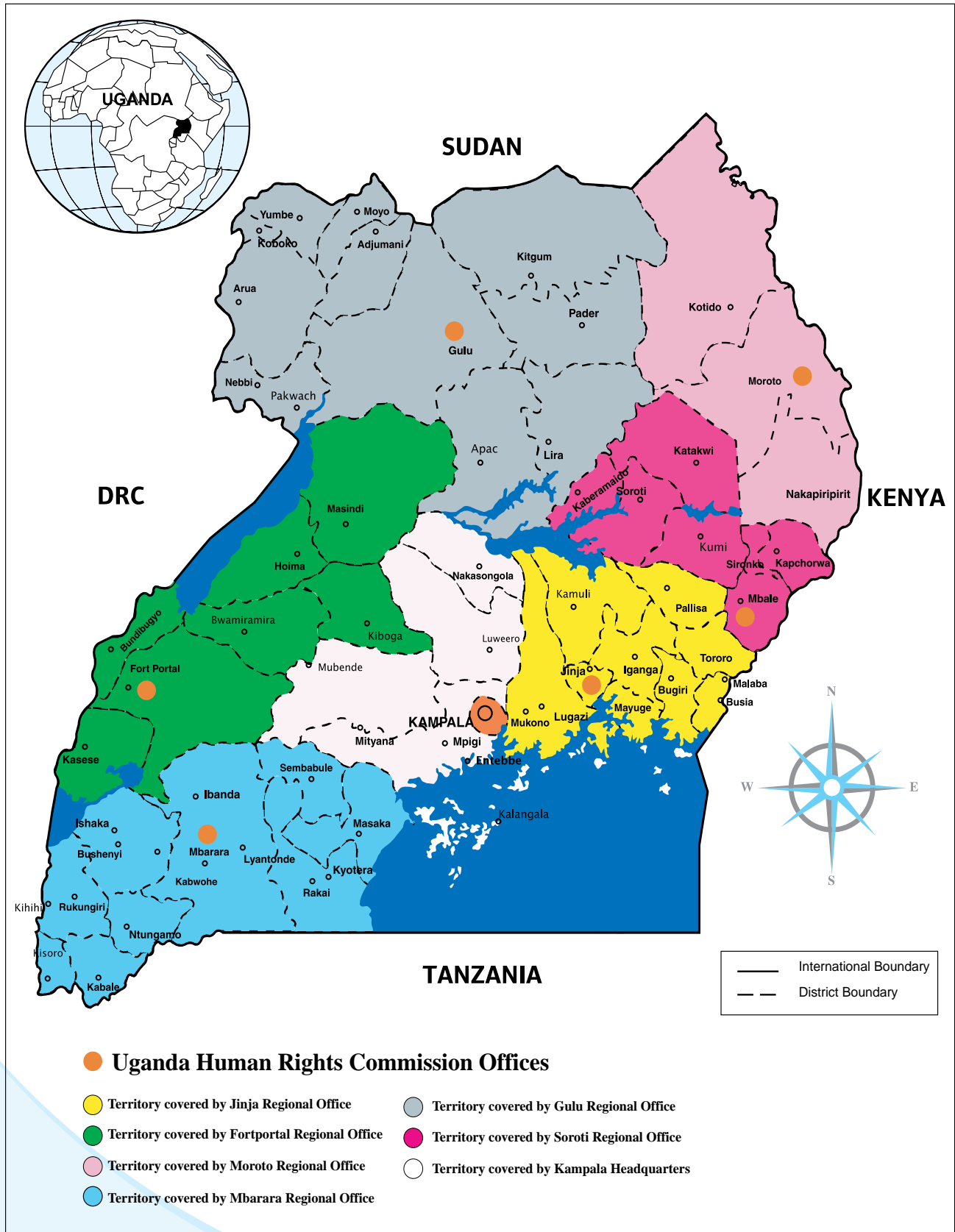


The 8th Annual Report 2005 to the Parliament of Uganda
by the
Uganda Human Rights Commission

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UGANDA





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The Honourable Speaker
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Dear Sir,

RE: UGANDA HUMAN RIGHTS COMMISSION 8TH ANNUAL REPORT 2005 TO PARLIAMENT

The Uganda Human Rights Commission has the honour to submit its Eighth Annual Report to Parliament pursuant to Article 52 (2) of the Constitution of the Republic of Uganda. On behalf of the Commission, I would also like to express my warmest congratulations to You, Your Deputy and Honourable Members for election to the 8th Parliament of Uganda. The Uganda Human Rights Commission is confident that more remarkable achievements for the country will continue to be scored in the 8th Parliament.

This report comprises seven chapters; chapters 1 and 2 are about the activities carried out by the Commission during 2005, while chapters 3,4,5,6 and 7 cover the Commission's analysis of the human rights situation in the year 2005, through part of 2006. In so doing, this Annual Report aims to give the Parliament of Uganda, various Government departments, Strategic partners and the general public an appraisal of the human rights situation in Uganda.

In the Commission's view, the report presents a useful assessment of the state of human rights in the country and builds on the challenges identified, and the recommendations and progress made in the previous reports. The Commission hopes that Parliament, the Executive and all those organs to which recommendations have been made, will give due attention to the respective issues raised in the report. We believe that if the recommendations are implemented, the concept of good governance through the protection and promotion of human rights will be greatly enhanced in our country.

For God and My Country



Margaret Sekaggya (Mrs)
CHAIRPERSON
UGANDA HUMAN RIGHTS COMMISSION

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Commissioner



Mrs. Margaret Sekaggya
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(Rev. Prof.) John Mary Waliggo
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Acknowledgements

The Uganda Human Rights Commission is greatly indebted to: the Executive for provision of an enabling environment and for the respect, protection and promotion of human rights countrywide; Members of Parliament for their recognition and debate of the Uganda Human Rights Commission's Annual Reports and whose invaluable contribution and support have enabled the Commission to expand its influence; and the various strategic partners, including Civil Society, that provided their support, which allowed the Commission to make responsive and timely interventions.

