONS FULLY COMPLIED WITH

13.1.2. Comply with Treaty Reporting Obligations

The UHRC has previously recommended that Uganda submits reports to treaty monitoring bodies in a timely manner. Uganda's seventh state report on the implementation of the CEDAW was submitted in 2009 before it was due in 2010. Although this activity does not fall under the 2011 calendar year which is being captured by this Annual Report, it is a commendable achievement in light of the fact that Uganda lags behind in almost all of its reporting obligations. The Commission calls for relevant state bodies to submit reports to treaty monitoring bodies in the required time.

13.2 RECOMMENDATIONS PARTIALLY COMPLIED WITH

13.2.1. Status of UHRC Tribunal Awards

The UHRC has consistently called for the expeditious payments of awards that have been made by UHRC tribunals to victims of human rights violations. The Office of the Attorney General has expressed willingness to do this. This is demonstrated through the intended prioritisation of payment of UHRC awards by the Compensation and Court Awards Committee (Committee). However, in practice no progressive steps have been taken to effectively implement the UHRC recommendation for prompt payments. During 2011, only seven UHRC cases were approved for payment by the Committee. In contrast, fifteen files were approved for payment by the Committee in 2010.

The Committee's ability to make payments speedily is affected by the limited national resource envelope for these awards.²³³ In 2011, the Ministry of Justice and Constitutional Affairs approved the payment of UGX.63, 828 500 to complainants that had been granted an award of compensation by a UHRC tribunal. By December 2011, the UHRC had awarded a cumulative total of UGX.3,569,054,974 of which 669,231,550 Uganda shillings was awarded in 2011. Of this amount, a total of only UGX.853,643,893 had been paid to complainants by the Committee leaving a balance of UGX. 2,725,411,081. Refer Figure 13.1 below. These include complaints registered by the UHRC in 1997 and awards dating back to 2003 as summarised in table 13.1.

²³³ Mr. Wanyama Kodoli, Presentation by Directorate of Civil Litigation, Ministry of Justice and Constitutional Affairs at a Consultative Meeting for UHRC's 14th Annual Report, Current Status of Awards of Compensation to Victims of Human Rights Violations held from 7th to 10th February 2012.

Figure 13.1: Status of Payments of awards against the Attorney General as at December 2011

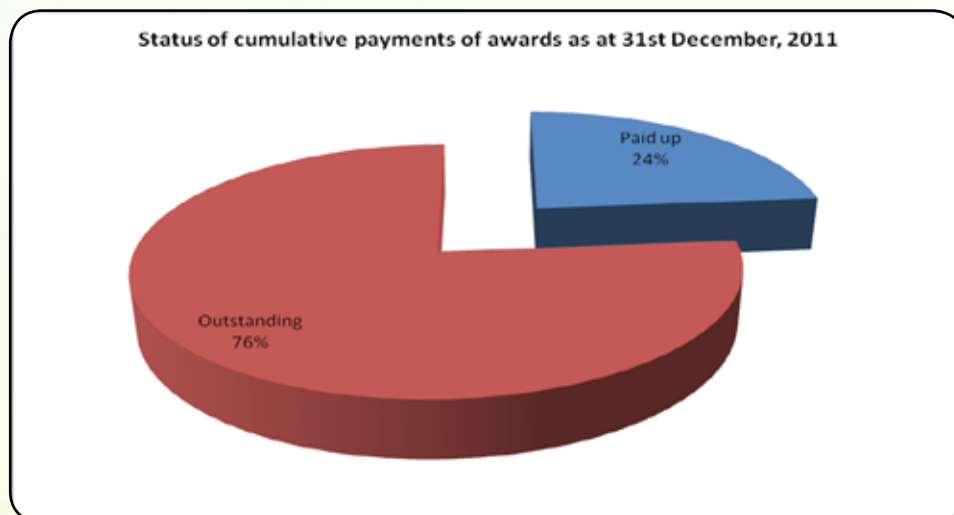
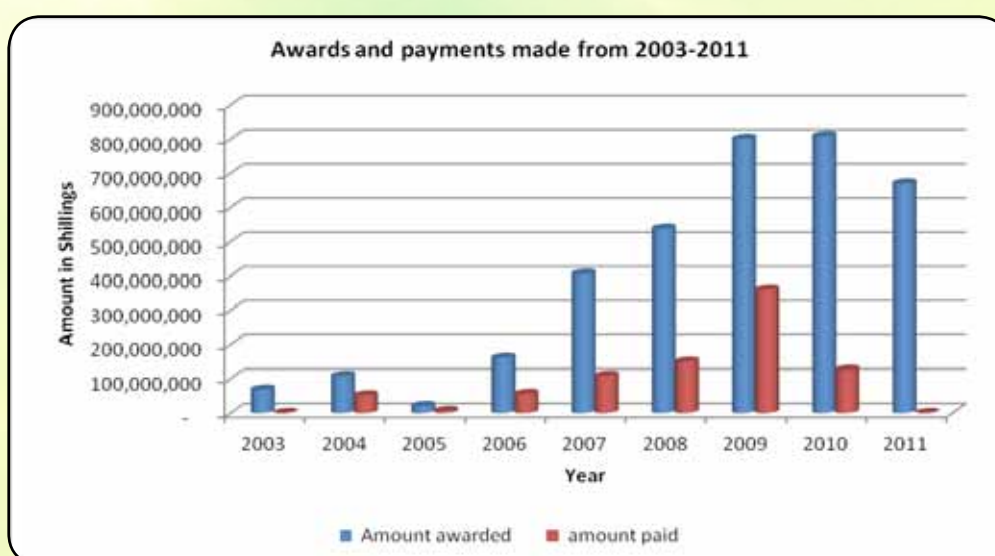


Table: 13.1 Summary Status of payments of awards from 2003-2011

Year	Amount awarded	amount paid	Outstanding
2003	67,112,967	-	67,112,967
2004	107,511,892	50,000,000	57,511,892
2005	20,868,000	6,000,000	14,868,000
2006	160,797,600	54,518,000	106,279,600
2007	406,431,000	108,124,000	298,307,000
2008	538,407,350	149,280,425	389,126,925
2009	790,282,147	360,300,000	439,982,147
2010	808,412,468	125,421,468	682,991,000
2011	669,231,550	-	669,231,550
Total	3,569,054,974	853,643,893	2,725,411,081

The UHRC reiterates the need for UHRC tribunal awards to be paid promptly for quick redress to the victims. The UHRC also calls on Parliament to appropriate funds to cover the outstanding awards granted to victims by UHRC tribunals. A comparison of amounts awarded with actual payments indicates that the payments for each year are far below the awards made and have been accumulating over the years as illustrated in Figure 13.2 below.

Figure 13.2: Comparison between awards and amount paid from 2003-2011



13.2.2. Establish a Victims' Compensation Fund

Over the years, the UHRC has continuously called for the establishment of a Victims' Compensation Fund to enable prompt payment of victims of human rights violations. The Commission has noted the positive development of the creation of the Compensation and Court Awards Committee that has prioritises awards for victims of human rights violations. However, the Commission still calls for the establishment of a special fund that caters for victims' specific needs for redress.

13.2.3. Improve the Welfare of Inmates

The UHRC has made recommendations to address the adverse conditions that inmates face. Specifically, recommendations have called for special attention vulnerable persons (persons living with HIV/AIDs, women and children). The UHRC on has also recommended the elimination of the use of the 'bucket system' for the disposal of human waste.

(i) *Vulnerable Persons*

The UHRC has called for the guarantee of the rights of persons living with HIV/AIDS in prisons. In 2011, partial compliance was made on this recommendation. However, during inspections in 2011, the UHRC noted that not all inmates living with HIV/AIDs that were eligible for ARV treatment actually received it. For example, only 297 inmates living with HIV/AIDs received ARVs, yet 408 needed it.²³⁴ Additionally, the UHRC noted that accessing CD4 count services was difficult in certain prisons. The UHRC also observed that the provision of a special diet for prisoners living with HIV/AIDS was not practiced uniformly by prison authorities.²³⁵

The UHRC has also called for the reproductive health needs of women in prisons to be met. According to Uganda Prisons Services (UPS), the projected figures for budgetary allocations for 2011/2012 and 2012/2013 provide for the purchase of sufficient quantities of sanitary pads for women.²³⁶

The UHRC has recommended that the practice of detaining children with adults is stopped. However, child offenders continued to be detained with adults in 2011.²³⁷ For example, the Commission found 37 children detained with adults.²³⁸ The UHRC urges UPS and the Ministry of Internal Affairs to ensure that this practice is discontinued as it is contrary to the principle of respecting the best interests of children.

(ii) *Eliminate the Use of a 'Bucket System' in Prisons*

In the 13th Annual Report, the UHRC recommended that the 'bucket system' used to dispose human waste in some prisons be eliminated. However, this practice was still prevalent in 2011.²³⁹ 154 out of 226 units inspected still used the bucket system and only 58% of the units provided safe and clean water to prisoners.²⁴⁰

Despite the poor levels of sanitation in detention places, some progress was noted. The UHRC noted that out of 169 prisons visited in 2011, 39 had completely phased out the bucket system.²⁴¹ JLOS documented that "all former central government systems have now completely eliminated the bucket system."²⁴²

UPS also asserted that the 'bucket system' problem is being countered by constructing water borne toilets in eight prisons,²⁴³ namely Kabula, Butiiti, Kibaale, Iganga, Bufulubi, Pece, Erute and Moyo. Projected figures for budgetary allocations for 2012/2013 have taken into consideration the construction of water borne toilets in 20 selected prisons.²⁴⁴ Water and sanitation facilities at Lira prison are to be renovated in the 2011/2012 financial year.²⁴⁵ The UHRC stresses the need for these budgetary allocations and renovation plans to contribute to the elimination of the bucket system from prisons.

²³⁴ Chapter 2, on Conditions in Places of Detention.

²³⁵ As above.

²³⁶ n 17 above.

²³⁷ Ms. Birgit Gerstenberg Presentation by UN OHCHR at a Consultative Meeting for UHRC's 14th Annual Report held from 8th -10th February 2012; n 234 above.

²³⁸ n 234 above.

²³⁹ Interview with Human Rights Desk, Professional Standards Unit, Uganda Police Force in January 2012; See Chapter 2.

²⁴⁰ n 17 above.

²⁴¹ n 234 above.

²⁴² JLOS (n 9 above)19.

²⁴³ n 17 above.

²⁴⁴ As above.

²⁴⁵ n 17 above.

13.2.4. Provide Human Rights Training for the Uganda Police Force

The UHRC recommended that training in 2011 for the UPF should focus on suspects and their rights during arrest and detention. This is because statistics on complaints received by the UHRC in 2010 showed that a high proportion (42%) of complaints involved detention beyond 48 hours.²⁴⁶ This violation of the rights of suspects during detention is also supported by statistics from the UPF's Professional Standards Unit (PSU).²⁴⁷

In 2011, the UPF trained 5770 of its members in course that had human rights components.²⁴⁸ The UHRC also provided human rights training to 1881 members of the UPF particularly Special Police Constables.²⁴⁹

Despite receiving trainings from both internal and external parties, statistics from the PSU and UHRC show that unlawful arrest/unlawful detention continued to dominate human rights violations reported against the Police in 2011.²⁵⁰ Furthermore, there was an increase (10%) in alleged violations of unlawful arrest/unlawful detention during 2011 in compared to 2010.²⁵¹ This suggests that there is still a gap between knowledge of human rights gained from trainings and protection of the rights of suspects in practice. The UHRC emphasises the need for training to be tailored to address the practical needs of the UPF.

13.2.5. Increase Facilitation for the Uganda Police Force

The UHRC has persistently called for the UPF to be adequately facilitated. In 2011, there were progressive efforts towards this. Police stations were constructed in Bushenyi, Luwero, Natete, Amuru and Oyam.²⁵² Vehicles, computers, communications equipment were procured for Masindi and Buliisa police stations in 2011.²⁵³ A total of 162 police patrol pick-ups, 34 troop carriers, 3 ambulances and 2,100 motorcycles were obtained in the FY 2010/2011.²⁵⁴

Despite this assistance, the UPF was still inhibited by inadequate facilitation in terms of logistics and transport. In 2011, logistical constraints hampered the UPF from reaching grassroots levels, avoiding detaining juveniles with adults because of inadequate numbers of remand homes as well as congesting cells which resulted in further human rights abuses.²⁵⁵ The UHRC emphasises the need for adequate facilitation to ensure that the UPF carries out its work though with a human rights based approach.

13.2.6. Increase Remand Homes for Children in Conflict with the Law

It was recommended in previous reports that more remand homes are built in Moroto, Kabale, Hoima and Masindi. This recommendation was prompted by past observations, including during 2011, of the prevalence of the detention of children with adults.²⁵⁶ In 2011, one remand home in Kabale was built and another one was renovated in Arua.²⁵⁷ Social protection actors argue that building more remand homes conflicts with the principle of protecting the social rights of children.²⁵⁸ The UHRC supports this view and it is entrenched in the CRC which states that parents bear the primary responsibility for taking care and providing protection for their children.

it was argued that building more remand homes shifts this responsibility away from communities to the state.²⁵⁹ It has been proposed that rather than building more remands homes, emphasis should remain on strengthening community's capacity to provide care that prevents children from getting into conflict with the law.²⁶⁰ The UHRC supports this view and reiterates that children's best interests should be taken care of.

²⁴⁶ n 27 above.

²⁴⁷ Status report on PSU Performance January (20100 ; n 12 above .

²⁴⁸ Mr. kasimo Thomas ,Presentation by Uganda Police Force's Professional Standards Unit at a Consultative Meeting for UHRC's 14th Annual Report , An analysis of conditions in police detention facilities in 2011, held from 8th -10th February 2012

²⁴⁹ Chapter 3, on Human Rights Education and Outreach.

²⁵⁰ Chapter 1, Complaints Management.

²⁵¹n 245.

²⁵² n 9 above 24.

²⁵³ n 9 above 25.

²⁵⁴ As above.

²⁵⁵ Interview with Professional Standards Unit of the Uganda Police Force (January 2012).

²⁵⁶ n 243.

²⁵⁷ Interview with Senior Technical Advisor, JLOS Secretariat, February 2012.

²⁵⁸ Interview with Principal Social Development Officer/ Rights, Ministry of Gender, Labour and Social Development in February 2012.

²⁵⁹ As above.

²⁶⁰ As above.

In view of this, building remand homes should not be a priority where other options of taking care of children are available. However, to prevent further abuses in a situation where children are currently detained with adults), the UHRC stresses that facilities should be availed.

13.2.7. Domesticate the Optional Protocols to the Convention on the Rights of the Child

The UHRC has repeatedly called for the domestication of the two optional protocols to the CRC. These are the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. No action has been taken to enact a law specifically domesticating these Protocols.

However, some laws have been enacted with protection standards provided for in the protocols include the following provisions in the Prevention of Trafficking in Persons Act, 2009, is such a law. Section 3 of the Act criminalises the coercion of any person into prostitution, pornography, sexual exploitation and use of a child in armed conflict. Sections 4 and 10 establish an offence of aggravated trafficking where a victim is a child. While sections 12(9) and 13(2) recognise the special protection needs of trafficking victims that are children. Section 3(2) acknowledges that legal persons can be held liable for the offence of trafficking.

The UHRC noted that in practice, there was limited awareness about the Prevention of Trafficking in Persons Act. For example, a man in Kyenjojo was charged with an offence of 'kidnapping' a baby under the Penal Code Act, Cap 120 when the same alleged action could have been considered an offence of aggravated trafficking under the Prevention of Trafficking in Persons Act. The UHRC notes that, a man was charged and convicted of aggravated trafficking under the Prevention of Trafficking in Persons Act, in March 2011 by the High Court in Masindi. The Court established that the accused abducted a seven year old and cut off his private parts.

The UHRC urges Government to domesticate the Protocols to ensure that the rights of children are comprehensively covered under national laws. The Commission also appeals to stakeholders involved in the review of the Children's Act, Cap 59 in 2011 to ensure that the standards in the Protocols are given due consideration and included the amended version of the Children's Act.

13.2.8. Increase the number of judicial officers

In previous reports, the UHRC has recommended that the number of judicial officers should be increased. Partial progress was made towards this recommendation as the Judicature (Amendment) Act of 2007 was enacted into law in May 2011. This amendment increased the number of Justices at the Supreme Court from seven to eleven and the number of Justices of the Court of Appeal from nine to fifteen.

No action was taken in 2011 to recruit judicial officers under this amended law. The UHRC calls upon the Judicial Service Commission to recruit the much-needed judicial officers.

13.2.9. Apply a human rights based approach to disasters and emergencies

The UHRC previously recommended that a human rights based approach is incorporated into all interventions dealing with disasters. The UHRC also called for the Office of the Prime Minister (OPM) to strengthen its data collection mechanisms for emergencies and disasters. The UHRC has also recommended that vulnerable persons be given added attention during the management of disasters.

A human rights based approach towards disasters was demonstrated by the Disaster Risk Reduction national platform led by OPM's Department for Disaster Preparedness and Management. In October 2011, the platform dedicated a week to commemorate disaster risk reduction activities. The week was themed 'Children and Youth in Disaster Risk Reduction' and involved partners that included Uganda Red Cross Society and the UN World Food Programme.

Another positive development towards ensuring a human rights based approach was the National Policy for Disaster Preparedness and Management which was adopted in October 2010.

The policy provides a framework for a participatory approach to disaster management as it designates responsibilities to different stakeholders. For example, the policy provides for the establishment of an Inter-Agency Committee, which brings together focal points from different institutions, including UHRC. The Inter-Agency's activities include monitoring and analyzing hazard, risk and disaster trends in the country and developing common preparedness, contingency and response plans.²⁶¹

A key challenge related to the policy was that awareness-raising about its existence and content was still wanting. The UHRC noted that stakeholders, including ministry officials at the national and district levels needed to understand their roles in terms of disaster preparedness and management. However, the UHRC noted that this was going to be addressed through a review of disaster emergency mechanisms by the Department of Disaster Preparedness and Management in January 2012, which would address the concerns.

On strengthening its data collection mechanisms for emergencies and disasters. OPM acknowledged that it lacked data on those that died during Bududa landslides in 2010. Estimates on the number of those that had died were based on satellite images taken of areas showing homesteads before the landslides.²⁶² In 2011, OPM worked with Uganda Red Cross Society to collect disaggregated data on displaced persons.²⁶³ This data was used to target and distribute relief items to survivors during the interventions of 2011.

However, on special attention to vulnerable persons are given special attention during the management of disasters. In 2011, the UHRC noted that in 2011 those affected by floods in Nebbi and landslides in Bududa were not given extra protection.²⁶⁴ the UHRC continues to urge the OPM to ensure that vulnerable persons to be given special protection during the management of disasters.