We would like to pay particular tribute to the Uganda Government and donor funding agencies, namely: DANIDA, the Norwegian Government, SIDA, Irish Government, UNDP, the British Government, the Netherlands Government, the European Union and the Austrian Government, that have been ever-present partners in ensuring that the activities of the Commission are executed through financial, logistical and technical support.

We would also like to acknowledge the Commission's Monitoring and Treaties Directorate, especially the Director, Mr. Nathan Byamukama, who ensured that the report was grounded in research and presented in a manner and style that would allow readers quick and easy access. We further acknowledge the team that put together this report - Mr. Isaac Bakayana, Ms. Winnie Walakira, Mr. Willy Agirembabazi, Mr. Tom Kibukutu, Mr. Arthur Beingana, Ms. Jacky Mwondah and Ms. Felistas Odyek. We also wish to record our deep appreciation of Commissioner Joel Aliro-Omara's willingness to provide countless hours of invaluable technical support.

Although not individually endorsed, our special thanks and gratitude also go to all Members of the Commission who, rendered expert advice in the preparation of this report. Their support vividly illustrates their continued commitment to the Commission and to the principle of upholding human rights.

The Uganda Human Rights Commission is extremely grateful to its Regional Heads for their cooperation and contribution during the compilation of this report. They dedicated time to crisscross the country for meetings, and verification of information in the draft report on several issues raised.

The Commission would also like to pay special tribute to the Commission's Directors and the Regional Liaison Officer who went to great lengths to provide valuable information and support that enriched this report. The Commission would also like to salute the great men and women in the Commission who have contributed to this report in various ways.

As would be expected in executing a task of this nature, gaps emerged in early drafts of the Report, prompting the Commission to turn to various luminaries in the field, who contributed text and expert advice beyond the hours they contributed to the consultative meetings. For this service, the Commission in particular wishes to thank the following: Commissioner J.N. Biribonwa of the Electoral Commission, Rev. Canon Grace Kaiso and Mr. Thomas Okoth of UJCC, Brigadier Francis Okello, Col. Leopold Kyanda of CMI, Col. Ramadhan Kyamulesire, Maj. Felix Kulaigye, Capt. Paddy Ankunda and Lt. Emmy Ekyaruhanga of the UPDF, Lt. N. Semakula of CMI, Mr. Julius Odwe of the Uganda Police Force, Mr. Stephen Lukunda of UN-OCHA, Ms. Evelyn Edroma of JLOS, Mr. David Katungi and Mr. John Bosco Kavuma of the National Planning Authority, Mr. Apolo Kakaire of FHRI, Mr. George Beekunda of MGLSD, Mr. S. Enginyu of the Ministry of Health, Ms. Rose N. Bwenvu of the Office of the Prime Minister, Ms. Justine Tumuheki of the Law Reform Commission and Ms. Flavia S. Anglin of the Ministry of Justice.

TABLE OF CONTENTS: ANNUAL REPORT 2005

LIST OF ACRONYMS Page ... 13

EXECUTIVE SUMMARY Page ... 17

CHAPTER ONE: HUMAN RIGHTS EDUCATION Page ... 21

- Introduction
- Human Rights Education for Uganda Peoples Defense Forces (UPDF)
- Human Rights in the military through the Civil Military Cooperation Centers (CMCCs)
- Human Rights Education for Uganda Police Force (Special Police Constables)
- Human Rights Education for Primary and Secondary Schools
- Human Rights Education for Local Councils (LCs)
- Human Rights Education for Youth leaders
- Popularizing international human rights treaties
- Human Rights education by United Nations Volunteers (UNV)
- Human Rights awareness strategy
- National Dialogue (October 2005)
- Human Rights publications
- The Library and Documentation Centre (LDC)
- National Civic Education Programme (NCEP)
- Implementation of NCEP by Civil Society Organizations
- Civic Education for the Referendum and the General Elections
- Civic education through radio for the Referendum and General Elections
- Civic education through road shows for the Referendum and General Elections
- Challenges to the NCEP
- Conclusion

CHAPTER TWO: INSPECTIONS, INVESTIGATIONS AND RESOLUTIONS OF COMPLAINTS Page ... 35

- Introduction
- Inspection of places of Detention
- Observations made during Inspection of detention facilities
- Local Administration Prisons
- Central Government Prisons
- Police stations and Outposts
- Steps taken by the Uganda Human Rights Commission
- Inspection of Military Detention Centres
- Complaints received and complaints handled in 2005
- Complaints registered in 2005
- Complaints investigated in 2005
- Investigations initiated by the Commission
- Challenges faced during investigations
- Categorisation of Complaints
- Nature of violations and prevalence
- Trends of systematic human rights violations as observed from the complaints handled by the Commission
- Neglect/failure of parents to maintain children
- Role of the Uganda Human Rights Commission in addressing Child Neglect
- Torture, Cruel, Inhuman and Degrading Treatment or Punishment
- Complaints registered in 2005 on Torture Cruel Inhuman and Degrading Treatment or Punishment
- Some concluded cases on torture, cruel in human and degrading treatment or punishment

- Steps taken by the Government in combating torture, cruel, inhuman and degrading treatment or punishment committed by the UPDF
- Role of the Uganda Human Rights Commission in combating torture cruel inhuman and degrading treatment or punishment
- Success rates on Torture/ Percentage proved
- Deprivation of the Right to Personal Liberty and deprivation of the Right to a Speedy and Fair Trial
- Deprivation of the Right to Property
- Major respondents accused of human rights violations per region in 2005
- Counselling
- Impact created by the Counselling Unit
- Resolution of Cases
- Part-Heard Complaints
- Concluded cases
- Dismissed/Withdrawn cases
- Commission Tribunal Awards
- Categorisation of violations before the Commission Tribunal
- Categorisation of Respondents before the Commission Tribunal
- Mediation of complaints
- Recommendations

CHAPTER THREE: POLITICAL TRANSITION FROM MOVEMENT TO MULTIPARTY SYSTEM: AN ASSESSMENT

Page ... 69

- Introduction
- Objectives of Monitoring the Political Transition Process
- Methodology
- Constitutional Reforms
- Parliament of Uganda and the Political Transition
- The Judiciary and the Political Transition
- The Electoral Laws
- Registration of Parties
- Party Primary Elections
- Continuation of the Movement Secretariat
- Electoral Commission Administration of the Process
- Civic and Voter Education
- Media Coverage of the Elections
- Nomination of Candidates
- Election Campaigns
- Use of Government Resources for Campaigns
- The National Voters' Register
- Arrest of Kizza Besigye
- Violence during campaigns was limited
- Voting day environment
- Role of Security Agencies during the Political Transition
- Role of Monitors and Observers
- Transparency during voting and Counting
- Register and Voting
- Parish tribunals disfranchised some people
- Security personnel guarding polling stations did not vote
- No Planning for Rain
- Time Management in Voting and Counting
- Lack of Seals for Ballot boxes
- Unpreparedness for night counting
- Polling agents not well trained for the voting exercise and at times disorganized

- Polling officials denying voters' their right to vote
- Bias and intimidation of Election officials at polling stations
- Tallying and announcement of Results
- Voter Bribery
- Uneven playing field
- The pattern of support and its implications
- The Presidential Election Petition Ruling-Response to the Ruling
- General Recommendations
- Conclusion

CHAPTER FOUR:**PLANNING FOR THE VULNERABLE PERSONS: ANALYSIS OF THE
CURRENT POLICIES AND PROGRAMMES ON****Page ... 86**

- Introduction
- Understanding and Identification of Vulnerability
 - Exposure to insecurity/crisis and shocks
 - Risk of inadequate capacity to cope with the crisis, stress and shocks
 - Risk of severe consequences in case of crisis, stress and shocks
 - Vulnerable Groups
- Some Government Policies and Programmes in Uganda
- Challenges to Policy in Uganda
- A brief assessment of selected Government Policies in relation to vulnerability
 - The Poverty Eradication Action Plan
 - The Land Policy
 - The National Land Use Policy
 - The National Policy on Internally Displaced Persons (2004)
 - The National Wetlands Policy
 - The National Forestry Policy
 - The National Water policy
 - National Health Policies

CHAPTER FIVE:**RETURN, RESETTLEMENT AND REINTEGRATION OF INTERNALLY
DISPLACED PERSONS (IDPs) IN NORTHERN UGANDA: - NEED FOR
A RIGHTS-BASED APPROACH****Page ... 99**

- Background
- Positive developments
- Methodology
- Human Rights Principles on the Return of IDPs and the Legal Framework
- The General Principles on return of IDPs
 - Voluntary Return
 - Security and safety in return
 - Assistance in Return, Resettlement and Reintegration
 - Participation of IDPs in their Return
 - Recovery of property
 - Rehabilitation of Social Services
- Policy Compliance with the Human Rights Principles
- Findings/Lessons
 - Lessons from Western Uganda's ADF induced Internal Displacement and Return
 - Findings on Teso and Lango on their Return
- The Commission's areas of special human rights concern
- Recommendations

CHAPTER SIX: GOVERNMENT RESPONSE TO UHRC ANNUAL REPORT RECOMMENDATIONS

Page... 112

- Honouring of UHRC Tribunal Awards;
- Unrestricted access to army detention facilities
- Establishment of District Human Rights Committees in all Districts
- Increased funding of the UHRC
- Enactment of a Law on Torture
- Eliminate impunity for alleged perpetrators of torture in security agencies, including the Army
- Ratification of the OPCAT
- Elimination of torture in Central Government Prisons
- Adequate facilitation of the Police
- Decongestion of Prisons through elimination of long remands
- Construction of more Courts
- Recruitment of more judicial Officers
- Construction of more houses for Prison staff
- Improving Police to civilian ratio
- Strengthening Police presence in IDP protection
- Increasing Prison staff
- Passing the Refuge Bill
- Elimination of Xenophobia
- Eliminating safe houses
- Not to involve other security agencies in police work
- Resolving the LRA conflict peacefully
- Harmonization of the Amnesty Law with the International Criminal Court Bill, 2004 and the Rome Statute
- Disarmament of the Karimojong warriors
- Providing security in and around Karamoja
- Reducing the high cost of ARVs
- Enactment of a law on minimum wage
- Enactment of the Prisons Act
- Passing the Domestic Relations Bill with amendments
- Reporting under international instruments
- Follow-up issues on Treaty Bodies' Conclusions and Recommendations
 - Convention on the Rights of the Child, 1989
 - Convention Against Torture and other Inhuman, and Degrading Treatment or Punishment (CAT), 1989
 - The International Covenant on Civil and Political Rights (ICCPR), 1966

CHAPTER SEVEN: FINANCE AND ADMINISTRATION

Page ... 128

- Introduction
- Financing the Administration of the Commission's functions
- Funding of the Commission
- Misrepresentation and exaggeration of donor support to the Commission
- Capital Development Budget and Approval
- Budget Comparison with other Government entities and sectors
- Membership to the Justice Law and Order Sector
- The Way forward



Appendix A: Concluding Observations of the Committee on the Rights of the Child, Uganda, U.N. Doc. CRC/C/UGA/CO/2 (2005)

Appendix B: Table on conditions in detention facilities inspected by the Commission