13.2.10. Establish a Commission for Disaster Preparedness and Management

The UHRC has previously urged Government to establish of a Disaster Preparedness Commission as provided for in the Constitution. Although no action was taken directly in respect of this recommendation, the UHRC noted that the adoption of the National Policy for Disaster Preparedness and Management in late 2010. This progress provides positive indicator of progress towards the establishment of a Disaster Preparedness Commission.

13.2.11. Enhance the existing Legal Aid system

The UHRC recommended in previous annual reports that public awareness about legal aid services should be increased to ensure that aggrieved persons approached the right organisations for assistance. In 2011, public awareness about legal aid services was enhanced at the national level through discussions of the draft National Legal Aid Policy and Legal Aid Bill. The draft policy aims to fill the existing vacuum in the management of legal aid that exists currently.²⁶⁵ To meet this aim, it makes various recommendations that include that legal advice and assistance is made available to all poor and vulnerable persons.

At the local level, "Justice Centres" piloted by JLOS contributed to awareness raising activities about legal aid services.²⁶⁶ Activities carried out by the Justice Centres were 73 awareness campaigns, 24 radio awareness sessions and 47 mobile clinics.²⁶⁷ Legal Aid Service Providers Network (an umbrella body for over 30 civil society organizations that provide legal aid) also carried out legal awareness campaigns.²⁶⁸ Another positive development was the 'Justice for Children' program by JLOS which is supported by UNICEF and implemented by Centre for Justice Studies and Innovations. The programme is aimed at integrating child friendly approaches and procedures into the administration of justice in Uganda.²⁶⁹

261 Office of the Prime Minister, the National Policy for Disaster Preparedness and Management, (2010), 34.

262 Presentation by Assistant Commissioner, Disaster Preparedness and Management Department, Office of the Prime Minister at a Consultative Meeting for UHRC's draft 14th Annual Report held from 7th to 10th February 2012.

263 as above.

264 See Chapter six, Freedom of Expression and assembly.

265 Draft National Legal Aid Policy(2011), 3.

266 Interview with JLOS Secretariat, February 2012.

267 JLOS (n 9 above) 40.

268 JLOS (n 9 above) 42.

269 UNICEF, JLOS, A Concept Note on the Justice for Children Project (2011)

The UHRC continues to recommend the strengthening of public awareness about this program and other legal aid services.

13.2.12. Increase the staff of the Directorate of Public Prosecutions

The UHRC has previously urged Government to increase staffs of the Directorate of Public Prosecutions to ensure expeditious handling of cases. To address these delays in cases related to absence of officers, of staff houses were constructed in Gulu. According to stakeholders, this could have contributed to a reduction in the loss of state attorneys from that station.²⁷⁰

13.2.13. Strengthen interventions for Internally Displaced Persons in the Acholi sub-region

In previous reports, the UHRC recommended that the OPM strengthens interventions aimed to achieving durable solutions for Internally Displaced Persons (IDPs) in the Acholi sub-region. The UHRC also urged OPM to use confidence building measures in the region including updates on the way forward after the failure to sign the Peace Agreement.

Interventions coordinated by OPM to address the attainment of durable solutions for IDPs included the Peace and Recovery Development Programme which was in its second phase. According to the OPM, this programme has acted as a pull factor in return areas and it has supported reintegration, recovery and development in the sub-region.²⁷¹ A policy on transitional justice is being developed by JLOS.²⁷² The OPM reported that media out reach activities are being implemented at a community level to build confidence in the region.²⁷³

13.2.14. Strengthen accountability in the health sector

The UHRC has previously recommended that the Ministry of Health (MoH) strengthens the accountability system within the health sector, particularly its supervisory and monitoring systems. The recommendation was a result of the misappropriation of funds of over US \$367 million from the Global Fund that was meant to fight Tuberculosis, HIV/AIDS and Malaria. At the district level, the UHRC also noted the lack of supervision which resulted in some health facilities remaining closed for almost a week.

The MoH has put in place internal mechanisms to strengthen accountability.²⁷⁴ A Global Fund Coordinating Office has been strengthened by the recruitment of specialists in monitoring and evaluation, procurement and program management.²⁷⁵ Additionally, accountability in the overall ministry has been improved by building capacity of staff in monitoring and evaluation and leadership skills.²⁷⁶ The UHRC calls for the continued strengthening of safeguards and systems for supervising and monitoring of the health sector.

13.2.15. Scale up Community-Based Rehabilitation Program for persons with disabilities

The UHRC urged the Ministry of Gender, Labour and Social Development (MoGLSD) to increase the scale of its Community Based Rehabilitation Programme for PWDs beyond 18 districts. In 2011, the program covered fifty districts.²⁷⁷ The MoGLSD faced budgetary constraints in scaling the program further due to the rate at which new local governments were being created.²⁷⁸ The UHRC recommends that funds are set aside specially for the implementation of this programme in all districts.

²⁷⁰ JLOS (n 9 above)22.

²⁷¹ n 262 above.

²⁷² The Third Sector Strategic Investment Plan for the Justice Law and Order Sector 2012/12 – 2016/17 at p33.

²⁷³ n 262 above.

²⁷⁴ Interview with Health Planning Unit, Ministry of Health, (January 2012).

²⁷⁵ As above.

²⁷⁶ As above.

²⁷⁷ Interview with Principal Social Development Officer, Ministry of Gender, Labour and Social, (January 2012).

²⁷⁸ Presentation by Principal Social Development Officer, Ministry of Gender, Labour and Social Development at a Consultative Meeting for UHRC's 14th Annual Report held from 8th -10th February 2012.

13.2.16. Submit an initial report on Economic, Social and Cultural rights

The UHRC previously urged the Government to submit its initial state report to the body that monitors the implementation of the ICESCR. This report is overdue by twenty years. By December 2011, the MoGLSD had prepared and distributed a draft state report to stakeholders for input.

13.2.17. Make individual perpetrators of human rights violations liable for their acts

In the UHRC previous annual reports the UHRC recommended that the human rights violations should be held accountable instead of the Office of the Attorney General responds to human rights allegations made against state actors.

The UPS complied with this recommendation. In 2011, the UPS disciplined seven prison warders in 2011 for unnecessary exercise of authority, oppressive conduct and conduct that amounted to assault against prisoners.²⁷⁹

Another positive step towards this recommendation was the process and campaign of enacting the Prohibition and Prevention of Torture Bill, 2009. The Bill recognizes liability of institutions for the actions of their employees that amount to acts of torture, inhumane or degrading treatment under the Bill.

13.2.18. Partial progress made on bills

The UHRC made recommendations for various bills to be enacted. The bills mentioned in Table 13.2 have not been enacted. However, the UHRC noted some progress towards their enactment.

Table 13.2 Partial progress made on bills

Bills/proposed legislation	Recommendation	Progress
The Prohibition and Prevention of Torture Bill, 2009	Pass a law to prohibit and prevent torture.	A first reading of the Bill was scheduled for February 2012. Public hearings were planned for February 2012.
The Uganda Anti-Narcotics Drug and Psychotropic Substance Bill	Enact into law.	During 2011, this Bill was considered by the 8 th Parliament and a report prepared by the Internal Affairs and Defence Committee.
The Prevention and Control of HIV/AIDS Bill, 2010	Ensure compliance with human rights standards.	A first reading of the Bill was scheduled for February 2012.
The Public Order Management Bill	Ensure compliance with human rights standards.	Public hearings were completed and a report prepared by Legal and Parliamentary Affairs Committee
A law on disaster preparedness and management	Enact a law establishing a Commission for disaster preparedness	The National Policy for Disaster Preparedness and Management was adopted in October 2010.
A law on the right to health	Enact a law covering the right to health in line with Article 8A of the 1995 Constitution	Ministry of Health prepared a draft Mental Health Bill for presentation to the cabinet.
The Anti-Homosexuality Bill	Review to make the Bill comply with international standards	The Bill was re-tabled before Parliament.
The Domestic Relations Bill	Enact the Domestic Relations Bill.	The Bill was split and the Domestic Violence Act was enacted. There is need for the Marriage and Divorce Bill to be enacted.
The Food and Nutrition Bill	Enact into law	Not received by Parliament by December 2011.

Source: Interviews with Clerks to the Legal and Parliamentary Affairs Committee and the Internal Affairs and Defence Committee.

²⁷⁹ n 17 above.

13.2.19. Establish a Minimum Wage Advisory Board and Revise the Minimum Wage

The UHRC previously recommended that the minimum wage set at UGX. 6,000 in 1984 by Statutory Instrument No. 38/1984 be revised and that a Minimum Wage Advisory Board established to undertake such revision. According to MoGLSD, a study is being undertaken to assess proposals for a minimum wage.²⁸⁰ It should be noted that an adequate minimum wage is critical for protecting the rights of workers. It is much needed in light of the prevailing economic conditions in Uganda. A revised minimum wage could also address discrimination of workers, contribute to equality at work and prevent the payment of unduly low wages.²⁸¹

13.2.20. Establish a Human Rights Department in the Uganda Police Force

The UHRC urged the UPF to establish a human rights department to deal with human rights complaints.²⁸² A human rights desk for the UPF was set up in 2010. It is located at the Professional Standards Unit in Bukoto, Kampala. It has supported by a toll-free number (0800200019, 0800199299, and 0800199199) and an email address (psuhqrts@yahoo.com). According to the Human Rights Desk, the toll free number is disseminated through posters at police stations.

The establishment of a human rights desk is a commendable initiative as it fosters the sharing of information between UHRC and the UPF on key human rights concerns thus, this information supporting monitoring of trends in human rights observance. Close liaison with the human rights desk will allow UHRC to provide targeted assistance to UPF to address human rights violations committed by and against their personnel.

Nevertheless, the UHRC urges the UPF to establish of a fully-fledged department to ensure that adequate resources are targeted towards the integration and monitoring of human rights issues into the daily operation of police.

13.2.21. Eliminate un-gazetted places of detention

Despite continuous calls for the elimination of un-gazetted places of detention, cases of persons being detained during 2011 in un-gazetted areas were still relayed to the UHRC.²⁸³ The UHRC received four complaints about un-gazetted places of detention and received no information about safe-houses.²⁸⁴ However, the UHRC noted that complaints in respect of un-gazetted places of detention were dwindling.

13.2.22. Eliminate the use of live ammunition to disperse crowds

The UHRC in previous annual reports condemned the use of live ammunition to disperse crowds. In the 13th Annual Report, the UHRC expressed concern over the use of live ammunition to shoot at crowds that blocked a presidential entourage in 2010.

Consequently the UHRC recommended that security forces should exercise restraint in the maintenance of law and order and should not use live ammunition to disperse crowds.

However, the use of disproportionate force and live ammunition against protesters was observed during 2011.²⁸⁵ In April 2011, tear gas, rubber bullets and live ammunition was used against protesters during 'Walk to Work' processions which resulted in the death of a person.²⁸⁶ These events clearly demonstrated the disproportionate use of force and live ammunition against unarmed persons participating in demonstrations.

Through high level consultations, the UHRC received commitment from leaders of security forces to ensure that their staff observe and respect human rights during the execution of their duties.²⁸⁷ According to the

²⁸⁰ n 277 above.

²⁸¹ ILO Minimum Wage Fixing Convention C1 1970.

²⁸² The 7th Annual Report of the Uganda Human Rights Commission, 8.

²⁸³ Human Rights Network (U), UN OHCHR and Uganda Prisoners Aid Foundation cited the prevalence of safe houses as a source of human rights violations in 2011 during a consultative Meeting for UHRC's 14th Annual Report held from 7th- 10th February 2012.

²⁸⁴ Chapter 6, Freedom Expression and Assembly.

²⁸⁵ Chapter 5, Elections and Electoral democracy.

²⁸⁶ UHRC, Press Statement on Walk to Work Procession, and Ensuing Riots in Kampala and its Surburbs, Masaka, Gulu and Other Places in the Last Three Weeks, Press Release 2 May 2011.

²⁸⁷ As above.

Police, alternative modes of dispersing crowds were encouraged.²⁸⁸ The UPDF also asserted that the use of live ammunition had been strongly discouraged after use of such ammunitions by security forces on 12th May 2011.²⁸⁹ The UPDF asserted that the military police had received human rights training in respect of crowd control mechanisms.²⁹⁰ It was noteworthy that demonstrations regulated by Police in 2011 used more tear gas and rubber bullets rather than live ammunition.

13.2.23. Partial-compliance with international instrument reporting obligations

The UHRC urged the Government to comply with its reporting obligations under international instruments in a timely manner. Uganda has often not met its reporting obligation on time, as demonstrated by the Table 13.3 below. Three initial reports are outstanding ICESCR, the CRPD and the International Convention on the Rights of all Migrant Workers and Members of their Family.) The initial reports of other instruments have been submitted but Uganda still lagged behind submitting subsequent reports.

Table 13.3 Non-compliance with international reporting obligations

Instrument	Year of adoption	Year of ratification accession	Reporting Obligations	Status of reporting obligation as at February 2012
Convention on the Rights of Persons with Disabilities (CRPD)	2006	2008	Initial report is due within two years after the entry into force of the Convention for Uganda (2010), thereafter reports are to be submitted every four years.	The initial report due in 2010 has not been submitted.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	1987	Initial report is due within one year after the entry into force of the Covenant for Uganda (1988)	The initial report due in 1988 had not been submitted.
International Covenant on Civil and Political Rights (ICCPR)	1966	1995	Initial report is due within one year after the entry into force of the Covenant for Uganda (1996) and thereafter whenever the ICCPR monitoring body requests one. The ICCPR monitoring body requested that Uganda provides its next report in 2008.	The initial report was submitted in 2003. The second report due in 2008 had not been submitted.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1966	1980	Initial report is due within one year after the entry into force of the Convention for Uganda (1981), thereafter reports are to be submitted every two years.	The initial report was submitted. The second to tenth reports were submitted in 2001. The eleventh to thirteenth report due in 2005 had not been submitted.
Convention on the Rights of the Child (CRC)	1989	1990	Initial report is due within two years after the entry into force of the Convention for Uganda (1992) and thereafter every five years.	The initial report was submitted in 1996. The second report was submitted in 2004. The third, fourth and fifth reports due in 2011 had not been submitted.

288 Interview with Human Rights Desk, Professional Standards Unit, Uganda Police Force, (January 2012).

289 Interview with Spokesperson, UPDF, (January 2012).

290 As above.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict	2001	2002	Initial report is due within two years of entry into force of the protocol for Uganda (2004), thereafter reports are to be submitted every five years.	The initial report was submitted in 2008. The third, fourth and fifth report due in 2011 had not been submitted.
Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography	2000	2001	Initial report is due within two years of entry into force of the protocol for Uganda (2004), thereafter reports are to be submitted every five years.	The initial report was submitted in 2008. The third, fourth and fifth report due in 2011 had not been submitted.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984	1986	Initial report is due within one year after the entry into force of the Convention for Uganda (1987), thereafter reports are to be submitted every four years.	The initial report was submitted in 2004. The second report due in 2008 had not been submitted.
African Charter on Human and Peoples Rights (ACHPR)	1981	1986	A report is due every two years	Uganda has submitted three reports. The first report was considered by the African Commission in 2000. The second and third reports were submitted in 2006 and 2008 respectively. The next periodic report due in 2010 had not been submitted.
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family (CMW)	1990	1995	Initial report is due within one year after the entry into force of the Convention for Uganda (1996), thereafter reports are to be submitted every five years.	The initial report due in 1996 had not been submitted.

Source: <http://treaties.un.org>; <http://www.achpr.org>

13.3. RECOMMENDATIONS NOT COMPLIED WITH

13.3.1. Publish the findings of the Commission of Inquiry into the burning of Kasubi tombs

The UHRC recommended in its 13th Annual Report that MoGLSD present the report prepared by the Commission of Inquiry into the burning of the Kasubi tombs to the President. UHRC also recommended that MoGLSD share the findings with the public and implement the recommendations in that report.

According to MoGLSD, the compilation of this report was being finalised.²⁹¹

13.3.2. Appoint new members to the Commission

The UHRC has recommended that new members be appointed to the UHRC. The resignation of two members between July and August 2010. The absence of the two members continued to adversely affected the rate at which matters are disposed of at the UHRC Tribunal. However, no action was taken to appoint new members to the UHRC in 2011.

²⁹¹ n 258 above.

13.3.3. Operationalise the Industrial Court

The UHRC has called for the operationalisation of the Industrial Court. No action was taken to recruit a judge to the Court in 2011 and cases at the Industrial Court still remained at a standstill. As pointed out in previous reports, this had denied complainants a forum for their labour related cases to be heard. A backlog of labour-related cases continued to build up.²⁹²

13.3.4. Recommendations on bills and laws

The UHRC has recommended that Parliament should enact laws to promote socio-economic rights as provided under article 8A of the Constitution. Furthermore, that various bills be enacted into law or made compliant with human rights standards. Table 13.4 below shows the lack of progress that has been made in respect of recommendations on laws and bills. It is important to note that some of these recommendations have not been acted upon by Parliament because they have not been received by that body yet. Other laws have not been acted upon because Parliament has not reviewed UHRC recommendations. A review of UHRC recommendations by the Legal and Parliamentary Affairs Committee was last undertaken in 2009 for recommendations from 1999 to 2007.²⁹³

Table 13.4: Bills and laws that were not acted upon in 2011

Bills and Laws	Recommendation	Progress
The Contingency Fund Bill	Enact into law	Not received by Parliament by December 2011.*
The Regulation of Interception of Communications Act 2010	Amend to comply with human rights standards on privacy.	No action taken.
The Prevention and Control of HIV and AIDS Bill	Amend to comply with international instruments	No action taken.

*Source: *Interview with the Clerk to the Legal and Parliamentary Affairs Committee.*

13.3.5. Align the Persons with Disabilities Act, 2006 with international standards

The UHRC had called for MoGLSD to propose amendments to Parliament regarding the Persons with Disabilities Act, 2006. In previous reports, the UHRC noted that ongoing consultations were held between MoGLSD and other stakeholders for the Persons with Disabilities Act, 2006 to be amended to conform to the CRPD. By December 2011, proposals for amendments had not been forwarded by MoGLSD to Parliament.

13.3.6. Ratify the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

The UHRC had previously recommended that Uganda ratifies the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. However, no action was taken to ratify it in 2011. The UHRC urges Government to ratify the instrument as soon as possible.

13.3.7. Increase funding for civic education

The UHRC has repeatedly called for adequate funding for its civic education programme from the Government. In 2011, no funding was provided for this activity by the Government.

13.4. CONCLUSION

There is noticeable progress towards achieving human rights protection by various actors. This is demonstrated by full and partial progress made towards compliance with several UHRC recommendations.

²⁹² As above.

²⁹³ Interview with Legal and Parliamentary Affairs Committee, February 2012.

In 2011, the Government compliance with UHRC recommendations improved and this commendable. Nevertheless, the UHRC continues to urge the Government to fully comply with all previous recommendations as well as those made in this report. Government compliance with human rights obligations is a major contributor to increased respect and observance of human rights.

Annex 1:UHRC Awards in 2011

NO	FILE No.	PARTIES	VIOLATION	AWARD (UGX)
JINJA REGIONAL OFFICE				
	JJA/78/2003	Emiriat James -and- Attorney general	Torture Liberty	26,000,000
	JJA/64/2006	Kones Mohammed -and- Attorney General & Chemonges Moses	Liberty and Torture	55,000,000
	JJA/57/2004	Katantazi Wilson -and- Attorney General	Life	25,000,000
	JJA/10/2007	Bagume John-and- Attorney General	Torture	28,000,000
	JJA/37/2003	Ibrahim Muwereza -and- Attorney General	Life	15,906,550
	JJA/122/2005	Mutwalibu Mulempi-and- Attorney General & Bazila Jackson	Torture	4,000,000
	JJA/49/2003	James Okello and Anor-and- Attorney General	Torture	8,100,000
GULU REGIONAL OFFICE				
	GLU/68/2005	Laber Luwaya Michael –and- Attorney General, Major Anywar Augustine	-Torture -Remuneration	39,000,000
	GLU/344/2003	Otim Jimmy, Odongo Robson Odala -and- Attorney General, Abuka Silvano	-Personal Liberty -Torture	11,320,000
	GLU/286/2002	Olum Geoffrey-and- Attorney General	Torture	15,000,000
	GLU/40/2003	Mohammed Draku-and- Attorney General & Kajoingi Andrew	Torture and Liberty	3,000,000
	GLU/168/2003	Ojul P'Otuboi-and-Attorney General	Property	4,000,000
	GLU/956/1998	Alyao Richard -and- Attorney General	Liberty	27,000,000
	GLU/238/2003	Odong Charles -and- Attorney General	Life	15,000,000
SOROTI REGIONAL OFFICE				
	SRT/208/2006	Okia John & Emuge Joseph -and- Attorney General	Personal liberty & Torture	58,940,000
	SRT/87/2005	Enyiku Daniel-and- Attorney General	Personal liberty & Torture	18, 625,000
	SRT/208/2005	Omoding Joseph-and- Attorney General	Torture	16,000,000
	SRT/116/2006	Ojamal Michael and Malinga Kharim -and- Attorney General	Liberty Torture	6,000,000
	SRT/493/03	Mwanga Julius -and- Attorney General	Life	26,000,000
	SRT/168/2003	Ekongot Micheall -and- Attorney General	Life and Torture	25,000,000
	SRT/206/05	Omola Moses -and- Attorney General	Torture	3,000,000
	SRT /24/2005	Ekodeu Peter Et al-and- Attorney General	Liberty Property	200,000
MOROTO REGIONAL OFFICE				
	MRT/44/004	Jimmy Ayen Et Al-and- Attorney General	Torture and Property	8,000,000
	MRT/8/2004	Loriet Felix -and- Attorney General	Torture.	5,000,000
	MRT/46/004	Otim Keseron -and- Attorney General	Torture.	4,000,000
CENTRAL REGIONAL OFFICE				
	495/2001	Mubeera Akiiki -and- Attorney General	Torture	16,000,000
	185/2002	Senabulya Katerega -and- Mamerito Mugerwa	Torture	2,000,000
	528/2001	Wasswa Joshua -and- Attorney General	Cruel, Inhuman & degrading treatment	8,000,000

	UHRC/05/2005	Adukule Abraham -and- Attorney General DC.Ameru Edward	Torture Liberty & Property	9,000,000
	UHRC/254/2003	Ali Faraj -and- Attorney General	Torture and Liberty	200,000
	UHRC/192/2006	Musaale Innocent -and- Attorney General	Liberty	5,700,000
	UHRC/1137/2000	Ssonko Zubaili -and- Attorney General	Torture and Liberty	3,000,000
MBARARA REGIONAL OFFICE				
	MBA/16/07	Muhereza Alpha -and- Attorney General	Torture	14,000,000
	MBA/117/05	Bashishana Francis -and- Attorney General	Torture	38,000,000
	MBA/66/05	Kiruta Richard & Anor -and- Attorney General	Liberty	93,940,000
	MBA/13/2008	Veronica Tindyebwa & Ors -and- Attorney General	Liberty	300,000
	MBR/25/2005	Mutatina Patson -and- Attorney General	Torture	3,000,000
	MBR/222/03	Twesigye Fortunate -and- Attorney General	Torture	25,000,000
FORT PORTAL REGIONAL OFFICE				
	FPT/13/2006	Busingye David & Anor -and- Attorney General	Cruel, Inhuman and degrading treatment	15,000,000
	FP/47/2006	Akuguzibwe Amon -and- Attorney General	Torture & Property	13,000,000
	FPT/09/2007	Byaruhanga Charles -and- Attorney General	Liberty	6,000,000
TOTAL 699,231,550/=				

Annex 2: Table showing decided cases against the Attorney General and status of payment from 2001 To June 2011

No.	File No.	Beneficiary	Amount awarded	Amount paid	Balance
Decided Cases in 2003					
1.	UHRC/110/1998	Mohamood F.E. Hassouna	18,712,967	-	18,712,967
2.	UHRC/219/1998	Lydia Nabuwembo	10,000,000	-	10,000,000
3.	UHRC/335/1998	Hafasha James	1,500,000	-	1,500,000
4.	UHRC/882/1998	Lutalo Ronald	10,000,000	-	10,000,000
5.	UHRC/G/76/1998	Akera Eric Bosco	22,000,000	-	22,000,000
6.	UHRC202/1998	S. Muwonge	4,900,000	-	4,900,000
			67,112,967	-	67,112,967
No.	File No.	Beneficiary	Amount awarded	Amount paid	Balance
Decided Cases in 2004					
7.	UHRC/122/2000	Onek Manasi Latigo	2,000,000	-	2,000,000
8.	UHRC/153/2000	Akora Patrick & Anor	28,334,392	-	28,334,392
9.	UHRC/167/2000	Cpl Nampogo Robert and DC Tumwesigye Moses	16,000,000	10,000,000	6,000,000
10.	UHRC/263/2000	Martha Akulu and 10 Others	1,200,000	-	1,200,000
11.	UHRC/283/2002	Abby Juma Kayira	5,000,000	-	5,000,000
12.	UHRC/J/10/2003	Edirisa Omulongo Isabirye	54,777,500	40,000,000	14,777,500
13.	UHRC/S/180/2003	Ajuro Teresa	200,000	-	200,000
			107,511,892	50,000,000	57,511,892
No.	File No.	Beneficiary	Amount awarded	Amount paid	Balance
Decided Cases in 2005					
14.	UHRC/1182/1999	Lukyamuzi Peter	6,000,000	6,000,000	-
15.	UHRC/145/2000	Moro Keneri	6,400,000	-	6,400,000
16.	UHRC/224/2001	David Adelimo	2,500,000	-	2,500,000
17.	UHRC/271/2003	Langol Justin	900,000	-	900,000
18.	UHRC/93/2003	Onek F Albino	1,068,000	-	1,068,000
19.	UHRC/MBA/2/2003	Patrick Koraho	4,000,000	-	4,000,000
			20,868,000	6,000,000	14,868,000
No.	File No.	Beneficiary	Amount awarded	Amount paid	Balance
Decided Cases in 2006					
20.	UHRC/383/2001	Twinomugisha Ronald	4,500,000	-	4,500,000
21.	UHRC/155/2002	Kapunju Zaverio	14,000,000	14,000,000	-
22.	UHRC/007/2003	Kazibwe Charles	17,000,000	10,000,000	7,000,000
23.	UHRC/266/2003	Musa Ssali	2,000,000	2,000,000	-
24.	UHRC/S/421/2003	Etiau Gusberito	9,500,000	9,500,000	-
25.	UHRC/48/2003	Ruhweza Seperiano	6,000,000	-	6,000,000

26.	UHRC/49/2003	Okema David Odokonyero	7,018,000	7,018,000	-
27.	UHRC/FP/50/2003	Rwinkesha K Wilberforce	13,650,000	-	13,650,000
28.	UHRC/FP/58/2003	Tibahwa Stephen	12,000,000	-	12,000,000
29.	UHRC/FP/64/2003	Yosefu Serukerra	20,000,000	-	20,000,000
30.	UHRC/18/2003	Opio Thomson	15,000,000	-	15,000,000
31.	UHRC/263/2003	Ojwang Mark	10,000,000	10,000,000	-
32.	UHRC/44/2003	Rusoke Leo	22,000,000	-	22,000,000
33.	UHRC/254/2004	Ocen Robert	2,429,600	2,000,000	429,600
34.	UHRC/G/151/2004	Opio Yuventino E tal	700,000	-	700,000
35.	UHRC/M/006/2004	Nakabugo Loyce	5,000,000	-	5,000,000
			160,797,600	54,518,000	106,279,600

	File No.	Beneficiary	Amount awarded	Amount paid	Balance
	Decided Cases in 2007				
36.	UHRC/G/253/2003	Ouma Christopher	3,000,000	-	3,000,000
37.	UHRC/G/335/2003	Kocheng N. Odongmon	62,000,000	2,000,000	60,000,000
38.	UHRC/SRT/253/2003	Kubai Alex et al	41,250,000	17,000,000	24,250,000
39.	UHRC/SRT/91/2003	Olupot Stephen	8,000,000	-	8,000,000
40.	UHRC 222/2003	Mutenderwa Faddy	18,493,500	17,000,000	1,493,500
41.	UHRC 345/2003	Desire Njalwe	2,500,000	2,500,000	-
42.	UHRC 462/2003	Begumanya Bosco Etal	1,800,000	1,800,000	-
43.	UHRC 55/2003	Kibate Joseph	16,350,000	-	16,350,000
44.	UHRC/FPT/30/2004	Yongiri Tadeo	11,300,000	10,000,000	1,300,000
45.	UHRC/FPT/5/2004	Kisembo	7,000,000	-	7,000,000
46.	UHRC/FPT/51/2004	Byaruhanga Yusuf	7,000,000	5,549,000	1,451,000
47.	UHRC/G/068/2004	Leza Nicholas	8,000,000	8,000,000	-
48.	UHRC/G/07/2004	Omach Robert	5,500,000	-	5,500,000
49.	UHRC/G/110/2004	Pte. Felix Byamugisha	18,000,000	-	18,000,000
50.	UHRC/G/127/2004	Opio Nicholas	5,000,000	5,000,000	-
51.	UHRC/G/132/2004	Atare Vinansio	1,000,000	-	1,000,000
52.	UHRC/G/145/2004	Simon Okema	13,000,000	-	13,000,000
53.	UHRC/G/150/2004	Okello V. Lajany	23,000,000	-	23,000,000
54.	UHRC/G/55/2004	Nimanoni O. Okidi	20,000,000	-	20,000,000
55.	UHRC/G/64/2004	Madara Alex	18,000,000	-	18,000,000
56.	UHRC/G/74/2004	Ebong Levi	34,977,500	30,275,000	4,702,500
57.	UHRC/S/243/2004	Akello Gladys	4,460,000	4,000,000	460,000
58.	UHRC/SRT/24/2004	Malisa Ernest	17,000,000	-	17,000,000
59.	UHRC 22/2004	James Watetena	5,000,000	-	5,000,000
60.	UHRC 313/2004	Kalanzi Christine	12,600,000	-	12,600,000
61.	UHRC/SRT/19/2005	Alubo Stella	5,000,000	5,000,000	-
62.	UHRC/SRT/36/2005	Among Jessica	200,000	-	200,000
63.	UHRC/SRT/61/2005	Oluka Edison	17,000,000	-	17,000,000
64.	UHRC/SRT/438/2004	Etimu Opio Sam	20,000,000	-	20,000,000
			406,431,000	108,124,000	298,307,000

	File No.	Beneficiary	Amount awarded	Amount paid	Balance
	Decided Cases in 2008				
65.	UHRC197/1998	Mary Wambewo	8,000,000	5,493,085	2,506,915
66.	UHRC197/1998	Ida Namome	7,115,000	4,608,085	2,506,915
67.	UHRC197/1998	Victor Nabuti	7,000,000	4,493,085	2,506,915
68.	UHRC197/1998	Jessica Nandeda	6,000,000	3,493,085	2,506,915
69.	UHRC197/1998	Lydia Wanyeze	5,000,000	2,493,085	2,506,915
70.	UHRC382/1998	Komakech Joseph	10,000,000	-	10,000,000
71.	UHRC/727/1998	Francis Jimmy Opiny	5,269,850	-	5,269,850
72.	UHRC/32/1999	Oryem John Baptist	18,000,000	10,000,000	8,000,000
73.	UHRC/394/1999	Nalongo Imelda	26,000,000	26,000,000	-
74.	UHRC/397/1999	Erua Stephen	8,500,000	-	8,500,000
75.	UHRC/1150/1999	Mwebaze V PC Muhumuza Sebastian ; Sgt Odwar Edward	3,000,000	-	3,000,000
76.	UHRC/767/2000	Abdu. Kiranda	1,200,000	-	1,200,000
77.	UHRC/232/2001	Hatega B George	20,000,000	10,000,000	10,000,000
78.	UHRC/318/2001	Denis N Sengooba	12,000,000	-	12,000,000
79.	UHRC/358/2001	Lillian Tumuhibise	1,500,000	1,500,000	-
80.	UHRC/117/2002	Himashu Dalia	6,000,000	6,000,000	-
81.	UHRC/169/2002	Kasuka Godfrey	3,000,000	3,000,000	-
82.	UHRC/173/2002	Okello Joseph	11,000,000	-	11,000,000
83.	UHRC/180/2002	Nanyonga Janat	9,000,000	4,500,000	4,500,000
84.	UHRC/224/2002	Mwebesa Myers	3,500,000	3,500,000	-
85.	UHRC/249/2002	Peace Nshemereirwe	30,000,000	-	30,000,000
86.	UHRC/260/2002	Masha Aggrey	4,000,000	-	4,000,000
87.	UHRC/299/2002	Sewanyana Samuel	12,000,000	-	12,000,000
88.	UHRC/312/2002	Ntambwe Abdu	10,000,000	10,000,000	-
89.	UHRC/J/74/2003	Mwangu Yahaya Yarabi	9,270,000	9,000,000	270,000
90.	UHRC/MBA/241/2003	Muhumuza Isaac	30,000,000	-	30,000,000
91.	UHRC/MBA/26/2003	Khalid Mutekisa	11,000,000	-	11,000,000
92.	UHRC/156/2003	Abbey Higeyi	100,000	-	100,000
93.	UHRC/166/2003	Okot Charles	10,000,000	-	10,000,000
94.	UHRC/174/2003	Mucunguzi Annet	1,200,000	1,200,000	-
95.	UHRC/191/2003	Kaliisa Joseph	7,000,000	7,000,000	-
96.	UHRC/208/2003	Lwere Ibrahim	7,000,000	7,000,000	-
97.	UHRC/245/2003	Tugume Mariam Rajab	36,000,000	-	36,000,000
98.	UHRC/SRT/521/2003	Akullo Grace	1,202,500	-	1,202,500
99.	UHRC/275/2003	Kuranga Rapheal	27,000,000	-	27,000,000
100.	UHRC/280/2004	Egesa Nour	10,000,000	10,000,000	-
101.	UHRC/339/2004	Omadi Hydro Joram	1,300,000	-	1,300,000
102.	UHRC/519/2004	Ali Hirya	20,000,000	-	20,000,000
103.	UHRC/FP/39/2005	Kirya .B. Solomon	16,500,000	-	16,500,000
104.	UHRC/FP/66/2005	Tedro Irumba	40,000,000	-	40,000,000
105.	UHRC/123/2005	Muwaya Ishaka	5,000,000	-	5,000,000

106.	UHRC/S/51/2005	Mr. Ocen & St. Stephen Education Centre	7,000,000	-	7,000,000
107.	UHRC/MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
108.	UHRC/MBA/115/2006	Mubangizi Mulensio	6,500,000	-	6,500,000
109.	UHRC/G/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
110.	UHRC/G/55/2000	Ongom Nimanoni	20,000,000	-	20,000,000
111.	UHRC/392/1997	Pte Godfrey Birungi	30,000,000	20,000,000	10,000,000
			538,407,350	149,280,425	389,126,925

	File No.	Beneficiary	Amount awarded	Amount paid	Balance
	Decided Cases in 2009				
112.	UHRC 413/1998	Kamengo James	33,000,000	23,000,000	10,000,000
113.	UHRC/116/1998	Nakirya Sarah	4,000,000	-	4,000,000
114.	UHRC/167/1998	Omong Juk	20,000,000	20,000,000	-
115.	UHRC/172/1998	Idrisa Kasekende	48,285,000	40,000,000	8,285,000
116.	UHRC/180/1998	Kauta	10,000,000	-	10,000,000
117.	UHRC/382/1998	Komakech Joseph	10,000,000	-	10,000,000
118.	UHRC/502/1998	Johnson Kasaija	22,000,000	9,000,000	13,000,000
119.	UHRC/527/1998	Dulu Bernard	14,949,647	13,400,000	1,549,647
120.	UHRC/908/1998	Dan Okello	1,500,000	1,500,000	-
121.	UHRC/G/167/1998	Omong Juk	20,000,000	20,000,000	-
122.	UHRC/112/1999	Nsereko Sajjabi Christopher	32,000,000	25,000,000	7,000,000
123.	UHRC/1128/1999	Kabagenyi Beatrice	17,000,000	10,000,000	7,000,000
124.	UHRC/210/1999	Stephen Gidudu	59,000,000	59,000,000	-
125.	UHRC/837/2000	Emukule Ismail	1,800,000	1,800,000	-
126.	UHRC58/2000	Acen Rose	22,500,000	22,500,000	-
127.	UHRC/445/2001	Bukenya George	30,000,000	-	30,000,000
128.	UHRC/482/2001	Samuel Wasswa	20,000,000	-	20,000,000
129.	MBA/ 84/2002	Ahimbisibwe J.B	5,000,000	-	5,000,000
130.	UHRC/318/2002	Nsiimenta Justus	3,260,000	2,200,000	1,060,000
131.	UHRC/34/2002	Bateganya Ramazzan	800,000	-	800,000