Appendix C: The Optional Protocol to the Convention Against Torture

Appendix D: UHRC Public Outreach Activities

LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	-	African Charter on Human and Peoples Rights
AIDS	-	Acquired Immuno Deficiency Syndrome
ABEK	-	Alternative Basic Education for Karamoja
ADF	-	Allied Democratic Forces
ASP	-	Assistant Superintendent of Police
ART	-	Anti-Retroviral Therapy
ARV	-	Anti-Retrovirals
CAB	-	Constitutional Amendment Bill, 2004
CAO	-	Chief Administrative Officer
CAP	-	Chapter
CAT	-	UN Convention Against Torture, Cruel, Inhuman and Degrading Treatment or Punishment
CBR	-	Community Based Rehabilitation
CBS	-	Central Broadcasting Service
CCF	-	Christian Children's Fund
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
CFPU	-	Children and Family Protection Unit
CHARMS	-	Complaints Handling and Records Management System
CID	-	Criminal Investigations Department
CMI	-	Chieftaincy of Military Intelligence
CMCCs	-	Civil Military Cooperation Centres
CP	-	Conservative Party
CPs	-	Community Polytechnics
CPS	-	Central Police Station
CRC	-	Convention on the Rights of the Child
CRC	-	Constitutional Review Commission
CSOs	-	Civil Society Organizations
CRSR	-	Convention Relating to the Status of Refugees
CWDs	-	Children With Disabilities
DCM	-	Division Court Martial
DDMC	-	District Disaster Management Committee
DMI	-	Directorate of Military Intelligence
DISO	-	District Internal Security Organizations
DP	-	Democratic Party
DPC	-	District Police Commander
DPP	-	Director of Public Prosecutions
DRB	-	Domestic Relations Bill
DRC	-	Democratic Republic of Congo
EC	-	Electoral Commission
ECD	-	Early Childhood Development
ECOSOC	-	UN Commission on Economic, Social and Cultural Rights
ERT	-	Education Research and Training
ESCR	-	Economic, Social and Cultural Rights

FAL	-	Functional Adult Literacy
FDC	-	Forum for Democratic Change
FES	-	Friedrich Ebert Stiftung
FGM	-	Female Genital Mutilation
FHRI	-	Foundation for Human Rights Initiative
FIDA	-	International Federation for Women Lawyers
FY	-	Financial Year
GA	-	General Assembly
GDP	-	Gross Domestic Product
GoU	-	Government of Uganda
HIV	-	Human Immuno Virus
HRBAD	-	Human Rights Based Approach to Development
HRDP	-	Human Rights and Democratization Programme
HRPP	-	Human Rights Promotion and Protection Sub-Committee
ICC	-	International Criminal Court
ICCPR	-	International Covenant on Civil and Political Rights
ICERD	-	International Covenant on the Elimination of All Forms of Racial Discrimination
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
IDPCs	-	Internally Displaced People's Camps
IDPs	-	Internally Displaced People
IGG	-	Inspector General of Government
ILO	-	International Labour Organization
IMF	-	International Monetary Fund
IT	-	Information Technology
ISO	-	Internal Security Organization
JLOS	-	Justice Law and Order Sector
KADP	-	Karamoja Agro-Pastoralist Development Programme
KIDDP	-	Karamoja Integrated Disarmament and Development Programme
LAPs	-	Local Administration Prisons
LC	-	Local Council
LDC	-	Library and Documentation Centre
LDUs	-	Local Defence Units
LRA	-	Lord's Resistance Army
MDGs	-	Millennium Development Goals
MGLSD	-	Ministry of Gender, Labour and Social Development
MoLG	-	Ministry of Local Government
MoU	-	Memorandum of Understanding
MP	-	Member of Parliament
MTEF	-	Medium Term Expenditure Framework
NAADS	-	National Agricultural Advisory Services
NEMA	-	National Environmental Management Authority
NCEP	-	National Civic Education Programme
NGOs	-	Non-Governmental Organizations
NHRI	-	National Human Rights Institution
NPA	-	National Planning Authority

NRA	-	National Resistance Army
NREP	-	Northern Region Education Programme
NRM	-	National Resistance Movement
NRMO	-	National Resistance Movement Organization
NUDIPU	-	National Union of Disabled Persons in Uganda
NUSAF	-	Northern Uganda Social Action Fund
O/C	-	Officer in Charge
OPCAT	-	Optional Protocol to the Convention Against Torture
OPM	-	Office of the Prime Minister
PEAP	-	Poverty Eradication Action Plan
PHA	-	People Living with HIV/AIDS
PLE	-	Primary Leaving Examinations
PMA	-	Plan for Modernization of Agriculture
PPOA	-	Political Parties and Organizations Act, 2005
PPT	-	Presidential Peace Team
PRA	-	Peoples Redemption Army
PRSP	-	Poverty Reduction Strategy Papers
PWDs	-	Persons With Disabilities
RBA	-	Rights Based Approach
RBAD	-	Rights Based Approach to Development
RDC	-	Resident District Commissioner
SPCs	-	Special Police Constables
SPLA	-	Sudanese Peoples Liberation Army
TOTs	-	Trainer of Trainers
TORs	-	Terms of Reference
UAC	-	Uganda Amnesty Commission
UBC	-	Uganda Broadcasting Corporation
UBOS	-	Uganda Bureau of Statistics
UDC	-	Unit Disciplinary Committee
UDHR	-	Universal Declaration of Human Rights
UHRC	-	Uganda Human Rights Commission
UJCC	-	Uganda Joint Christian Council
UMWA	-	Uganda Media Women Association
UN	-	United Nations
UNCAT	-	United Nations Convention Against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment
UNDP	-	United Nations Development Programme
UNEPI	-	Uganda National Expanded Programme On Immunization
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations International Children's Education Fund
UNV	-	United Nations Volunteers
UN-OCHA	-	United Nations Office for the Coordination of Humanitarian Affairs
UNESCO	-	United Nations Educational, Scientific and Cultural Organization
UN-OHCHR	-	United Nations Office of the High Commissioner for Human Rights
UPA	-	Uganda Peoples Army



UPC	-	Uganda Peoples Congress
UPDA	-	Uganda Peoples Democratic Army
UPDF	-	Uganda Peoples Defense Forces
UPE	-	Universal Primary Education
UPF	-	Uganda Police Force
UPIMAC	-	Uganda Project Implementation and Management Centre
UPS	-	Uganda Prisons Services
USAID	-	United States Agency for International Development
VAGs	-	Voluntary Action Groups
VCCU	-	Violent Crime Crack Unit
WFP	-	World Food Programme

EXECUTIVE SUMMARY

Introduction

The UHRC 8th Annual Report presents an accountability statement of the functions and activities the Commission has undertaken in line with its constitutional mandate as provided under Articles 52 and 53 of the Constitution of the Republic of Uganda. The constituent seven chapters of the report provide an analytical examination of human rights issues and recommendations that offer a point of reference for further improvements of the human rights situation of the country. All through the report, reference has been made to tables and figures to enrich the texts with articulated, analysed and disaggregated statistical data.