132.	UHRC/350/2002	Ojangole David	500,000	-	500,000
133.	UHRC/402/2002	Kasozi Ronald	10,000,000	-	10,000,000
134.	UHRC/5/2002	Baguma J B	3,500,000	-	3,500,000
135.	UHRC/88/2002	Atoo Margaret	10,000,000	10,000,000	-
136	UHRC254/2002	Pa 33305 Sgt. Tumwine	40,560,000	38,000,000	2,560,000
137	UHRC	Trustees of Church of Uganda	8,100,000	-	8,100,000
138	UHRC/J/54/2003	Iwolit Dismas	35,000,000	-	35,000,000
139	UHRC/MBA/97/2003	John Bosco Mugisha & Bizumungu Alex	12,000,000	-	12,000,000
140	UHRC/J/21/2003	Abdallah Kayira	9,000,000	-	9,000,000
141	UHRC/373/2003	Walter Nyangas Vs ISO	32,000,000	-	32,000,000
142	UHRC/251/2003	Katosi George	9,400,000	9,400,000	-
143	UHRC/35/2003	Kiwule Peter Isabirye	15,000,000	10,000,000	5,000,000
144	UHRC/36/2003	Dinky Rusoke Chris	5,500,000	5,500,000	-
145	UHRC/4/2003	Omara David	11,000,000	-	11,000,000
146	UHRC/403/2003	Joseph Oburu	4,000,000	-	4,000,000
147	UHRC/41/2003	Okello Donato	25,000,000	22,000,000	3,000,000
148	UHRC/41/2003	Leonard Mugerwa	8,000,000	8,000,000	-
149	UHRC/445/2003	Bagonza Ronald	35,090,000	-	35,090,000
150	UHRC/460/2003	Anna Kinyambara	32,367,500	-	32,367,500
151	UHRC/5/2003	Akera Johnson	12,120,000	-	12,120,000
152	UHRC/MBA/82/2004	Goodman Edwards	2,000,000	-	2,000,000
153	UHRC/MBA/136/2004	Safari Edward & Tumusiime Godffrey	1,000,000	-	1,000,000
154	UHRC/MBR/053/2005	Mwambutsya Charles	20,000,000	-	20,000,000
155	UHRC/FP/43/2005	Friday Francis	300,000	-	300,000
156	UHRC/208/2005	Chris Kanya	41,000,000	-	41,000,000
157	UHRC/J/123/2005	Muwaya Ishaka	5,000,000	-	5,000,000
158	UHRC/MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
159	UHRC/MBA/115/2006	Mubangizi Mulensio	6,500,000	-	6,500,000
160	UHRC/G/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
161	UHRC/MBA/79/2007	Mwebembezi Justus	6,000,000	-	6,000,000
			790,282,147	350,300,000	439,982,147

	File No.	Beneficiary	Amount awarded	Amount paid	Balance
	Cases Decided in 2010				
162	UHRC/S/32/2001	Waniala Issah et al	44,813,000	-	44,813,000
163	UHRC/S/226/2001	Owona J.D	27,000,000	-	27,000,000
164	UHRC/482/2001	Samuel Wasswa	20,000,000	-	20,000,000

165	UHRC/445/2001	Bukenya George	30,000,000	-	30,000,000
166	UHRC/S/221/2002	Nabwana Barbara	200,000	-	200,000
167	UHRC/299/2002	Sewanyana Samuel	12,000,000	-	12,000,000
168	UHRC/402/2002	Kasozi Ronald & Operation Wembley	10,000,000	-	10,000,000
169	UHRC/G/1/2003	Cpl. Etalu Charles Vs Maj. Moses Bakubanja	9,000,000	-	9,000,000
170	UHRC/FP/114/2003	Mugisa Juma	35,000,000	-	35,000,000
171	UHRC/FP/123/2003	Baluku Steven	25,000,000	-	25,000,000
172	UHRC/MBA/203/2003	Isaaya Birungi	10,000,000	-	10,000,000
173	UHRC/MBA/174/2003	Baguma Stephen	17,000,000	-	17,000,000
174	UHRC/MBA/258/2003	Murumba Tedious	6,500,000		6,500,000
175	UHRC/G/258/2003	Labogi Jeska	16,575,000	-	16,575,000
176	UHRC/J/40/2003	Kapere Moses	5,000,000	-	5,000,000
177	UHRC/FP/075/2003	Bwango James	29,421,468	29,421,468	-
178	UHRC/007/2003	Kazibwe Charles	17,000,000	10,000,000	7,000,000
179	UHRC/G/122/2003	Okech Rickson (Opio Charles)	215,000,000	71,000,000	144,000,000
180	UHRC/316/2004	Bakaliraku V & Nampogo P	12,000,000	-	12,000,000
181	UHRC/182/2004	John Aligawesa & William Kityo	22,000,000	-	22,000,000
182	UHRC/519/2004	Ali Hirya	20,000,000	-	20,000,000
183	UHRC/MBA/89/2004	Kairu Musa	10,000,000	-	10,000,000
184	UHRC/MBR/101/2004	Barigye Christopher	9,000,000	-	9,000,000
185	UHRC/438/2004	Joseph Sempira	2,000,000	-	2,000,000
186	UHRC/J/69/2004	Mutuba Abubaker	35,000,000	10,000,000	25,000,000
187	UHRC/344/2004	Zirimu Johnson	21,780,000	-	21,780,000
188	UHRC /324/2004	Mombwe Silas	5,000,000	5,000,000	-
189	UHRC/316/2004	Nampogo Patrick and Bakaliraku Vincent	6,000,000	-	6,000,000
190	UHRC/FP/39/2005	Kirya .B. Solomon	16,500,000	-	16,500,000
191	UHRC/FP/66/2005	Tedro Irumba	40,000,000	-	40,000,000
192	UHRC/G/124/2005	Odyek Bonny	8,500,000	-	8,500,000
193	UHRC/MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
194	UHRC/MBA/115/206	Mubangizi Mulensio	6,500,000	-	6,500,000
195	UHRC/229/2006	Ocheng Thomas	5,373,000	-	5,373,000
196	UHRC/G/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
197	UHRC/MBA/79/2007	Mwebembezi Justus	6,000,000	-	6,000,000
198	UHRC/FP/58/2007	Muhammed Kalyebara	5,000,000	-	5,000,000
199	UHRC/FP/19/2008	Joseph Kisembo. K-and-Bigode Pol. Post -Et al	14,000,000	-	14,000,000
200	UHRC/FP/58/2007	Muhammed Kalyebara-and-Attorney General	5,000,000	-	5,000,000
201	UHRC/FP/19/2008	Joseph Kisembo. K and Bigode Pol Station	14,000,000	-	14,000,000
	Total		808,412,468	125,421,468	682,991,000

Grand Total

2,899,823,424 843,643,893 2,056,179,531

Annex 3**Showing Cases of suspects / inmates detained without files**

Name of the detention facility	Name of inmate	Crime suspected to have been committed	Duration in Detention
Uganda Government prison. Lira(Male section)	Angira Denis	Aggravated Defilement	5 Months
Uganda Government prison. Lira(Male section)	Ongol Tony	Aggravated Defilement	5 Months
Uganda Government prison. Lira(Male section)	Okello Dickens	Aggravated Defilement	5 Months
Uganda Government prison. Lira(Male section)	Aloka Sam. A. Anam	Aggravated Defilement	4 Months
Uganda Government prison. Lira(Male section)	Emwodu Robert	Simple Defilement	5 Months
Uganda Government prison. Lira(Male section)	Onyang Patrick	Murder	5Months
Uganda Government prison. Lira(Male section)	Okot James	Attempted Murder	4 Months
Uganda Government prison. Lira(Male section)	Obote Lawrence	Arson	5 Months
Uganda Government prison. Lira(Male section)	Opio Bosco	Arson	6 Months
Uganda Government prison. Lira(Male section)	Ogwal Musa	Un natural offence	5 Months
Uganda Government prison. Lira(Male section)	Okello Hessa	Reckless Driving	3 Months
Uganda Government prison. Lira(Male section)	Okodi Joel	Theft	4 Months
Uganda Government prison. Lira(Male section)	Okello Jimmy	Simple Defilement	3 Months
Uganda Government prison. Lira(Male section)	Ogwang Godwill	Arson	4 Months
Uganda Government prison. Lira(Male section)	Ojema Silvesto	Arson	5 Months
Uganda Government prison. Lira(Male section)	Olwa Thomasi	Murder	5 Months
Uganda. Government prison. Lira(Male section)	Opio Jimmy	Murder	5 Months
Uganda Government prison. Lira(Male section)	Otoo Jaspher	Murder	5 Months
Uganda Government prison. Lira(Male section)	Oroma Stephen	Aggravated Defilement	1 Month
Uganda Government prison. Lira(Male section)	Okello Walter	Simple Robbery	2 Months
Uganda Government prison. Lira(Male section)	Odur Valentino	Simple Robbery	2 Months
Uganda Government prison. Lira(Male section)	Ageta Anthony	Simple Robbery	2 Months
Uganda Government prison. Lira(Male section)	Omara Richard	Simple Robbery	2 Months
Uganda Government prison. Lira(Male section)	Omate Chesco	Grievous harm	1 Month
Uganda Government prison. Lira(Male section)	Ojok Bonny	Murder	2 Months
Uganda Government prison. Lira(Male section)	Meri Jeremia	Simple Robbery	1 Month
Uganda Government prison. Lira(Male section)	Bua Anjilious	Simple Robbery	1 Month
Uganda Government prison. Lira(Male section)	Opio George		2 Months
Uganda Government prison. Lira(Male section)	Adilo Moses	Simple Defilement	2 Months
Uganda Government prison. Lira(Male section)	Kojo Daniel	Simple Defilement	2 Months
Uganda Government prison. Lira(Male section)	Okello Kenneth	Simple Defilement	1 Month
Uganda Government prison. Lira(Male section)	Ogwal Joel	Simple Defilement	1 Month
Uganda Government prison. Lira(Male section)	Aloro Moses	Simple Defilement	2 Months
Uganda Government prison. Lira(Male section)	Okello Alfred	Simple Defilement	2 Months
Uganda Government prison. Lira(Male section)	Ongom Patrick	Arson	2 Months
Uganda Government prison. Lira(Male section)	Okello Patrick	Simple Defilement	3 Months
Uganda Government prison. Lira(Male section)	Okello Deo	Aggravated Defilement	3 Months
Uganda Government prison. Lira(Male section)	Aliro Robert	Simple Defilement	4 Months
Uganda Government prison. Lira(Male section)	Odongo Augustine	Aggravated Defilement	2 Months
Uganda Government prison. Lira(Male section)	Okwir Denis	Murder	2 Months
Uganda Government prison. Lira(Male section)	Okodi Sam	Stealing cattle	1 Months
Uganda Government prison. Lira(Male section)	Otim Walter	Stealing Cattle	1 Month
Uganda Government prison. Lira(Male section)	Odongo George	Defilement	2 Months
Uganda Government prison. Lira(Male section)	Acok Martin		2 Months
Uganda Government prison. Lira(Male section)	Okol Vincent	Grievous harm	14 days

Name of the detention facility	Name of inmate	Crime suspected to have been committed	Duration in Detention
Uganda Government prison. Lira(Male section)	Oree Tony	Aggravated Defilement	1 Month
Uganda Government prison. Lira(Male section)	Ogwal Robert	Grievous harm	1 Month
Uganda Government prison. Lira(Male section)	Odongo Leo	Grievous harm	1 Month
Uganda Government prison. Lira(Male section)	Apenyo Geoffrey	Grievous harm	1 Month
Uganda Government prison. Lira(Male section)	Okene Patrick	Grievous harm	1 Month
Uganda Government prison. Lira(Male section)	Ebong Erick	Simple Defilement	16 days
Uganda Government prison. Lira(Male section)	Ogang Tonny	Murder	5 Months
Uganda Government prison. Lira(Male section)	Okello Jimmy	Abduction	4 Months
Uganda Government prison. Lira(Male section)	Alyela Tom	Simple Robbery	11 days
Uganda Government prison. Lira(Male section)	Okwir Moses	Grievous harm	11 days
Uganda Government prison. Lira(Male section)	Adar Rufino	Murder	3 Months
Uganda Government prison. Lira(Male section)	Otim Jasper	Grievous harm	2 Months
Uganda Government prison. Lira(Male section)	Okello Okolongo	Grievous harm	4 Months
Uganda Government prison. Lira(Male section)	Oneka Stephen	Procuring Abortion	1 Month
Uganda Government prison. Lira(Male section)	Okello Dan	Murder	15 days
Uganda Government prison. Lira(Male section)	Okwel Jasper	Murder	15 days
Uganda Government prison. Lira(Male section)	Egwec Denis	Murder	25 days
Uganda Government prison. Lira(Male section)	Ogwal Francis	Rape	25 days
Uganda Government prison. Lira(Male section)	Arago James	Simple Defilement	1 Month
Uganda Government prison. Lira(Male section)	Ogwang David	Simple Defilement	8 days
Uganda Government prison. Lira(Male section)	Omara Moris	Simple Defilement	2 Months
Uganda Government prison. Lira(Male section)	Okello Anthony	Arson	23 days
Uganda Government prison. Lira(Male section)	Odongo Jimmy	Murder	23 days
Uganda Government prison. Lira(Male section)	Tugume Jackson	Rape	1 Month
Uganda Government prison. Lira(Male section)	Odora Moses	Murder	1 Month
Uganda Government prison. Lira(Male section)	Ebil Patrick	Aggravated Defilement	1 Month
Arua government prison	Robert Oluma,	No information	
Arua government prison	Dogu Robert,	No information	
Arua government prison	Lenga Richard	No information	
Arua government prison	Ongieritho Robert	No information	
Arua government prison	Okumu John	No information	
Arua government prison	Okweda Geoffrey	No information	
Sembabule Prison	Kugumaho Herbert	Malicious damage	One and a half months but granted bail at the intervention of the Commission
Sembabule prison	Sentongo	Alleged possession of stolen property	Two weeks but granted bail at the intervention of the Commission
Kabula Prison	Nuwamanya	Alleged Idle and Disorderly but was actually a person with mental illness	4 Weeks but released at the intervention of the Commission

Annex 4

Cases of detention beyond 48 Hrs before being brought to Court

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Lubega Hussein, James Semakula, Mutalemwa Robert	Rakai Police Station	Alleged stealing of a Motorcycle	14 days	Investigations were not yet concluded
Jaggwe Mustapha	Lyantonde Police Station	Alleged Theft	16 days	Still waiting for advice from RSA in Masaka
Muhumuza Samson	Lyantonde Police Station	Alleged Theft	7 days	Still waiting for advice from RSA in Masaka
Semanda Junior	Lyantonde Police Station	Alleged Theft and House Breaking	10 days	Still waiting for advice from RSA in Masaka
Nuwamanya	Kabula Prison	Alleged Idle and Disorderly but was actually a person with mental illness	28 days	Person with Disability
Kato Abdallah Aziz	Matete Prison	Allegedly stealing 20 kgs of coffee	9 months 26 th January- 28 th September 2011 when he was granted bail but rearrested on 3 rd November 2011 for allegedly jumping bail	Was on remand but he told the Commission inspection team that he had a land dispute with his step brother who was "facilitating" his long stay in prison and re arrest.
Sebitosi Geoffrey	Kalungu Prison	Alleged stealing Matooke	6 months on remand	Serving remand
Swaibu Sikezi	Masaka Prison	Alleged robbery	Arrested in 2004 and claims he has been on remand	By November 2011, he was waiting for judgement
Ogwang Sam	Lira Central Police Station	theft	3 days	Delay by the RSA to advise Police
Alengo Francis	Lira Central Police Station	theft	3 days	Delay by the RSA to advise Police
Omara Dan	Lira Central Police Station	theft	3 days	Delay by the RSA to advise Police
Atworo George	Lira Central Police Station	theft	3 days	Delay by the RSA to advise Police
Olet Moses	Lira Central Police Station	defilement	8 days	Delay by the medical doctor to examine the victim
Odongo Jasper	Lira Central Police Station	defilement	6 days	Delay by the medical doctor to examine the victim
Okwir Lawrence	Lira Central Police Station	Murder	8 days	Wanted to use the suspect to cause the arrest of other suspects who were at large.
Labeja Oscar	Lira Central Police Station	defilement	4 days	Delay by the medical doctor to examine the victim
Opude Tonny	Alebtong Central Police Station	defilement	7 days	Absence of the medical doctor to examine both the victim and the suspect

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Bunga Milton	Albtong Central Police Station	Arson	7 days	The court had not sat for one week because the reportedly magistrate was attending to the sick son in the hospital
Orach Joseph	Agago Central Police Station	Theft and burglary	4 days	Investigations were still on going.
Oneka Christopher	Agago Central Police Station	defilement	4 days	Investigations were still on going
Oyaro John	Agago Central Police station	Murder	4 days	Investigations were still on going
Okech David	Agago Central Police station	Threatening violence	5 days	Awaiting production before court the next day
Oweka Alfred	Agago Central Police Station	defilement	4 days	Investigations were still on going
Anywar Cosmas Wanene	Kalongo Police Station	Domestic Violence	5 days	Awaiting PF3 from kalongo Hospital
Ochan Thomas	Kalongo Police Station	theft	6 days	Investigations were still on going
Obore Jude	Pader Central Police Station	defilement	8 days	Delay by the doctor to examine the victim.
Oringa Francis	Alero Police post	Defilement	5 days	Awaiting result of examination from Gulu Hospital
Aluma James	Uganda Government Prison Farm Adjumani	defilement	8 months	Awaiting High Court session for trial
Tapitu Bias	Uganda Government prison Farm Adjumani	Simple defilement	8 months	Waiting the Chief Magistrate's court session.
Birungi Jimmy	Fort portal Police Station	Criminal Trespass	14 days	That the Resident State Atorney has not yet sanctioned the file
Ruhima Frank	Hoima Police Station	Theft	3months	He was arrested and detained in Kireka for 2 months then transferred to Hoima Police Station
Kubarikenda Julius	Hoima Police Station	Witchcraft	11 days	The OC/CID told the team that this case was complex
Nyamayabo Andrew	Hoima Police Station	Defilement	12 days	That the state Attorney is still perusing the file
Tumwesige Valence	Hoima Police Station	Murder	10 days	That the state Attorney ordered for further investigations
Byamugisha Godfrey	Hoima Police Station	Murder	10 days	The State Attorney sent the file for further investigations
Kugeka Alone	Hoima Police Station	Murder	14 days	That the case is complex and needs further investigations
Twebaze Yasin	Hoima Police Station	Murder	14 days	That the case is complex and needs further investigations
Isingoma Ronald	Hoima Police Station	Murder	7 days	That the file is still with the state Attorney for perusal
Charles Kamya	Hoima Police Station	Murder	7 days	That the file is still with the State Attorney for perusal
Kiiza Paskari	Karugutu Police Station	Child kidnapping	3 weeks	That the file is still with the state Attorney for perusal
Mbogo Kabisa	Karugutu Police Station	Murder	1 month	That the file is still with the State Attorney for perusal
Name of the suspect not recorded	Yumbe Police Station	Theft of goats	5 days	Court sits only once a week on Mondays yet the suspect had been arrested on a Tuesday
Name of suspect not recorded	Yumbe Government Prison	Capital offence	Over three months	Lack of transport to Arua

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Kyomukama Fred	Rukungiri Government Prison	Rape	16months on remand	-No regular high court sessions -Changes in sitting Magistrates -Some resident judges have only recently reported to stations -Few CID officers to investigate cases very first. -Logistical problems affecting the ability to investigate cases for faster prosecution.
Laban Banyenzaki	Rukungiri Government Prison	Rape	4 years on remand	
Muhangi Juma	Rukungiri Government Prison	Murder	16months on remand	
Twesigye Robert	Rukungiri Government Prison	Murder	1 and a half years	
Murangira Simon	Rukungiri Government Prison	Defilement	4 years	
Bagyenyi Martin	Rukungiri Government Prison	Defilement	1 year	
PWD Kahigi Muteta	Rukungiri Government Prison	Defilement	18 months	
Dementina Kamutima	Rukungiri Government Prison	Murder	18 months	
Byaruhanga Ludovico	Rukungiri Government Prison	Murder	18 months	
Ndyagasha Deus	Rukungiri Government Prison	Murder	18 months	
Prisca Kangye	Rukungiri Government Prison	Murder	2 years	
Twebaze Jackline	Rukungiri Government Prison	Murder	2 years	
Kihembo Evas	Rukungiri Government Prison	Murder	2 years	
Arinaitwe Eunice	Rukungiri Government Prison	Murder	3 years	
Nakyanzi Justine	Rukungiri Government Prison	Murder	2 years	
Tukamuhwa Elisa	Rukungiri Government Prison	Rape	16 months	
Bagyenyi Martin	Rukungiri Government Prison	Defilement	13 months	
Turyamureeba Keren	Rukungiri Government Prison	Defilement	2years	
Mande S	Rukungiri Government Prison	Defilement	15 months	
Taremwa Moses	Rukungiri Government Prison	Defilement	2 years	
Banyenzaki Richard	Rukungiri Government Prison	Murder	2 years	
Muhwezi Hilary	Rukungiri Government Prison	Defilement	13 months	
Kanyike Charles	Rukungiri Government Prison	Defilement	2 years	
Mwesigye Nathan	Rukungiri Government Prison	Defilement	3 years	

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Tumwesigye Dennis	Rukungiri Government Prison	Murder	2 years	-No regular high court sessions -Changes in sitting Magistrates -Some resident judges have only recently reported to stations -Few CID officers to investigate cases very first. -Logistical problems affecting the ability to investigate cases for faster prosecution.
Mwesigwa Eraston	Rukungiri Government Prison	Murder	2 years	The suspect was arrested by the PGB for allegedly stealing money from state house so the police had to wait for communication from PGB who had said they would transport all the suspects involved to be tried in Kampala
Tumuhimbise Perez	Rukungiri Police Station	Theft	13 days	The suspect was arrested by the PGB for allegedly stealing money from state house so the police had to wait for communication from PGB who had said they would transport all the suspects involved to be tried in Kampala
Ahimbisibwe	Isingiro Central Police Station	Unlawful wounding	8days	-Files delay at the Resident State Attorney's office -Lack of enough logistics to conduct investigations speedily
Kurinamanyire	Isingiro Central Police Station	Unlawful wounding	8days	
Ndyabarema	Isingiro Central Police Station	Arson	8days	
Tweyongyere	Isingiro Central Police Station	Murder	7days	
Nduhura	Isingiro Central Police Station	Murder	7days	
Tumusiime Issa	Rushere police Post	Assault	3days	-Fear of mob justice
John Katwire	Rushere police Post	Rape	3 days	-File awaiting sanctioning by the RSA
Mugisha Benson	Rushere police Post	Theft	3 days	-Fear of mob justice
Tumwekase Leo	Rushere police Post	Murder	6 days	-File awaiting sanctioning by the RSA
Niwagaba Justus	Kisoro Government prison	Attempted Murder	25months	-No regular high court sessions -Changes in sitting Magistrates -Few CID officers to investigate cases very first. -Logistical problems affecting the ability to investigate cases for faster prosecution.
Ayebare Moses	Ndorwa Government Prison	Defilement	2years and a half	
Baryebwa Tobias	Ndorwa Government Prison	Rape	1year and a half	

Name of the inmate	Name of the detention facility	Crime suspected to have committed	Duration in detention	Reason for long/arbitrary detention
Tumuhise Julius	Rubirizi Police Station	Threatening Violence	4days	-The Grade two magistrates court only sits on Wednesdays -Lack of a doctor to check defilement victims -Lack of transport to take victims to Bushenyi -Lack of officers to record charge and caution statements in Buwheju District -some offences are capital in nature and suspects can't be given police bond
Mugisha Dissan	Buwheju Police Station	Aggravated Defilement	13 days	
Atwebembere Hannington	Buwheju Police Station	Arson	6 Days	
Bainomugisha	Buwheju Police Station	Arson, Threatening Violence, Unlawful wounding, Domestic Violence	6 Days	
Bainomugisha Charles	Nyakishana Police Post	Threatening violence	4 Days	
Benon Kwiriza	Ibanda Police Station	Theft	7days	-Fear of Mob justice -The suspect had no place of abode
Abigaba Godius	Ibanda Police Station	Trespass	12 days	-File still with RSA
Namanya Moses	Ibanda Police Station	Affray	15 days	-Fear of mob justice
Byaruhanga John Bosco	Ntungamo Central Police Station	Defilement	10 days	-The RSA delays to sanction files Suspected offenders who are arrested on Friday have to wait until Monday when the RSA is in office
Asasira Boaz	Ntungamo Central Police	Had not been charged	9 Days	Lack of judicial man power. There is always only one State Attorney and one Grade 1 Magistrate
Kanyesigye Dan	Ntungamo Central Police Station	Theft	4 days	People are not cooperative during investigations -Few CID personnel
Ahumuza Amon	Ntungamo Central Police Station	Theft	5 days	People are not cooperative during investigations -Few CID personnel
Ayebare Deus	Ntungamo Central Police Station	Assault	7 days	People are not cooperative during investigations -Few CID personnel
Muganzira	Ntungamo Central Police Station	Theft	4 days	People are not cooperative during investigations -Few CID personnel
Muyambi Benson	Ntungamo Central Police Station	Assault	6 days	People are not cooperative during investigations -Few CID personnel
Tugume David	Ntungamo Central Police Station	Assault	9 days	People are not cooperative during investigations -Few CID personnel
Chebet Justine	Kapchorwa Government Prison	Theft	5 months	Not clear

Annex 5

Human Rights Education Activities held in 2011.

S/N	Institution	Target group of people	Theme	District	No. of Participants	Key Out put
1.	Uganda People's Defence Force (UPDF)	-Military Police Personnel -UPDF field officers	Human Rights Protection and Promotion: The role of Security Organisations"	-Makindye Barracks - detaches in Kotido, Amudat and Abim districts	60 591	-651 UPDF officers trained on human rights concepts, constitutionalism and democracy. 15 detach outreach trainings and one civic education were carried out for UPDF officers.
2.	Uganda Police Force	-Special Police Constables	Human Rights and the Police	-Yumbe, Koboko, Maracha, Arua, Gulu, Lira, Adjumani, Manafwa, Bududa, Sironko, Bulambuli, Kaberamaido, Mitooma, Sheema, Kasese, Bundibugyo, Kibaale, Kiryandongo, Tororo, Budaka, Butaleja, Mubende, Mityana, Kalangala, Sembabule, Masaka, Lyantonde, Lwengo, Rakai, Kalungu and Bukomansimbi	1,881	-1,881 SPCs drawn from 31 districts trained on human rights concepts through training workshops conducted. Police officers equipped with skills and knowledge to respect and promote human rights
3.	Internal Security Organisation	-Regional and District Internal Security Officers	Human Rights Protection and Promotion: The role of Security Organisations	Kalangala, Masaka, Lyantonde, Kalungu, Bukomansimbi, Lwengo, Sembabule, Rakai, Amudat, Moroto, Amuria, Namutumba, Bududa, Manafwa, Kapchorwa, Paliisa, Bulambuli, Ngora, Katakwi, Soroti, Kumi, Buyende, Butaleja, Kotido, Mbale, Sironko, Kibuku, Nakapiripirit, Kaberamaido, Namyingo, Serere, Kaliro, Bugiri, Mayuge, Budaka, Bukedea, Luuka, Kamuli, abim, Kween, Napak, Iganga, Tororo, Jinja,	343	-343 Internal Security Officers trained on human rights concepts with emphasis on on Constitutionalism, women's and children's rights, duties and responsibilities of citizens for a democratic country.
4.	Uganda Prisons Service	Prison warders	Promotion and protection of Human rights; The role of Prison Officers	Gulu, Lira, Adjumani	94	94 Prison staff sensitized on human rights concepts. Increased human rights knowledge of the prison wardens with emphasis placed on; concept of human rights, the prison code of conduct, their roles and responsibilities, rights of prisoners/ suspects and the right to freedom from torture, cruel, inhumane and degrading treatment.

S/N	Institution	Target group of people	Theme	District	No. of Participants	Key Out put
5.	Local government	District officials in different departments	The Promotion Of Human Rights Through HRBA: - The Role of District Stakeholders	Kalungu, Bukomansimbi, Lwengo and Masaka, Kumi, Nakasongola	137	137 District Officials acquired knowledge and techniques for basing development programming on human rights and human rights principles.
6.	Education institutions	Teachers and Students from secondary schools and technical institutions	Human rights promotion and protection; The role of Human Rights Clubs in schools	Masaka, Rakai, Kalungu, Sembabule, Bukomansimbi, Lyantonde, Kabarole, Soroti, Arua and Jinja.	218 teachers and 23, 000 students	230 Teachers and 23, 000 students sensitized on human rights issues and the role of school human rights clubs in the protection and promotion of human rights
7.	Religious institution	Religious leaders	The Role of religious leaders in the promotion and protection of human rights.	Masaka, Rakai, Kalungu, Sembabule, Bukomansimbi, Lyantonde,	50	50 religious leaders were trained on human rights concepts Increased knowledge and awareness of Religious Leaders on their participation and campaign for the promotion and protection of human rights. -Established a collaborative relationship with the Religious Leaders in the egion and UHRC
8.	Grassroot Communities	Local clan elders Area Land committee members grass root community members	Protection and promotion of Human Rights; The role of clan Leaders Empowering the leaders on their roles in promoting and protecting Human Rights Know your rights and Duties	Pader, Gulu, Amuru, Lamwo, Kitgum Kitgum, Amuru, Gulu, Pader, Adjumani Katakwi, Amuria, Kaberamaido, Sironko, Mbale, Kiboga, Kamuli, Butaleja, Kayunga, Busia, Namutumba, Nakapiripirit, Kaabong, Kotido, Kitgum, Sembabule, Rakai, Amuria, Akalele and Apeitolim in Napak, Kapedo sub-county in Kaboong, Abim, Kotido, Otuke Apac, Lamwo Amuru, Adjumani, Amolat, Kiboga, Mpigi	150 204 13,959	150 Clan elders and 204 Area Land committee members taught more on their roles and responsibilities in relation to promotion and protection of human rights. 13,959 members at the grass root sensitized on human rights concepts and their duties and responsibilities -Increased human rights awareness among the members of the community at the grass roots especially on UHRC mandate, the concepts of Human Rights, the rights of women, children rights of suspects in detention and roles and responsibilities of the community members

Annex 6. Schools with functional Human Rights Clubs

S/N	Name of the School	District
01	Wandi Progressive SS	Arua
02	St. Mary's Ediofe Girls' SS	Arua
03	Ombatini SS	Arua
04	Logiri Girls' SS	Arua
05	Mt .Wati SS	Arua
06	Anyafio Role model	Arua
07	Uleppi SS	Arua
08	Adumi SS	Arua
09	Najah Muslim SS	Arua
10	Sartori Memorial High School	Arua
11	Okufura SS	Arua
12	Arua Public SS	Arua
13	Kangole Girls' S.S.S	Napak
14	Moroto High School	Moroto
15	Moroto Core P.T.C	Moroto
16	Nadiket Seminary	Kotido
17	Kotido S.S	Kotido
18	Jinja Parents College	Jinja
19	Wanyange Girls' Secondary school	Jinja
20	Busoga College Mwiri	Jinja
21	Busoga Light College	Jinja
22	Lord Medde Vocational College	Jinja

Annex 7: Radio Talk shows conducted in 2011

S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to Communicate
1	Radio King, Gulu	<ul style="list-style-type: none"> Sensitized the public on the Human Rights, Mandate and functions of the commission Rights of suspects and the right to personal liberty explained the Peace Building Fund Project and its goals and objectives in the Acholi sub region 	04 Talk Shows	Acholi, English
2	Mega FM, Gulu	<ul style="list-style-type: none"> explained the Functions and mandate of the UHRC explained the issue of mob justice and its human rights implications 	02Talk Shows	Acholi, English
3	Radio Paidha, Zombo District	<ul style="list-style-type: none"> Created awareness on Mob justice and its impacts created awareness on Political and Civil rights with emphasis the duties and responsibilities of all citizens created awareness on UHRC complaints handling procedures 	07 Talk shows	English and Alur
4	Spirit FM , Koboko District	<ul style="list-style-type: none"> explained the Covenant on civil and Political rights. explained the international and internal ratification of treaties according to the constitutional process 	02 Talk shows	English, Lugbara and Kakwa
5	Trans-Nile Broadcasting Services , Moyo District	<ul style="list-style-type: none"> Explained Mob justice and its impacts on the society Sensitized the public on Freedom of assembly and the Right to Demonstrate. increased awareness on the provisions of the 1995 Uganda Constitution explained the establishment of UHRC 	05 Talk shows	English, Lugbara and Madi
6	Kiira FM	<ul style="list-style-type: none"> Sensitized the public on Political and Civic rights explained to the public the mandate and functions of the UHRC explained to the public about the right to Fair hearing and the concept of torture or cruel, inhuman or degrading treatment or punishment explained the right to personal liberty explained the issues of Environmental conservation and climate change; The role of the Youth 	07 Talk shows	Lusoga, Luganda
7	Kamuli Broad casting station	<ul style="list-style-type: none"> explained to the public the mandate and functions of the UHRC 	01 Talk show	Lusoga, Luganda
8	Baaba Fm, Jinja	<ul style="list-style-type: none"> Created awareness to the public on Right to Personal Liberty explained to the public the mandate and functions of the UHRC 	02 Talk shows	Lusoga, Luganda
9	Eastern Voice, Bugiri	<ul style="list-style-type: none"> Created awareness to the public on Freedom of Association and Assembly Created awareness on the rights of a Child explained the issues of Environmental conservation and climate change; The role of the Youth 	03 Talk shows	Lusoga
10	Open Gate FM in Mbale	UHRC and its mandate	01 Talk show	English/Lumasaba
11	Rock Mambo Radio, Tororo	<ul style="list-style-type: none"> Discussed the topic of Torture and the steps taken by UHRC to eradicate it sensitized the public on Fair Hearing as a human right sensitized the public on the duties and responsibilities of the Youth and human rights 	03 Talk Shows	Japadhola, English

S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to Communicate
12	CBS Radio	<ul style="list-style-type: none"> Mandate and Functions of UHRC The Protection of Personal Liberty Findings on Places of Detention Inspected 	02 Talk shows	Luganda
13	Radio Buddu FM Masaka	<ul style="list-style-type: none"> The Protection of Personal Liberty Mandate and Functions of UHRC Findings on Places of Detention Inspected, The New Masaka Regional Office, Complaint Handling Process The Right to Protection of Freedom of Conscience, Expression Movement ,Religion ,Assembly and Association 	10 Talk shows	Luganda
14	Radio Equator FM	<ul style="list-style-type: none"> Mandate and Functions of UHRC The Right to Protection of Freedom of Conscience, Expression Movement, Religion, Assembly and Association 	04 Talk shows	Luganda
15	Radio Ssesse	<ul style="list-style-type: none"> The constitutional provisions relating to their rights and responsibilities 	01 Talk show	Luganda
16	Radio West FM	<ul style="list-style-type: none"> Mandate and functions of UHRC Official Opening of Regional Office 	05 talk shows	English
17	Sembabule FM	<ul style="list-style-type: none"> Concept of Human Rights Mandate and functions of UHRC 	04 talk shows	Luganda
18	Endigyito Radio	Establishment, functions and powers of the Commission, complaints handled by the Commission, complaints not handled by the Commission how to lodge a complaint with the Commission.	3 talk shows	Runyankole/Rukiga
19	BFM Radio	UHRC establishment, functions and powers of the Commission, complaints handled by the Commission, how to lodge a complaint with the Commission, the right to personal liberty, the right to protection from torture, cruel, inhuman and degrading treatment	06 talk shows	Runyankore/Rukiiga
20	Etop fm	<ul style="list-style-type: none"> Rights of children The concept of Human rights 	02 talk shows	English/Ateso
21	VERITAS FM	<ul style="list-style-type: none"> Talk shows as part of the activities to mark the un day in support of torture victims 	03 talk shows	English/Ateso
22	TBS fm	<ul style="list-style-type: none"> To educate the public on the key provisions of the Act The duties and responsibilities of people in providing evidence in court 	01 talk show	Ateso and Ngakarimojong
23	Open Gate FM	<ul style="list-style-type: none"> Concept of Human rights The mandate, functions and establishment of UHRC 	03 talk shows	English, Luganda, Lumasaba
24	Elgon fm in Kapchorwa	<ul style="list-style-type: none"> Human Rights Education Right to vote and participate in elections Rights of suspects in any society and the laws protecting them 	05 talk shows	English/Ateso