Chapter One discusses the objective of conducting human rights education and covers key activities the Commission has undertaken in ensuring human rights education in the country. These include awareness raising programmes, and research and training programmes for the UPDF, Special police constables, primary and secondary schools, local council leaders and youth leaders. The chapter also covers human rights education in the military through the Civil Military Cooperation Centres that target both the army and civilians in the promotion of human rights and how they relate to one another in the course of their duties.

The chapter touches on the human rights awareness strategy the Commission developed, within which it will ensure increased human rights awareness. This is through workshops (national dialogue), human rights publications, its information unit, the Library and Documentation Centre and through the Commission's website.

The chapter brings to light the strides made in disseminating human rights information through developing of two supplementary UPDF Human Rights Training Manuals, the Human Rights Readers

for Primary Schools on selected human rights issues for children, and a periodic publication: Your Rights Magazine, covering both Economic, Social and Cultural rights and Civil and Political rights, as well as Solidarity rights.

The chapter reports on the collaborative partnership between the Uganda Human Rights Commission and the United Nations Volunteers Programme (UNV), a project with the aim of raising human rights awareness, capacity building and providing a linkage between United Nations Development Programme (UNDP) policy dialogue and concrete human rights activities.

The chapter presents an insight on the implementation of the Commission's National Civic Education Programme (NCEP), which has the objective of promoting citizen's participation in the constitutional and democratic processes. It examines the extent to which NCEP was implemented by civil society organizations, and the methodology used in conducting civic education for the referendum and the general elections. The chapter also highlights challenges faced in conducting NCEP during the period under review.

Chapter Two presents a summation of conditions in places of detention the Commission inspected, complaints received and investigated, as well as the extent to which complaints were resolved during the reporting period. The chapter reveals that during the reporting period, the Commission inspected 291 places of detention, which included 103 Local Administration prisons, 27 Central Government prisons, 128 Police stations/posts, and 33 Local Administration Police posts. The chapter discusses the Commission's findings in the places of detention inspected, and the steps taken by the Commission on its findings.

The chapter reveals that during the period under review, the Commission registered 1,208 complaints and 748 lodgements. It also highlights the nature and prevalence of violations received, among which the violation of the right to maintenance/child neglect yet again registered

the highest number of complaints with a total of 286, which, represented 23.6% of the complaints registered at the Commission. The chapter further points out that the Commission conclusively investigated 974 complaints during the reporting period, and discusses investigations initiated by the Commission and challenges encountered during investigations. It examines the categories of complainants received who included males, females and institutions, representing; 58.6%, 37.5% and 3.8% respectively. The chapter points out the role of the Commission in addressing some systematic human rights violations, like child neglect and torture, cruel inhuman and degrading treatment or punishment. It also reports on the steps taken by the government in combating torture, cruel, inhuman and degrading treatment or punishment.

The chapter presents an overview of the various methods of complaint resolution; in particular, the counselling and mediation methods on the one hand and the Commission Tribunal on the other hand, as available avenues for resolution of complaints. It reveals that the counselling unit offered services to 102 complainants and these included 65 males and 37 females. It also reports that 119 files were allocated to the Commission Tribunal for hearing. The Commission Tribunal heard in part, 205 cases, which included the backlog of cases of 2004, and concluded 60 cases. Of the 60 complaints disposed of at the Tribunal, 17 cases were dismissed and 6 cases were withdrawn by the complainants as a result of the respondents meeting their obligations. The Commission mediated and resolved 81 complaints. The chapter brings to light the tribunal awards the Commission ordered during 2005, amounting to Ug. sh. 306,228,000/= in total. In particular, the Commission Tribunal awarded Ug. sh. 275,278,000/= against the Attorney General, Ug. sh. 28,950,000/= against Private Individuals and Ug. sh. 2,000,000/= against Institutions. It also names the main respondents in the cases decided by the Tribunal who include: the Uganda Police Force, UPDF, Private Individuals, Local Government, CMI, ISO, VCCU and Private Companies. It calls upon Government,

to among other things to consider decentralizing liability from Attorney General's Office to respective ministries accused of Human rights violations and enhance accountability and also put in place a Victims Compensations Fund.

Chapter Three provides an assessment of the political transition process from the Movement to the multiparty system of governance. The chapter generally reports on the role of the Commission in the political transition process, bringing to light its monitoring role in the National General Elections. It delves into the impact of constitutional reforms on the political transitional process, the role of the Parliament of Uganda in the political transition process and points out the Commission's concern with regard to delays on the part of the Executive to table Bills before Parliament. It also discusses the role of the Judiciary in the political transition process, and reveals that various rulings of the courts of law were a testimony that institutions like the judiciary were strong and, to a great extent, independent. The chapter also provides insight into the Electoral laws put in place to govern the political transition process and reveals that the major problem was the late enactment of the electoral laws, which meant that there was little time given to those who intended to participate in the elections to prepare and embark on meaningful participation. It also presents an overview of the impact of (or lack of) civic and voter education on the transition process.