S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to Communicate
25	Signal FM, Mbale	<ul style="list-style-type: none"> • UHRC, its mandate and Functions • The right to vote and why people should participate in election activities 	02 talk shows	English/Ateso
26	Continental FM, Kumi	<ul style="list-style-type: none"> • UHRC and its mandate • Expounded on women's rights • Human rights implication of mob justice • Rights of suspects and the laws protecting them 	07 Talk shows	Ateso , English
27	Teso Broadcasting Service Fm.	<ul style="list-style-type: none"> • Rights of children in conflict with the law, Evidence Act, • Feedback on Court Barazza • The concept of torture and its human rights implications • Children's rights and the responsibilities of the community • Rights of Suspects and laws protecting them • Promotion of constitutionalism and its background in Uganda 	07 talk shows	English/Ateso
28	Kyoga Veritas FM	<ul style="list-style-type: none"> • Civic rights and duties and responsibilities of the citizens • Awareness on the Community Service Act • To explain the concept of torture and agitate its prevention 	05 talk shows	English/Ateso
29	Delta FM , Soroti	<ul style="list-style-type: none"> • The right to vote and the relevance of citizen's participation • The rights of Women and the implications of gender based violence • The rights of inmates and suspect • Sensitize the public on the consequences of mob justice • Awareness on the Mandate and functions of UHRC • Right to found a family 	05 talk shows	Ateso, English
30	Better FM, Fort portal	<ul style="list-style-type: none"> • Highlights of the 13th Annual report 	01 talk show	Rutooro/Luganda
31	Life FM, fort Portal	<ul style="list-style-type: none"> • Right to Personal Liberty 	01 talk show	Runyankore Rutooro
32	Radio Kamwege	<ul style="list-style-type: none"> • Mandate, Functions and powers of UHRC 	01 talk show	Runyankore Rutooro
33	Radio Bunyoro broad Casting Service, Masindi	<ul style="list-style-type: none"> • Mandate, Functions and powers of UHRC • The Concept of Human Rights 	01 talk show	Runyoro, Rutooro, Rukiga
34	Kagadi Community Radio, Kibaale	<ul style="list-style-type: none"> • The Concept of Human Rights • Mandate, Functions and powers of UHRC • Provisions of the Constitutions; Chapter 4 	01 talk show	Runyoro, Rutooro
35	Guide Radio, Kasese	<ul style="list-style-type: none"> • The Concept of Human Rights • Mandate, Functions and powers of UHRC • Right to personal liberty 	01 talk show	Runyankore , Rutooro, Rukonjo
36	Hoima Radio	<ul style="list-style-type: none"> • The Concept of Human Rights • Mandate, Functions and powers of UHRC • Right to Personal Liberty 	01 talk show	Runyoro, Rutooro, Rukiga

S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to Communicate
37	Radio One	<ul style="list-style-type: none"> Publicity of the launch of the UHRC 13th Annual Report 	01 Talk Show	English
38	Radio Simba	<ul style="list-style-type: none"> Publicity of the launch of the UHRC 13th Annual Report 	01 Talk Show	Luganda
39	Radio One	<ul style="list-style-type: none"> UHRC position on the HIV/Aids Bill 	01 Talk Show	English
40	Radio Pal	<ul style="list-style-type: none"> Publicity of activities to commemorate the International Human Rights Day/Week 	01 Talk Show	Luganda

Annex 8: Radio Spot Messages

S/No	Name of Radio Station	Topic/Theme	Number of spot messages	Language used to communicate
1	Radio Buwama	Caution on the practice of mob justice and its human rights implications	90 spot messages	Luganda
2	CBS and Radio Sseese	Human Rights Issues	80 Spot messages on	Luganda/ English
3	104.7 Nenah Fm	<ul style="list-style-type: none"> • Role of witnesses in enhancing justice at the tribunal. • climate change and importance of environmental conservation. • Challenges faced by Human Rights Defenders and the need to protect them 	106 spot messages	Lugbara, English
4	Vision Radio	Spot messages on elections	90 spot messages	Runyankore
5	BFM Radio	Spot messages on Mob Justice	315 spot messages	Runyankore/Rukiiga
6	Vision Radio	Spot messages on mob justice	90 spot messages	Runyankore
7	Capital FM	Spot messages calling for peaceful elections	120 spot messages	English
8	Radio One	Spot messages on elections	40 spot messages	English
9	Radio Simba	Spot messages on elections	42 spot messages	Luganda
10	XFM radio	Spot messages on mob justice	120 spot messages	English
11	Radio One	Spot messages on HIV/Aids Bill	42 spot messages	English
12	Radio Simba	Spot messages on launch of UHRC 13 th Annual Report	120 spot messages	Luganda
13	Radio Simba	Spot messages on HIV/Aids Bill	43 spot messages	Luganda
14	Vision Group radios (Bukedde Fm, Rupiny Radio, Etop radio and Radio West)	Spot messages on mob justice	368 spot messages	Runyankore, Luganda, Ateso and Luo

Annex 9: News paper Adverts and Supplements

S/No	Name of newspaper/publication	Topic/Theme	Size of advert	Language used to communicate
1	Human Rights Year Planner	UHRC profile	¼ page	English
2	New Vision Newspaper	Supplement on Women's Day on the theme 'Equal Access to Education, Training and Science and Technology; pathway to decent work for women'	½ page	English
3	New Vision, Bukedde, Orumuri, Etop & Rupiny newspapers	Strip messages on call against mob justice and respect for the rule of law	6x6 newspaper strips	English, Luganda, Runyankore/Rukiga, Ateso & Luo
4	New Vision Newspaper	UHRC statement calling for observance of the rule of law	1 page	English
5	Bukedde Newspaper	UHRC statement calling for observance of the rule of law	1 page	Luganda
6	The Observer Newspaper	Supplement on UHRC human rights work in Karamoja region	1page	English
7	The Observer Newspaper	Supplement on the Day of the African Child	½ page	English
8	New Vision Newspaper	Joint advertorial to mark the International HR Day highlighting the use of Social media to promote Human Rights	1 page	English
9	The Monitor Newspaper	Joint advertorial to mark the International HR Day highlighting the potential of modern technology in promoting human rights	1 page	English
10	New Vision Newspaper	Supplement on World Aids Day on the theme 'Getting to Zero.'	½ page	English
11	The Monitor Directory 2011	UHRC profile and Addresses of its country wide network	1 page	English
12	New Vision Newspaper	UHRC Public Notice for shortlisted applicants for jobs	1 page	English

Annex 10: Human Rights Education through Partnerships and Alliances

S/N	Activity	Role of UHRC staff in the activity	Organiser	Key Out puts	Venue
1.	Workshop for Women living with HIV/AIDS and adolescent girls	Educated the participants on their rights and responsibilities in the realization of human rights in their societies	National Community of Women Living with HIV/AIDS & UHRC	60 Women living with HIV/AIDS and 20 Adolescent girls were trained on the concepts of human rights and reproductive health rights of women	NACWOLA offices, Arua
2.	Stakeholders' human rights dialogue in Soroti	Participants were educated on human rights concept	Human Rights Centre- Uganda	Security operatives in the Eastern region were educated on cross cutting human rights issues in relation to their duties and mandate	Soroti
3.	Court meeting	Training DCCs on the relevance of providing evidence in court and the related human rights concepts	JLOS	Experiences and knowledge were shared by participants from different parties and away forward to promoting and protecting human rights was discussed	Chief Magistrate Court, Soroti
4.	Training on Human Rights and Peace building	Training on Human rights and peace building	TEWPA	Participants from the peace committees were educated on the concepts of Peace building and Human rights	Katakwi and Amuria
5.	Workshop to disseminate information on PWDs Convention	Educated participants on their rights and the conventions and protocols protecting their rights	Police.	Police Officers were sensitized on the rights of PWDs and the Conventions protecting them	Mbale
6.	Student leaders workshop	Sensitization of students on human rights concept , their roles and duties	Soroti S.S Jeressar High school	Students were informed of the existing laws, and human rights concept, rights of children, their duties and responsibilities	Soroti SS Jeressar High School
7.	Training for Clergymen and Lay leaders	Sensitized participants on human rights and conflict management	Peace Justice Centre Madi and West Nile diocese	A total of 70 peace promoters were trained on human rights and domestic violence related issues	Ekarakafe community conference hall, Arua And Emmanuel catholic conference hall , Arua
8.	Human rights Training of Trainers for LDU	Educated participants on Human rights, their protection and promotion	OHCHR	50 TOT gained knowledge on human rights	3 rd Division Barracks Head Quarters, Moroto
9.	Human Rights TOT for Anti Stock Unit (ASTU)	Educated the security operatives on the Civil and Political rights and the responsibilities of all citizens	OHCHR	30 members of the Uganda Police Force including Anti stock Unit acquired knowledge on human rights with focus on civil and political rights	Karamoja Livelihood Programme (KALIP)

S/N	Activity	Role of UHRC staff in the activity	Organiser	Key Out puts	Venue
10.	Training of CSOs on Economic, Social and Cultural Rights	Educated the members from Civil society on the different Civil and Political rights	OHCHR	30 members of the Civil Society acquired knowledge on Economic social and Cultural rights	Karamoja Livelihood Programme
11.	Training of Moroto district Local government staff on HRBA	Educated the district government staff on the incorporation of human rights in their activities for development	OHCHR	30 members of the Civil Society acquired knowledge on Economic social and Cultural rights	Moroto Mount Hotel
12.	Human rights sensitization of Clinical Officers	Sensitized clinical officers of different human rights issues	Fort Portal school of Clinical Officers	150 Students were empowered with knowledge on their rights, duties and responsibilities	Fort Portal school of Clinical Officers
13.	Workshop to train Police Officers	Educated Police Officers on human rights Issues and the provisions of the 1995 Constitution	Uganda Police Force	Police Officers were sensitized on the Constitutional mandate of UPF and its cooperation with other security organs and the rights of suspects	RACA Resort Hotel in Kabarole and Hoima Districts

ANNEX 11

Table: Some of the health facilities inspected by the Commission in 2011

Health centre II	Health Centre III	Health Centre IV	Hospital	Regional Referral Hospital
Health centre II Kakango HC II, Sembabule District Bugusulu HC II, Sembabule District Kigangazi HC II, Bukomasindi District Lemusui in Nakapiripirit district Kaweri Dispensary at Kaweri Government prison, Mubende District Kiganda HC II, Mubende District HC II at Fort Portal Prison Main, Fort Portal District Uganda Government Prison farm Apac HC II, Apac District Uganda Government prison farm Loro HC II, Apac District Okwongodul HC II, Dokolo District Kwosir HC II, Kween District Atar HC II in Kween District Bukimanayi HC II Manafwa District Ayipe HC II, Koboko district Lurujo HC II, Koboko district Gborokolong HC II, Koboko district Ayipe HC II, Koboko district Lurujo HC II, Koboko district Ori HC II, west Moyo county, Moyo district Erepi HCII, Moyo district Ramogi HC II, Moyo district Panjala HC II, Moyo district Rwenjaza HC II, Kamwenge District Rwangara HC II, Ntoroko District Bweramule HC II, Ntoroko District Moruita HC II, Nakapiripirit district Usuk HC II, Katakwi District Koritok HC III, Katakwi District Makulubita Health Centre II, Luweero District Bamunanika HC II, Luweero District Kiziba HC II, Luweero District Ori HC II, Moyo district Panjala HC II, Moyo district Ramogi HC II, Moyo district Erepi HC II, Moyo district Kasambira HC II, Kamuli District Rakai HC II, Rakai District Mubende HC II, Mubende District 38	Health Centre III Matete HC III, Sembabule District Lwebitaakuli HC III, Sembabule District Kitanda, Bukomasindi District Bigasa HC III, Bukomasindi District Lwanda HC III, Rakai District Kasasa HCIII, Rakai District Loroo HC III, Amudat district Karita HC III, Amudat district Nakapiripirit HC III, Nakapiripirit district Namalu HC III, Nakapiripirit district Lolalachat HC III, Nakapiripirit district Katojo HC III, Fort Portal District Bubukwanga, Bundibugyo district Amaler (private) in Nakapiripirit district Kwera HC III, Gulu District Minakulu HC III, Oyam District Agwata HC III, Dokolo District Bata HC III, Dokolo District Kangai HC III, Dokolo District Chemwom HC III in Kween District Binying HC III in Kween District Butiru HC III in Manafwa District Offaka HCIII, Arua district Okollo HC III, Arua district Ajia HC III, Arua district Bondo HC III, Arua district Yurra HC III, Arua district Olujobo HC III, Arua district Kijomoro HC III, Maracha district Oluvu HC III, Maracha district Ovujo HC III, Maracha district Diima HC III, Kiryadongo District St.Mary's HC III, Kiryadongo District Panyadoil HC III, Kiryadongo District Muhorro HC III, Kibaale District Kijura HC III, Kibalore District Kaswa HC III, Kibalore District Kagote HC III, Kibalore District Rwimi HC III, Kibalore District Kyateroketa HC III, Kibaale District Burora HC III, Kibaale District St.Mary's HC III, Kibale District Bigodi HC III, Kamwenge District Kabuga HC III, Kamwenge District Kamwenge HC III, Kamwenge District Rwebisengo HC III, Ntoroko District Ntoroko HC III, Ntoroko District Busaru HC III, Bundibugyo District Ebenezer SDA HC III, Bundibugyo District Bugambe HC III, Hoima District Kabaale HC III, Hoima District Buhimba HC III, Hoima District Lorendedwat HC III, Nakapiripirit district Asamuk HC III, Amuria District Acengreyeng HC III, Amolator District Kalaki HC III, Kaberamaido District Kachumbala HC III, Bukedea District Nakaloke HC III, Mbale District Kapi HC III, Ngora District Bumulisha Health Centre III, Bulambuli District Katakwi HC III, Katakwi District Butuntumula HC III Kaweri HC III Lwampanga HC III, Nakasongola District Tara HC III, Maracha District Drama HC III, Yumbe District Lodonga Mission HC III, Yumbe District Lobe HC III, Yumbe district Ariwa HC III, Aringa county & Yumbe district Kochi HC III, Yumbe District Barakala HC III, Yumbe District Yumbe HC III, Yumbe District Ludara HC III, Koboko District Kulikulinga HC III, Yumbe District Dricile HC III, Koboko district Lobule HC III, Koboko district Dranya HC III, Koboko district Laropi HC III, Moyo district Dufile HC III, Moyo district Fr. Bilbao memorial HC III, Moyo district Metu HC III, Moyo district Logoba HC III, Moyo district Panyimur HC III, Nebbi district Our Lady of Fatima Erussi HC III, Nebbi district Parombo HC III, Nebbi district Nyarvur HC III, Nebbi district Pakia HC III, Nebbi district Wadlai HC III, Nebbi district Moyo mission HC III, Moyo district Budumba HC III, Butaleja District Banda HC III, Namayingo District Mbulamuti HC III, Kamuli District Ndolwa HC III, Buyende District Naboa HC III, Budaka District Nawaikoke HC III, Kaliro District	Sembabule HCIV, Sembabule District Butenga HCIV, Bukomasimbi District Kakuto HCIV, Rakai District Tokora HC IV in Nakapiripirit district Nabilatuk HC IV in Nakapiripirit district Dokolo HC IV, Dokolo District Kyegegwa HC IV in Kyegegwa District Amolator HC IV in Amolator Town Council Kaberamaido HC IV in Kaberamaido Town Council Amuria HC IV in Amuria District Budadiri HC IV Sironko District Ngora HC IV in Ngora District Bukedea HC IV in Bukedea District Bubulo HC IV along Bududa road in Manafwa District Katakwi HC IV in Katakwi district Kween HC IV in Kween District Magale HC IV Manafwa District Rhino camp HC IV, Arua district Midigo HC IV, Aringa county & Yumbe district Koboko HC IV, Koboko district Obongi HC IV, Moyo district Kakindo HC IV, Kibaale District St.Ambrose Health Centre IV, Kibaale District Kakumiro HC IV, Kibaale District Kibito HC IV, Kibalore District Karugutu HC IV, Ntoroko District Nyahuka HC IV, Bundibugyo District Kikyo HC IV, Bundibugyo District Kikube HC IV, Hoima District Maddu HC IV, Gomba District Gomba HC IV, Gomba District Masaka Health Care Centre IV, Masaka District Kalangala HC IV, Kalangala District Nyimbwa HC IV Midigo HC IV, Yumbe District Koboko HC IV, Koboko district Obongi HC IV, Moyo district Namayingo HC IV, Namayingo District Kidera HC IV, Buyende District Budaka HC IV, Budaka District Bumanya HC IV, Kaliro District Mpigi HC IV, Mpigi District	Rakai Hospital, Rakai District Amudat Hospital in Amudat district Kuluva C/U Hospital, Arua district Oriejini hospital, Arua district Ovujo mission Hospital, Maracha district Moyo Hospital, Moyo district Nebbi Hospital, Nebbi district Kagadi Hospital, Kibaale District Kiryadongo Hospital in Kiryadongo District Kuluva C/U hospital, Arua district Nebbi Hospital, Nebbi district Busolwe Hospital, Butaleja District Kamuli district hospital, Kamuli District	Masaka Regional Referral Hospital Buhinga Regional Referral Hospital in Fort Portal District. Lyatonde Referral Hospital in Lyatonde District. Mbale Regional Referral Hospital in Mbale District Arua referral hospital situated in Arua district Hoima Referral Hospital in Hoima District
38	95	42	13	06
Total		194		

Annex 12: IEC materials developed in 2011

S/No	IEC Materials	Theme	Number produced
1	Brochures	Frequently Asked Questions about UHRC (FAQs)	2,000
2	Hand Bills/Flyers	Highlights of the Prohibition and Prevention of Torture Bill, 2009	1,500
3	Newsletters	UHRC activities such as the launch of UHRC Annual Report, sensitization workshops, tribunal hearings, human resource developments and UHRC regional and international engagements, among others.	1,000
4.	Your Rights Magazines	<ul style="list-style-type: none">• Economic, Social and Cultural Rights in particular, the right to health and the right to social security.• Elections and the right to participate in the affairs of government• Civil and political rights, in particular, freedom from torture, in human and degrading treatment or punishment as well as freedom of expression and the media• The rights of people in detention as well as the assessment of Uganda under the Universal peer review mechanism.	8,000

Annex 13: International, Regional and National engagements

Date	Place	Purpose
24 th Jan -2 nd Feb 2011	Kigali, Rwanda	A regional training workshop on monitoring the rights of Persons with Disabilities in Africa.
30 th Jan-5 th Feb 2011	Kampala, Uganda	Study tour to South Africa to study the country's legal system.
7 th -8 th Feb. 2011	Naivasha, Kenya	A three days workshop for a group of experts. The workshop was held to discuss issues of access to land, water and food under a business and human rights context.
20 th -22 nd Feb. 2011.	Arusha, Tanzania	A meeting with the President Judge and Registrar of the East African Court of Justice. The purpose of the meeting was to discuss the draft Bill of Rights for the East African Community.
24 th - 25 th Feb. 2011	Nairobi, Kenya	The East African Human Rights Defenders Conference. The meetin focused on human rights challenges faced by Human Rights Defenders and possibilities for future action.
9 th -11 th March 2011	Lilongwe, Malawi	A conference to promote the African Court on Human and Peoples Rights organised by the African Court on Human and Peoples Rights.
16 th -20 th March 2011	Washington, USA	The conference focused on enhancing visits to places of detention and areas of collaboration.
22 nd -24 th March 2011.	Bujumbura, Burundi	A regional training workshop on observation of elections. The objective of the workshop was to raise awareness on human rights observation before, during and after elections.
28 th -31 st March 2011.	Gaborone, Botswana	A Stakeholders' conference on corruption and Human Rights.
7 th - 9 th April 2011	Arusha, Tanzania	Meeting of Experts on Good Governance. The purpose of the meeting was to review the draft protocol on good governance which encompassed: the adherence to the rule of law; accountability; transparency and respect of human rights; and gender equality and equal opportunities.
19 th -20 th April 2011.	Mombasa, Kenya	A meeting of Policing Experts Working Group on Harmonisation of Police Standing Operating Procedures.
18 th -20 th April 2011	Johannesburg, South Africa	A capacity building workshop on conflict management and peace building for African National Human Rights Institutions.
13 th -14 th May 2011	London, United Kingdom	A Biennial Common Wealth Forum for National Human Rights Institutions. The theme of the forum was climate change and the Rights of Persons with Disabilities.
17 th -20 th May 2011	Geneva, Switzerland	The 24 th Session of the International Coordinating Committee of National Human Rights Institutions held in conjunction with a workshop on the role of prevention in promotion and protection of human rights by the Human Rights Council. Discussions focused on best practices from National Human Rights Institutions in following up the UPR recommendations.
7 th - 12 th June 2011	Sanremo, Italy	The 7 th Annual Course on the Law on Internal Displacement. The objective of the course was to discuss the rights of internally displaced persons before, during and after displacement.
30 th May - 8 th June 2011.	Accra, Ghana	A training workshop for African National Human Rights Institutions. The objective of the workshop was to increase understanding of the International Human Rights Standards and their application by staff of National Human Rights Institutions.