The chapter discusses media coverage of the elections, nomination of candidates, election campaigns, use of government resources for campaigns, the National Voters' Register, the arrest of Kizza Besigye, violence during campaigns, voting day environment, the role of security agencies during the political transition, the role of monitors and observers, transparency during voting and counting, the role of the Parish Tribunals, ballot boxes, the role of the polling officials/agents, tallying and announcement of results, and voter bribery. It also analyses the outcome and reaction to the Presidential Election Petition Court Ruling. It makes various

recommendations, which inter alia, include the need to undertake sufficient preparations for free, fair and transparent elections.

Chapter Four analyses the current policies and programmes with regard to vulnerable persons. The chapter defines and examines the concept of vulnerability, which includes exposure to shocks and threats and defencelessness, as well as powerlessness to withstand the shocks and threats, and lists down the categories of vulnerable persons. It briefly assesses government policies and programmes catering for vulnerable persons, which include: the Poverty Eradication Action Plan, the National Water Policy, the National Policy on IDPs, the National Forestry Policy and the National Wetlands Policy pointing out glaring gaps. The chapter also highlights the role of the Commission's Vulnerable Persons Unit, which ensures that the issue of vulnerability, specifically HIV/AIDS, is mainstreamed in the planning and programming processes.

Chapter Five examines the concerns of the IDPs regarding return and resettlement, and makes recommendations based on best practices and human rights principles, which are well captured in Uganda's policy on internal displacement. The chapter outlines a positive development in the context of IDPs, i.e. the Presidential announcement for the return of IDPs in some parts of Northern and North Eastern Uganda. It discusses the methodology used to ascertain whether these human rights principles were followed, which included visits to Teso and Lango IDP sub regions and areas of Bundibugyo, Kibaale and Kasese, where former IDPs displaced by ADF rebels lived. It also analyses best practices that can be applied in the resettlement of the IDPs in Teso, Lango and the generally Acholi sub region.

The chapter provides insight into human rights principles and the legal framework in relation to the return of IDPs. It emphasizes the Commission's area of special human rights concern in the return programme

which includes: the most vulnerable groups; IDPs from the Acholi sub region; the timing; the issue unexploded ordinances; armed paramilitary groups; the land issue and assistance to returning IDPs.

Chapter Six examines the extent to which different stakeholders have implemented the Commission's previous Annual Report recommendations on economic, social, cultural, civil and political rights. The chapter discusses the extent to which recommendations on the following have been implemented: Simplification and availability of the Constitution; UHRC Tribunal Awards; unrestricted access to army detention facilities by the Commission; Establishment of District Human Rights Committees in all Districts; Funding of the UHRC; Enactment of a Law on Torture, Cruel, Inhuman and Degrading Treatment or Punishment; Ratification of the OPCAT; Elimination of Prisoner to Prisoner torture; Adequate facilitation of the Police during operations; Decongestion of Prisons through elimination of long remands; Construction of more courts; Construction of more houses for Prisons staff; Improvement of the ratio of the Police staff to civilians; Improvement of the ratio of Prisons staff to prisoners; Recruitment of more Judicial Officers; Enactment of the Refugee Bill; Elimination of Xenophobia; Elimination of Safe Houses; Strengthening the protection of IDPs in the camps and during return and reintegration; Peaceful resolution of the armed conflict; Harmonization of the Amnesty Law with the International Criminal Court Bill, 2004 and the Rome Statute; Disarmament of the Karimojong; Provision of security in and around Karamoja; Ensuring the right to Health; and Enactment of a law on the minimum wage.

Chapter Seven briefly gives a financial summary, evaluates both government and donor contributions and shows the mobilization, acquisition and utilization of financial resources over the period under review. It brings out the inadequacies experienced by the Commission in the budgetary allocations given to it by the Ministry of Finance, Planning and Economic

Development, which are driven by the Medium Term Expenditure Framework (MTEF) Ceilings. The chapter also reports on the progress of the recommendations to transfer the Commission from the Public Administration Sector to the Justice Law and Order Sector.

The chapter further reports on the extent to which the Commission has gained from Capital Development from the Government of Uganda. It particularly notes the problem of under-funding which has hindered the Commission's development efforts. The chapter examines the Commission's wage bill and its impact on the statutory body's operational activities. The chapter gives insight into domestic arrears and status on gratuity. It also covers donor support to the Commission for Financial Years 2004/2005 and 2005/2006.

The chapter brings out challenges the Commission has faced during the reporting period, which hinges on inadequacies of funds. It touches on steps the Commission has taken to curb this problem. The chapter also focuses on the Commission's Finance Management Capacity that has been boosted with the intervention of KPMG consultants, whose objective was to carry out a diagnostic study of the finance management system and capacity of UHRC. The recommendations made by KPMG are now being implemented in Phase II of the Project.

CHAPTER 1

HUMAN RIGHTS EDUCATION

1.0 Introduction

Several instruments make provision for human rights education at national, regional and international levels. Such instruments include the Constitution of Uganda (1995), the African Charter on Human and Peoples Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, etc. The rights in such instruments are broadly categorized as civil, political, economic, social or cultural. All people should ideally enjoy all the aforementioned rights; however, lack of awareness has partially impeded such enjoyment. It is thus imperative in the promotion and protection of human rights that education and awareness programmes are carried out. The Commission's mandate to undertake this task stems from Article 52 (1) (c) (e) (f) (g) of the Constitution, section 7 (1) (d) (f) (g) and (h) of the Uganda Human Rights Commission (UHRC) Act (Chapter 24, *Laws of Uganda*) and strategic objective 7.2.1.3 of its Corporate Plan 2004 – 2009.

Why Human Rights Education?

Human rights education can be seen at two levels, namely: the formal and the informal. At the formal level, human rights education is introduced into the school curriculum or training curriculum from primary school to secondary/tertiary schools and higher institutions of learning.

Education from the earliest school years is expected to be directed to the all-round development of the human personality, the spiritual, moral, social, cultural and economic progress of the community, as well as the inculcation of deep respect for humanity. Furthermore, within the framework of these values, the utmost importance is attached to the contribution made by

education to peace, tolerance and friendship amongst all nations and within racial/ethnic or religious groups. It helps every person to understand and assume his or her responsibilities towards the maintenance of peace at all levels of human interaction. It is a means of eliminating violations of human rights and building a culture of peace based on democracy, development, tolerance and mutual respect.