Date	Place	Purpose
15 th -17 th June 2011	Kampala, Uganda	A regional workshop on protecting and promoting rights in natural disasters in the Great Lakes Region and East Africa and the Forum on the African Union Convention on Protection and assistance of Internally Displaced Persons in Africa. The objective of the forum was to raise awareness about the AU Convention while giving further analysis on displacement resulting from natural disasters and development projects.
19 th -26 th June 2011.	Landgraaf, Netherlands	A summer course on Reintegration, Disarmament and Demobilization of Ex. Combatants. The objective of the course was to share best practices and lessons learnt.
7 th - 9 th July 2011.	Zanzibar	A Ministerial meeting to discuss the draft East African Community Protocol on Good Governance. The purpose of the meeting was to set standards for East African Community Member States to promote good governance. The draft protocol on good governance was discussed with a view to harmonise Partner States' standards.
10 th -29 th July 2011	UHRC Regional Offices	The Chairperson visited six of the Uganda Human Rights Commission's regional offices which included; Arua, Gulu, Fort portal, Soroti, Jinja and Mbarara. The purpose of the visits was to interact with staff of the regional offices about their activities and also meet the key stakeholders to identify challenges and find appropriate redress for the same. At the end of the tours, key action points for redress were identified.
17 th -18 th August 2011	Kampala, Uganda	The third East African Community Annual Conference on Good Governance. The conference was meant to take stock of the progress of the East African Community good governance programme and how it is shaping the political integration agenda.
19 th August 2011	UHRC Head Office	Judges of the African Court on Human and Peoples Rights paid a courtesy call to the UHRC. The purpose of the visit was in line with the promotional activities regarding the Court operations. Uganda was visited because it is among the 26 countries which have ratified the Protocol establishing the Court and has a sitting Judge at the Court.
22 nd -25 th August 2011	Brazzaville, Republic of Congo	A regional sensitisation seminar on the rights of Indigenous Populations /Communities in Central and East Africa. Discussions during the seminar focused on challenges faced by Indigenous peoples, sharing ideas and elaboration of recommendations on how the African Union, African Commission on Human and People's Rights, Governments, National Human Rights Institutions and Civil Society can improve their efforts to assist indigenous peoples and reading of the recommendations and the final communiqué on the same.
28 th -31 st August 2011.	Nairobi, Kenya	A sub regional consultation on African Union Model Law on Access to Information. The objective of the consultative meeting was to discuss the African Charter on Democracy, Elections and Governance (Democracy Charter) and the Draft Model Law for African Union Member States on Access to Information.
7 th - 8 th Sept. 2011	Rabat, Morocco	A high level conference on the "Role of NHRIs in preventing Torture in Africa. The purpose of the conference was to reinforce the joint commitment among members of the Network of African National Human Rights Institutions to prioritise the fight against torture and other forms of ill treatment and to implement practical instruments of the Robben Island Guidelines and OPCAT. Participants were able to discuss and agree on a common strategy in responding to the needs of victims and to address torture in Africa.

Date	Place	Purpose
15 th -16 th Sept. 2011	Nairobi, Kenya	A regional meeting of political parties. The overall objective of the meeting was to enable political parties interact with each other to influence the regional political agenda. The meeting made a number of observations, recommendations and resolutions but most importantly, it was recommended that Partner States should review their legislative frameworks, including national Constitutions to ensure adherence to the principles of democratic governance including term limits for elective positions.
17 th -19 th Sept. 2011.	Cape Town, South Africa	A Pan African Conference on Access to Information. The purpose of the conference was to focus on access to information, particularly in Africa; and to exchange knowledge and experiences. At the end of the conference, a Pan African Media Network was launched and an African Platform for Access to Information was adopted and signed.
29 th Sep.- 1 st Oct. 2011	Yaoundé, Cameroon	A regional workshop on Human Rights and Business. The workshop was a follow up to the Edinburgh Declaration of 10 th October 2010 which calls on NHRIs in each region to undertake activities including a workshop in the area of business and human rights. The main objective of the workshop was to look for ways of using NHRIs' mandate to ensure states meet their obligations in the private sector, encourage firms to respect human rights and ease access to remedies for victims of human rights violations. The workshop was concluded with adoption of Resolutions and Recommendations.
11 th October 2011	Geneva	During the UPR the UHRC was an observer and took note of the statements made by the 55 delegations and the 53 recommendations made. The UHRC noted that of these Uganda adopted 110 recommendations, 42 recommendations are to be further examined with responses to be provided by the 19 th session of the Human Rights Council in March 2012 while 19 recommendations did not enjoy the support of Uganda. The UHRC noted that Uganda made voluntary commitments and pledges.
19 th -21 st Oct. 2011.	Cape Town, South Africa	The 8 th Biennial Conference of the Network of African National Human Rights Institutions. The purpose of the conference was to discuss the role of NHRIs in advancing the rights of older Persons and People with Disabilities.
20 th - 22 nd Oct. 2011.	Banjul, Gambia	A meeting to popularise the African Union Human Rights Strategy on implementation and monitoring human rights and its Action Plan. The main objective of the meeting was to ensure the involvement of the African Union organs, Regional Economic Communities and Institutions and the NHRIs in the implementation process of the Action Plan as well as to ensure popularisation of the strategy. Participants were able to develop a roadmap for the implementation of the Action Plan of the Human Rights Strategy for Africa.

Date	Place	Purpose
3 rd - 5 th Nov. 2011	Mombasa, Kenya	A meeting of Policing Experts Working Group on harmonization of Common Operating Procedures. The purpose of the meeting was to undertake an in-depth development of Special Operating Procedures (SOPs) and come up with a detailed report on harmonisation of SOPs in the EAC region for adoption by the chiefs of Police.
7 th November 2011	Nairobi, Kenya	A meeting for the Association of National Human Rights Institutions of the East African Community Partner States. The purpose of the meeting was to discuss the production of the East African State of Human Rights Report outlining best practices; cross-cutting themes as well as challenges.
7 th - 8 th Nov. 2011	Kigali, Rwanda	A regional workshop on the UPR. The purpose of the meeting was to create a forum where Governments, Civil society Organisations and National Human rights Institutions could exchange experiences on the implementation of UPR's recommendations and increase knowledge of the applicability of UPR as a practical tool for improving the human rights situation in their countries.
9 th Nov. 2011	Geneva	A one day strategic consultative meeting on OPCAT .The overall objective of the meeting was to build on the momentum generated by the APT Dakar regional conference which took place in April 2010. The meeting provided a unique opportunity to conduct a critical reflection on the developments of the OPCAT in Africa, through an in-depth analysis of the implementation of the Dakar Action Plan .
10 th –11 th Nov.2011	Geneva	A two days Global Forum on the OPCAT. The overall objective of the forum was to assess the impact of OPCAT since it came into force in June 2006 and share ideas to ensure its effective implementation. At the end of the forum, participants agreed on inclusive approaches to preventing torture.
16 th -18 th Nov. 2011.	Arusha, Tanzania	A Consultative Seminar for African National Human Rights Institutions on the African Court on Human and Peoples Rights.
19 th Nov. 2011.	Nairobi, Kenya	A meeting of the National Human Rights Institutions Steering Committee.
12 th - 16 th Dec. 2011	Banjul, Gambia	The 10 th Extra Ordinary Session of the African Commission on Human and People's Rights. The Session discussed the humanitarian and human rights situation in the Central African Republic and the violence prevailing in the Democratic Republic of Congo following the Presidential elections of November 2011.

Annex 14 Summary of Government compliance with UHRC Recommendations

No.	Recommendation	Full Compliance	Partial Compliance	No Compliance	Responsible Institution/s
	Comply with Treaty Reporting Obligations (CEDAW)				Ministry of Gender, Labour and Social Development, Ministry of Foreign Affairs
	Pay UHRC Tribunal awards promptly				Ministry of Justice and Constitutional Affairs, Ministry of Finance, Planning and Economic Development
	Establish a Victims' Compensation Fund to enable prompt payment of victims of human rights violations				Ministry of Justice and Constitutional Affairs. Ministry of Finance, Planning and Economic Development
	Improve the welfare of inmates (vulnerable persons and eliminate the use of the 'bucket system' in prisons)				Uganda Prisons Services, Ministry of Internal Affairs
	Provide human rights training for the Uganda Police Force				Uganda Police Force, Uganda Human Rights Commission
	Increase facilitation for the Uganda Police Force				Ministry of Internal Affairs, Ministry of Finance, Planning and Economic Development
	Increase remand homes for children in conflict with the law				Ministry of Gender, Labour and Social Development
	Domesticate the Optional Protocols to the Convention on the Rights of the Child				Ministry of Justice and Constitutional Affairs, Parliament
	Increase the number of judicial officers				Ministry of Justice and Constitutional Affairs, Judicial Services Commission
	Use a human rights based approach to handling disasters and emergencies				Office of the Prime Minister
	Establish a Commission for Disaster Preparedness and Management				Office of the Prime Minister, Ministry of Justice and Constitutional Affairs, Parliament
	Enhance the existing Legal Aid system				Ministry of Justice and Constitutional Affairs
	Increase the staff of the Directorate of Public Prosecutions				Ministry of Justice and Constitutional Affairs
	Strengthen interventions for Internally Displaced Persons in the Acholi sub-region				Office of the Prime Minister
	Strengthen accountability in the health sector				Ministry of Health

No.	Recommendation	Full Compliance	Partial Compliance	No Compliance	Responsible Institution/s
	Scale up Community Based Rehabilitation Program for Persons With Disabilities				Ministry of Gender, Labour and Social Development
	Submit an initial report on Economic, Social and Cultural Rights				Ministry of Gender, Labour and Social Development
	Make individual perpetrators of human rights violations liable for their acts				Ministry of Justice and Constitutional Affairs
	Enact the Prohibition and Prevention of Torture Bill, 2009				Parliament
	Enact the Uganda Anti-Narcotics Drug and Psychotropic Substance Bill				Parliament
	Ensure that the Prevention and Control of HIV/AIDS Bill, 2010 complies with human rights standards				Parliament
	Ensure that the Public Order Management Bill complies with human rights standards				Parliament
	Enact a law on the right to health				Ministry of Health, Ministry of Justice and Constitutional Affairs, Parliament
	Review the Anti-Homosexuality Bill to make it comply with international standards				Parliament
	Enact the Domestic Relations Bill				Uganda Law Reform Commission, Parliament
	Enact the Food and Nutrition Bill				Ministry of Health, Parliament
	Establish a Minimum Wage Advisory Board and revise the minimum wage				Ministry of Gender, Labour and Social Development
	Establish a Human Rights Department in the Uganda Police Force				Uganda Police Force
	Eliminate un-gazetted places of detention				Uganda Police Force, Uganda Peoples' Defence Force, Ministry of Internal Affairs
	Eliminate the use of live ammunition to disperse crowds by security forces				Uganda Police Force, Uganda People's Defence Force, Ministry of Internal Affairs

No.	Recommendation	Full Compliance	Partial Compliance	No Compliance	Responsible Institution/s
	Comply with timely reporting obligations for international instruments (CRPD, ICCPR, ICERD, CRC, Optional Protocols to the CRC, CAT, ACHPR and CMW)				Ministry of Gender, Labour and Social Development, Ministry of Foreign Affairs
	Publish the findings of the Commission of Inquiry into the burning of Kasubi tombs				Ministry of Gender, Labour and Social Development
	Appoint new members to the Commission				Parliament, the President
	Operationalise the Industrial Court				Ministry of Gender, Labour and Social Development
	Enact the Contingency Fund Bill				Office of the Prime Minister, Parliament
	Amend the Regulation of Interception of Communications Act 2010 to comply with human rights standards on privacy				Ministry of Justice and Constitutional Affairs, Parliament
	Amend the Prevention and Control of HIV/AIDS Bill to comply with international instruments				Parliament
	Align the Persons with Disabilities Act with international standards				Ministry of Gender, Labour and Social Development
	Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment				Ministry of Foreign Affairs
	Increase funding for civic education				Ministry of Finance, Planning and Economic Development



UGANDA HUMAN RIGHTS COMMISSION

Plot 20/22/24 Buganda Road, P. O. Box 4929, Kampala

Tel: 256-41-348007/8, 233757, Fax: 256-041-255261

Email: uhrc@uhrc.ug

Website: <http://www.uhrc.ug>

PRESS STATEMENT ON WALK TO WORK PROCESSIONS, AND ENSUING RIOTS IN KAMPALA AND ITS SURBURBS, MASAKA, GULU AND OTHER PLACES IN THE LAST THREE WEEKS

Background

The Uganda Human Rights Commission has on a number of occasions issued statements offering guidance to the country whenever we note incidences of human rights violations. We have previously issued statements calling for calm after the September 2009 riots, the violence that erupted in Kampala after the failed Mayoral elections early this year, escalating incidences of mob justice in the country and the recent violence sparked off by the 'Walk to work' protests.

In all the incidents cited above, the Commission's attention has been drawn to the attendant human rights violations witnessed and experienced by the victims which range from injury to persons, loss of lives including the vulnerable groups such as the women, children and the elderly. The Commission is further concerned that such incidents have also caused disruption to economic activity in the areas affected and have led to damage and loss of property.

The Commission therefore regrets these unfortunate incidents and we send out our heartfelt condolences to the families that have lost their loved ones in the incidents that happened over the last three weeks. We also wish the injured a quick recovery.

We in the same way applaud the noble and critical intervention offered by the Uganda Red Cross to save the lives of those who were injured when it availed them first aid, rescue and ambulance services to Mulago Hospital. The Commission further commends the selfless service by the doctors and other medical personnel at Mulago who worked tirelessly to save the lives of those who were taken to the Hospital during the Friday riots.

Role of the Uganda Human Rights Commission

Given its Constitutional mandate to monitor issues of human rights in Uganda and as a national human rights institution, the Uganda Human Rights Commission has made the following interventions:

1. We have continued to receive complaints of human rights violations from the affected members of the public at our various regional offices and these are going through the laid down procedures with the ultimate objective of providing redress to the victims
2. In line with our Constitutional mandate, the Commission through its newly opened Masaka Regional Office, has on its own accord initiated investigations into the shooting and death of a two-year old in Masaka Nyendo during the riots that broke out during the 'Walk to work' protests.
3. The UHRC Gulu Regional Office is also investigating the circumstances under which people lost their lives two weeks ago in Gulu when riots broke out during the 'Walk to work' protests and the Commission will make the necessary follow up with those concerned.

4. The Commission has also been holding regular consultations diplomacy by holding consultations with all the security heads. Such consultations have been spearheaded by myself and Commissioners and have been an on-going feature and will continue to be so. The Commission has received commitment from the security chiefs to enforce their institutional guidelines for their staff to observe and respect human rights during the execution of their duties.

Concerns of the Commission

The Commission is gravely concerned with the developments of last Thursday which involved clashes between security agencies and some members of the opposition who participated in the 'Walk to work' protest. We also regret to note that on Friday 29th April 2011, the situation degenerated into riots that started at Kisekka Market in Kampala and spread to some suburbs of Kampala and other areas in the country like Mbale and Nyendo. As earlier pointed out, the Commission notes that the Friday riots registered grave human rights violations which included injuries, looting of property from shops and homes extortion of money and loss of lives including children.

The Commission therefore wishes to register its concerns:

1. Treatment of suspects in a de- humanising way

The Commission has noted with concern that despite the numerous trainings it has offered to the security agencies in handling public order and demonstrations, the manner in which the recent arrest of suspects has been carried out, does not conform to acceptable human rights practice. We have also regrettably noted over time through television footages the de-humanising and degrading manner in which suspects are sometimes handled.

2. Use of disproportionate force

The Commission is deeply disturbed by the failure of security agencies to use proportionate force while arresting suspects as was evident in some incidents witnessed last week.

3. Re-surfacing of non-uniformed security personnel

The Uganda Human Rights Commission has repeatedly raised the issue of using non-uniformed security personnel to arrest suspects and to contain riots as one of the most worrying developments in our country. The re-surfacing of non-uniformed and un-identified security personnel like was witnessed during the recent arrests and in some areas such as the Park yard Market in Kampala, is reason for the country to be concerned.

4. Growing culture of intolerance and violence

The Uganda Human Rights Commission is deeply concerned about the growing use of violent behaviour among some sections of the public to express discontent over any matter of concern in society. Whereas the Constitution provides for freedom of expression, we wish to remind the public that this right should be enjoyed peacefully and within the confines of the law. The tendency for some members of the public to engage in riots which are characterized by violence, assault, looting of property, extortion of money, injury to persons and disrespect for the rule of law, has in our view inevitably led to gross abuse and violation of human rights and should be condemned.