At an informal level, human rights education is extended to the police, the army, local councils, civil society organizations and other groups. This informal education is paramount because it, among other things, contributes towards the following:

1. Prevention of possible outbreak of violent conflicts and the related human rights violations;
2. Nurturing of democratic values and sustaining impulses for democratization;
3. Promotion of societal transformation based upon human rights and democracy;
4. Promotion and protection of human rights at national, regional and international levels and rooting them into the various cultural traditions;
5. Prohibit the possible rise of problems of ethnicity, racism, xenophobia and various forms of extremism and religious fanaticism;
6. Enhancing understanding of the threats stemming from environmental degradation, biomedical technologies and from the scourge of HIV/AIDS; and
7. Preventing State organs and other authorities from abusing their power and other related excesses.

In its sensitization programmes, the Commission assists learners to understand the concept of human rights by linking it to the prevailing social, economic and political conditions. In its Training of Trainers workshops, the Commission aims at building capacity at local levels to increase the awareness of educators in all sectors and making human rights widely known. In 2005, the Commission carried out the education in two ways: through human rights education and the National Civic Education Programme.

1.1 Human Rights Education¹

During 2005, the Commission continued with its awareness-raising programmes, and conducting research and training programmes throughout Uganda. These were executed through its Education, Research and Training Directorate, the regional offices (Gulu, Soroti, Moroto, Jinja, Mbarara and Fort Portal), Civil Military Cooperation Centres (CMCCs) and the United Nations Volunteers (UNV) Programme.

In previous years, the Commission reported that it conducted human rights education in the Uganda Peoples' Defense Forces, the Uganda Police Force, Local Councils, and Primary and Secondary Schools. It should be noted that though the target institutions are similar, the beneficiaries therein differ from year to year. The continuous programme is meant to build on the earlier programmes to foster and maintain a human rights culture not only in the targeted institutions but also among Ugandans in general. Furthermore, the Commission's human rights education programmes were planned in response to the complaints received and the prevailing issues at the time (see Chapter 2, Table 2.3 and Table 2.5).

1.1.1 Human Rights Education for Uganda Peoples Defense Forces (UPDF)

The Commission organized a Training of Trainers course for UPDF officers from the 3rd Division on 24th April 2005 at St. Austin Social Centre in Mbale.

Fifty officers comprising of political commissars, intelligence officers, administrative officers and two civilian teachers attended the course.

The course was aimed at empowering UPDF officers with human rights knowledge so that they could impart the same knowledge to other UPDF officers. The objectives of the TOT course included: empowering the UPDF to know their rights and civic duties; equipping UPDF officers with TOT skills; challenging the UPDF to establish institutions to ensure an on-going and permanent education and training of its members in human rights and civic duties; empowering the UPDF to adequately know the rights of the vulnerable groups they deal with when carrying out their duties; empowering the UPDF personnel to become committed promoters and defenders of human rights within the force and the country in general; and, enabling the UPDF to seriously reflect on its constitutional role. At the end of the TOT, the trained officers drew activity work plans for sensitizing their colleagues in the different units.

UPDF Human Rights Training Manual

During the reporting period, the Commission in collaboration with the UPDF developed two other manuals to supplement the main manual. One contains summaries of human rights instruments (local, regional and international) relevant to the work of UPDF. The other contains methodology and training skills meant to empower UPDF Political Commissars with training methodology and skills in human rights.

The purpose of the manuals is:

- To increase human rights awareness and respect within the UPDF;
- To empower UPDF Political Commissars with training methods and skills to train other army officers in their respective units; and,
- To bring about a multiplier effect within the UPDF as the Political Commissars at all levels would be expected to train other officers in their respective units;

At the moment, the drafts are being examined by a Human Rights Curriculum Specialist to harmonise the content, methodology, the graphics, the language used and the entire layout of the manuals.

The Commission will continue to conduct human rights education for the army, taking into account its large numbers and high mobility. Such programmes will be a continuous reminder to the UPDF about the role of human rights in their daily work.

1.1.2 Human Rights in the Military through the Civil Military Cooperation Centres (CMCCs)

CMCCs were conceived during the first phase of the Karimojong disarmament exercise. CMCCs constitute representatives from the UPDF, UHRC, Police and Civil Society. The main objective was to improve the relations between the army and civil society, thereby enhancing the protection and promotion of human rights. Though first established in Karamoja, they were later (2004) established in Kumi, Soroti, Katakwi and Kaberamaido and they now exist in all places of armed conflict. During 2005, CMCCs in Teso region targeted their sensitization campaigns to the local communities in the following areas: Kobwin Trading Centre, Malera Trading Centre, Mukogoro Trading Centre, Ngora Trading Centre, Lwala Centre, Otuboi Centre, Ocheri Centre, Radar Detach, Olwelai



Wilfred Asiimwe, Senior Human Rights Officer, Soroti Regional Office distributes Human Rights training materials to Arrow boys at Tactical Headquarters, Soroti.

Detach, Ocui Detach, Odudui Detach, Kyere Detach, Amukaru Detach, Kapelebyong Camp and Detach, Baptist Camp B, Moruapesur Camp, Obuku Camp and Soroti Military Barracks.

The CMCCs were creating awareness within the above communities, targeting both the army and civilians in the areas of human rights. In the case of the Arrow Boys and the UPDF, the awareness programmes were not only aimed at their rights, but also their obligations and with civilian relationship in the course of their duties and the promotion of human rights.