5. Inciting the public

The Commission is further concerned about the use of inciting language which has in some instances inflamed the situation and sparked off riots among the public.

Recommendations

The Uganda Human Rights Commission would therefore wish to make the following recommendations:

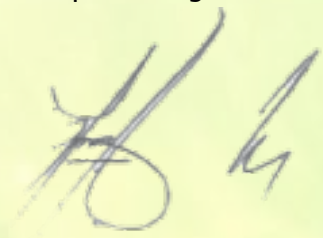
1. Whereas the Uganda Human Rights Commission recognises the daunting task before the Police in keeping law and order and appreciates their efforts in restoring public order, we reiterate the need for the Uganda Police to always use force that is proportionate to the threat at hand. The Police is therefore reminded to observe the provisions of the 1995 Constitution Article 44(a) which require that all human beings including suspects enjoy freedom from cruel, inhuman and degrading treatment or punishment.
2. The Commission recognises the important role the media plays in shaping public opinion and we therefore urge you to practice responsible journalism at all times, which promotes peace and unity among Ugandans.
3. We call upon the security institutions to discipline those officers who are found to have operated outside their institutional guidelines during the exercise of controlling riots and keeping public order.
4. We urge the Police not to allow its Constitutional mandate of keeping law and order to be usurped.
5. Regulate operations of para-military groups like the one to which the man alleged to have shot a child in Masaka Nyendo belongs, to make it clear who they are answerable to.
6. We commend the move of both government and the opposition parties to consider the need to sit on a round table and we encourage them to proceed with this patriotic spirit. We however appeal that as the dialogue takes place, the public should be allowed peaceful time to go about their normal business.
7. The Uganda Human Rights Commission once again strongly appeals to all leaders of all categories to restrain themselves from making provocative statements. We in the same breath urge those members of the public wishing to express their grievances to always do so through channels that are peaceful and lawful.
8. We call upon all parties to make use of the available UHRC Guidelines on Public Demonstrations which were agreed on by all stakeholders who included the police, political parties, civil society organisations and the relevant government ministries among others. *(The media can get copies of the guidelines from the Public Affairs staff)*

Finally, the Commission once again wishes to register its sympathy with those who lost their loved ones and those injured in last week's scuffles. We strongly reiterate the call to the public to stay calm and not to take the law into their hands and to use the available redress mechanisms to resolve any disputes.

For God and My Country

Med. S.K Kaggwa

Chairperson Uganda Human Rights Commission



Issued on Monday 2nd May 2011

Annex 16: Members and staff of the UHRC

	Name and Location	Designation	Gender	
No.	Chairperson, Members of the Commission and Secretary to the Commission		M	F
1	Med S.K. Kaggwa	Chairperson	1	-
2	Agaba Maguru	Commissioner	1	-
3	Dr. Katebaliwe Amooti Wa Irumba	Commissioner	1	-
4	Joseph A.A. Etima	Commissioner	1	-
5	Mariam F. Wangadya	Commissioner		1
6	G.T.Mwesigye	Secretary to the Commission	1	-
	Staff in the Office of the Chairperson			
1	Farouk Nyende	Senior Human Rights Officer(Study Leave)	1	-
2	Gloria Namuleme	Acting Senior Human Rights Officer	-	1
3	Winnie Kabeije Rubanonzya	Human Rights Officer	-	1
4	Margaret Nakawuka Luwaawo	Senior Administrative Assistant	-	1
5	Moses Lwanga	Driver		
	Staff in Commissioners' offices			
1	Elizabeth Bosa	Assistant Administrator	-	1
2	Felistas Atim Odyek	Assistant Administrator	-	1
3	Bernadette Nabasiye Byasigaraho	Assistant Administrator	-	1
4	Celine Rose Alonyo	Assistant Administrator	-	1
5	Nyanzi Mary Immaculate	Assistant Administrator	-	1
6	Justine Kahwa Mwesigwa	Assistant Administrator	-	1
7	Solomon Kabanda	Driver		1
8	Meddy Nsimbe Musitafa	Driver		1
9	Tomson Obel	Driver		1
	Staff in the office of the Secretary			
1	Rose Mary Kemigisha	Senior Human Rights Officer/Editor	-	1
2	Paula Biraaro	Human Rights Officer	-	1
3	Patience Birungi	Human Rights Officer	-	1
4	Kirenga Stella Ngonga	Assistant Administrator	-	1
5	Kaahwa Sam Atenyi	Driver	1	-
	Staff in Units under the office of the Secretary			
	a) Staff in the Public Affairs Unit			
1	Florence Muniyirwa Mukyala	Public Affairs Manager	-	1
2	Justus Muhanguzi Kaampe	Public Affairs Officer	1	-
3	Jenipher Namuyanja	Receptionist	-	1
	b) Staff in Internal Audit Unit		-	-
1	Thaddeus Sempijja	Senior Internal Auditor	1	-
2	Immaculate Kabirigi	Internal Auditor	-	1
	c) Staff in Planning Unit		-	-
1	Charles Mukasa	Planner	1	-
	d) Staff in Procurement & Disposal Unit		-	-
1	Godfrey Mutenyo	Procurement Officer	1	-

	Name and Location	Designation	Gender	
No.			M	F
	Staff in the Directorate of Finance & Administration		-	-
1	Margaret Lucy Ejang	Director Finance and Administration	-	1
2	Christopher Turigye	Senior Accountant- Projects	1	-
3	Robert Muhwezi	Senior Accountant- G.O.U	1	-
4	Dennis Kakeeto	Accountant, G.O.U	1	-
5	Tadeo Wamala	Assistant Accountant-Projects	1	-
6	Scolarh Kaahwa Kalibagwa	Assistant Accountant, G.O.U	-	1
7	Denis Alexis Obich Awio	Assistant Accountant, G.O.U	-	1
8	Joseph Ndebwoha	Stores Assistant	1	-
9	Samuel Kamy Kitanda	Office Assistant	1	-
10	Maxwell Onyait	Transport Assistant	1	-
11	Benson Omondong	Driver	1	-
12	Hakeem Sebunya Rakiibu	Driver	1	-
13	Solomon Kabanda	Driver	1	-
14	Muzafalu Semakula	Driver	1	-
15	Timothy Munialo	Driver	1	-
16	David Tenywa	Driver	1	-
17	Felix Odida	Gate Attendant	1	-
18	Godfrey Ssenyange A.M.K	Human Resource Manager	1	-
19	Joan Wasswa Kaampe	Human Resource Officer	-	1
20	Loiyrose Nantale	Records Officer	-	1
21	Jane Claire Nantumbwe	Assistant Records Officer	-	1
22	Sulaiman Omita	Systems Manager	1	-
23	Winifred Logose	Systems Officer	-	1
No.	Staff in the Directorate of Research, Education & Documentation			
1	Dorah B. Kabuye	Director R.E.D	-	1
2	Elizabeth Ndyabagye	Senior Human Rights Officer (Mat.Devt)	-	1
3	Margaret Rubaire	Senior HRO/ Senior Librarian	-	1
4	Rachel Naigaga	Human Rights Officer/Librarian	-	1
5	Rebecca Nnanyonjo	Human Rights Officer/Civic Education	-	1
6	Phillip Kalibbala Nyanja	Human Rights Officer-Legal	1	-
7	Richard Senfuka	Office Assistant	1	-
8	Hassan Kamyuka Ali	Driver	1	-
No.	Staff in the Directorate of Monitoring & Inspections		-	-
1	Roselyn Karugonjo-Segawa	Director M & I	-	1
2	Patricia Nduru	Senior Human Rights Officer	-	1
3	Priscilla Nyarugoye	Senior Human Rights Officer	-	1
4	Norah A. Nyeko	Human Rights Officer	-	1
5	Freda Nalumansi-Mugambe	Human Rights Officer	-	1
6	Peter Nyakaana	Driver	1	-
7	Margaret Nantume	Office Assistant	-	F
	Staff in the Directorate of Complaints, Investigations and Legal Services			
1	Ruth Ssekindi	Director, Complaints, Investigations and Legal Services	-	1

No.	Name and Location	Designation	Gender	
			M	F
3	Esther Freda Apolat	Human Rights Officer-Legal	-	1
4	Peace Akol Obong	Human Rights Officer-Investigations	-	1
5	Robinah Obitre Gama	Human Rights Officer- Legal	-	1
6	Justine Kaahwa Mwesigwa	Assistant Administrator	-	1
7	Sam Serunjogi	Driver	1	-
8	Resty Agweng	Office Assistant	-	1
	Staff in the Directorate of Regional Services		-	-
1	George Paliel Ufoyuru	Director Regional Services	1	-
2	Dorothy Okwong	Human Rights Officer- Legal	-	1
3	Rizzan Nassuna	Human Rights Officer- Education	-	1
4	Robert Mugenyi	Office Assistant	1	-
5	Badru G Kafulleka	Driver	1	-
	Staff in the Gulu Regional Office		-	-
1	Kamadi Byonabye	Regional Human Rights Officer	1	-
2	Nicholas Ogwang	Human Rights Officer-Legal	1	-
3	Fionah Abalo Opoka	Human Rights Officer-Education	-	1
4	Josephine Akello	Human Rights Officer-Investigations	-	1
5	Christine Oroma- Gakumba	Assistant Accountant	-	1
6	Anna Grace Akello	Assistant Administrator	-	1
7	Dick Henry Ojut	Office Assistant	1	-
8	Shaban Kitente	Driver	1	-
9	Patrick Kabuye	Driver	1	-
No.	Staff in the Central Regional Office		-	-
1	Wilfred Asiimwe Muganga	Regional Human Rights Officer	1	-
2	Ida Nakiganda	Regional Human Rights Officer(Studay Leave)	-	1
3	Rebecca Nassuna	Human Rights Officer-Legal	-	1
4	Bosco Okurut	Human Rights Officer -Legal	1	-
5	Betty Enangu	Human Rights Officer- Investigations	-	1
6	Alexandria Kirunda	Human Rights Officer-Education	-	1
7	Jimmy Rogers Mukuve	Assistant Accountant	1	-
8	Evalyne Arinaitwe	Assistant Administrator	-	1
9	Oliver Namukwaya	Office Assistant	-	1
10	Edward Semakula	Driver	1	-
11	Geofrey Katangula	Process Server	1	-
	Staff in the Soroti Regional Office	Designation	-	-
1	Rebecca Agnes Tino	Regional Human Rights Officer	-	1
2	Grace Angeline Chelimo	Human Rights Officer-Legal	-	1
3	Juliet Logose	Human Rights Officer-Investigations	-	1
4	David Obutai	Human Rights Officer-Education	1	-
5	Lydia Namulondo	Assistant Accountant	-	1

	Name and Location	Designation	Gender	
No.			M	F
7	Peter Ariku	Office Assistant	1	-
8	Martin Etengu	Driver	1	-
	Staff in Moroto Regional Office	Designation	-	-
1	Paul Otim	Regional Human Rights Officer	1	-
2	Catherine Koluo	Human Rights Officer-Legal	-	1
3	Christopher Ogwang Odyek	Human Rights Officer-Investigations	1	-
4	Paul Piramoe	Human Rights Officer- Education	1	-
5	Richard Etyang	Assistant Accountant	1	-
6	Jane Anyebo Ebotu	Assistant Administrator	-	1
7	Irine Rita Tino	Office Assistant	-	1
8	Loyok Philipps Herds	Driver	1	-
	Staff in Mbarara Regional Office	Designation	-	-
1	Theopista Twembi	Acting Regional Human Rights Officer	-	1
2	Sarah Rukundo	Human Rights Officer-Legal		1
3	Caroline Gumoshabe	Human Rights Officer-Education	-	1
4	Alex Nuwagaba	Assistant Accountant	1	-
5	Mouda Kambeera	Assistant Administrator	-	1
6	Joan Komugisha	Office Assistant	-	1
7	Deus Katitti	Driver	1	-
	Staff in Fort portal Regional Office	Designation	-	-
1	Rose Atim	Regional Human Rights Officer	-	1
2	Dorcus Musiimenta	Human Rights Officer-Legal	-	1
3	Christine Aineomugisha	Human Rights Officer-Investigations	-	1
4	Harriet Kajobe Rwakabbira	Human Rights Officer-Education	-	1
5	Harriet Byangire	Assistant Accountant	-	1
6	Grace Basemera	Assistant Administrator	-	1
7	Madina Hussein	Office Assistant	-	1
8	Stephen Wanyina	Driver	1	-
	Staff in Jinja Regional Office	Designation	-	-
1	Sarah Nakhumitsa	Regional Human Rights Officer	-	1
2	Ambrose Otwaio Okello	Human Rights Officer-Education	1	-
3	Brendah Nansikombi	Human Rights Officer-Investigations	-	1
4	Esther Nassiwa r Joko	Human Rights Officer-Legal	-	1
5	Lawrence Mugisha	Assistant Accountant	1	-
6	Juliet Ndagire	Assistant Administrator	-	1
7	Patrick Lwaze	Office Assistant	1	-
8	Emanuel Kabunga Ssendi	Driver	1	-
No.	Staff in Arua Regional Office	Designation	-	-
1	Anthony Androa	Regional Human Rights Officers	1	-
2	Emma Charlene Lubaale	Human Rights Officer-Legal	-	1

No.	Name and Location	Designation	Gender	
			M	F
4	Peace Ayikoru Anguyo	Human Rights Officer-Education	-	1
5	Aniku Patrick Toko	Assistant Accountant	1	-
6	Mary Stella Achen	Assistant Administrator	-	1
7	Donald Jaloka	Office Assistant	1	-
8	Morris Ojok	Driver	1	-
	Staff in Masaka Regional Office	Designation	-	-
1	Willy Agirembabazi	Regional Human Rights Officer	1	-
2	Moreen Kiiza	Human Rights Officer-Legal	-	1
3	Tom Kibukutu Kitaka	Human Rights Officer-Investigations	1	-
4	Chrispus Kateeba	Human Rights Officer-Education	1	-
5	George Emmanuel Pere	Assistant Accountant	1	-
6	Ruthie Kintu Naggirinya	Assistant Administrator	-	1
7	Samuel Nyende	Office Assistant	1	-
8	Augustine Ntaganda	Driver	1	-
	Total		76	82

Table 2: UN Peace Building Project staff

S/N	Name	Designation	Gender	
			M	F
1	James Diers Mwangusya	Project manager	1	
2	Ambrose Ogwal	Human Rights analysts	1	
3	Racheal Nalugonjo	Database officer/ IT Specialist		1
4	Immaculate Immy Namutebi	Assistant accountant		1
5	Hassan Nakooli	Driver	1	
6	Wilfred Okema	Driver	1	
	Total		4	2

Table 3: Volunteer staff in the Commission

	Name of Employee	Volunteer Category or Title	M	F
1	Sheila Bwebare	Volunteer- Legal	-	1
2	Dorah Namaganda Bukenya	Volunteer- Legal	-	1
3	Asha Nakiwate	Volunteer- Legal	-	1
4	Lucy Namuleme	Volunteer- Legal	-	1
5	Julian Kihumuro	Volunteer- Public Affairs	-	1
6	Solomon Bulemu	Volunteer- Planning Unit	1	-
7	Pherry Nassolo	Volunteer PDU	-	1
8	Bob Sam Katende	Volunteer -GOU	1	-
9	Wilberforce Otebwa	Volunteer- Projects	1	-
10	Alice Tugumisirize	Volunteer - Human Resource	-	1
11	Jennifer Nazziwa	Volunteer- Systems	-	1
12	Maureen Nalubega	Volunteer- RED	-	1
13	Anita Butesi	Volunteer-M&I	-	1
14	Hope Bagota	Volunteer-M&I	-	1
15	Jacqueline Anago	Volunteer –Registrar’s Office	-	1

	Name and Location		Designation	Gender	
No.				M	F
16	Jashimin Nambi Kasuja	Volunteer- Legal	-	1	
17	Teddy Achayo	Volunteer- Investigations	-	1	
18	Susan Alupo	Volunteer - Legal Gulu	-	1	
19	Jane Angom	Volunteer-Amuru Field Office	-	1	
20	Charles Opio Balmoi	Volunteer-Amuru Field Office	1	-	
21	Annet Okwera	Volunteer-Gulu Field Office	-	1	
22	Amina Yusufu	Volunteer- Investigations	-	1	
23	Judith Auma	Volunteer-Pader Field Office	-	1	
24	Sally Amony Okumu	Volunteer-Kitgum Field Office	-	1	
25	Fred Okot	Volunteer-Pader Field Office	1	-	
26	Francis MIA	Volunteer-Kitgum Field Office	1	-	
27	Anthony Otim	Volunteer-Lira Field Office	1	-	
28	Winnie Nuwariimpa	Volunteer-Investigations Central	-	1	
29	Esther Nalungi	Volunteer-Legal Central	-	1	
30	Florida Chelimo Chebet	Volunteer -Legal Soroti	-	1	
31	Susan Amagoro	Volunteer	-	1	
32	Roseline Amayo	Volunteer-Kaberamaido Field Office	-	1	
33	Matilda Namaja	Volunteer-Kaberamaido Field Office	-	1	
34	Lydia Cheptoek	Volunteer - Legal	-	1	
35	Esther Atim	Volunteer Investigations	-	1	
36	Abrahams Achok Moding	Volunteer-Kotido Field Office	1	-	
37	Francis Obura	Volunteer-Kotido Field Office	1	-	
38	Robert Ademur	Volunteer-Nakapiripirit Field Office	1	-	
39	Beruchen Jean Jansen	Volunteer-Nakapiripirit Field Office	1	-	
40	Michael Mwehitye	Volunteer-Legal	1	-	
41	Kerios Mwetsiga Katsigaire	Volunteer - Investigations	1	-	
42	Melisa Kwizera Cheryl	Volunteer- Legal	-	1	
43	Robert Mundane Mugisha	Volunteer	1	-	
44	Sandra Aloyo	Volunteer, Investigations	-	1	
45	Agnes Nantawo Shelagh	Volunteer- Legal	-	1	
46	Florence Deboru	Volunteer- Legal	-	1	
47	Daisy Kisa	Volunteer- Investigations- Arua	-	1	
48	Susan Nagadya Kibuuka	Volunteer- Legal	-	1	
49	Hilda Birungi	Volunteer- Investigations	-	1	
	Total		14	35	

Bududa Landslide Disaster



Source: New Vision

Floods in Teso



Source: New Vision



Uganda Human Rights Commission Head Office

Plot 20/22/24 Buganda Road
P.O Box 4929 Kampala Tel: 041 348007/8
Fax 041 255261 Email: uhrc@uhrc.ug
Web site: www.uhrc.ug