A cross-section of Arrow boys at UHRC human rights training workshop at Obalanga (Amuria district) barracks

1.1.3 Human Rights Education for Uganda Police Force (Special Police Constables)

Workshops were held in Kampala, Mpigi, Kapchorwa, Kayunga, Kamuli, Sironko and Mbale districts for Special Police Constables under the theme: ***Enhancing human rights in law enforcement***. In Kampala, the participants comprised non-commissioned police officers and local council executive members from Kiira Road, Jinja Road and Kawempe police divisions. The objectives of these workshops ranged from: sensitizing Special Police Constables in Human Rights; discussing Human Rights and the role of the Uganda Human Rights Commission; rights of suspects before, during and after their arrest; freedom from torture, cruel, inhuman and degrading treatment or punishment; rights of vulnerable groups; disciplinary code of conduct of the law enforcement officers; and, the proper use of force and fire-arms.

The discussions between the Commission and the police during these trainings brought out a number of problems that negatively affect their work. One notable problem continues to be the poor welfare of the members of the police force. This is reflected in the unfair terms of employment given to Special Police Constables who are engaged on four-month contracts. It also became clear that human rights training was not reaching every police officer. It was also felt that the Commission sensitization had not yet been imparted in crucial departments within the police such as the Criminal Investigations Department (CID). Accordingly, the following recommendations were made: the general welfare of the Uganda Police Force ought to be improved; SPCs' terms of employment ought to be changed from four-month contracts to permanent terms; similar workshops should be organized for every Police Division and all Police Constables; and, the need to educate CID officials on freedom from torture. The police also suggested that the Constitution and other human rights documents be translated into various local languages.



Special Police Constables from Kampala-Extra region participating in a human rights sensitisation workshop at Nsambya, organised and facilitated by UHRC and the Uganda Police Force



A cross-section of UHRC staff and Uganda Police Force, at the Kampala-Extra region, facilitating at a human rights sensitisation workshop. R-L: Mrs. Dorah Kabuye- Director Education Research and Training, UHRC, Assistant Superintendent of Police, Simeo Nsubuga, Commissioner JM Waliggo, UHRC, Ms. Elizabeth Ndyabagye, UHRC and Ms. Carol Nalule, UHRC

1.1.4 Human Rights Education for Primary and Secondary Schools

The Commission organized several workshops for secondary school students on the theme 'The role of secondary school students in promoting and protecting human rights in schools' in Rock High School, Tororo High School and Moroto High School.

Schools were targeted due to the rampant strikes and fires that had been reported around the country. The education campaigns were also aimed at dispelling the myth that students are indulging in such acts (strikes and starting fires) because of the 'freedom' ushered in by education on and campaigns to protect human rights.

The Human Rights Readers for Primary Schools

Since 1998, the Commission has been trying to develop a human rights curriculum for primary schools. Efforts have been made with the Ministry of Education and Sports and the National Curriculum Development Centre. Unfortunately, the efforts have not yet been successful. In the interim, the Commission has developed Human Rights Readers for Primary Schools.

Human Rights readers are simple booklets on selected human rights issues for children. By the end of the reporting period, four readers (Book 1- 4) out of seven had been developed and shared with selected primary school teachers for P1, 2, 3, and 4 from sample districts (Mbarara, Hoima, Masaka, Rukungiri, Kabale, Luwero, Kabarole, Wakiso, Mukono, Kasese, Kampala, Jinja). This was done in a one-day workshop at Tal Cottages, Rubaga on 12 January 2006. The workshop generated useful comments and suggestions that have been used to improve the “draft readers”. The four readers are now ready for printing.

In view of the paramount need for the human rights readers in primary schools, it would be ideal if all classes in all primary schools in Uganda were covered. However, the Commission does not have the requisite resources to cater for this. The best way would be to include human rights in the primary school curriculum; and this is a strategy that will further be pursued with the Ministry of Education and Sports.

1.1.5 Human Rights Education for Local Councils (LCs)

The Commission conducted workshops for Local Councils with the objective of sensitising them on their role in protecting and promoting human rights in their respective areas. They were conducted in Bundibugyo, Kyenjojo, Kasese, Masindi, Busia, and Rakai.

The objectives of the workshops included: sensitizing local leaders on human rights issues; training LC officials on their responsibilities in observance, protection and promotion of human rights; educating LC officials on their civic duties as citizens of Uganda; enlightening the participants on the functions and activities of the Commission and the procedures it follows; training the participants on their judicial roles and procedures. It was recommended at the end of the workshop that more such sensitization workshops be held at all grassroots levels.

1.1.6 Human Rights Education for Youth leaders

Workshops for youth leaders were organised in Katakwi, Kaberamaido and Soroti. The workshop objectives included: explaining the concept, origin development and characteristics of human rights; describing the establishment, powers, function and activities of Commission; explaining the concept of torture, cruel, inhuman and or degrading treatment or punishment and the need to protect human beings from such treatment; explaining and enlightening the other youth and the community on the rights and duties of a citizen; explaining to the youth and through them to the communities on the aspects of the right to education and why education is the key to enlightenment; transforming the community as partners and vanguards in the campaign for human rights, the rule of the law and constitutionalism through the multiplier effect of the workshop.

It was evident from these workshops that the youth wanted the Karimojong to be disarmed immediately due to the human rights violation the latter had caused. They also expressed dissatisfaction with the LC court system. It was further suggested that human rights committees be formed in the respective villages to take stock of the various human rights violations.

1.1.7 Popularizing international human rights treaties

The Commission has participated in popularizing international and regional human rights treaties. It has also played a role in urging GoU to ratify some of the international treaties. For instance, on 29 April 2005, the Commission convened a workshop to not only popularize the Covenant Against Torture and Other Cruel, Inhuman or Degrading Treatment (1984) but also urge GoU to ratify the Optional Protocol to the Covenant. The OPCAT, among other things, puts in place an *ad hoc* system of inspections on both gazetted and non-gazetted places of detention. It is

hoped that GoU will ratify the Optional Protocol sooner rather than later.

After the United Nations Human Rights Committee on Torture submitted its concluding observations and recommendations on the rights of the child in Uganda to GoU, the UHRC together with the Ministry of Gender, Labour and Social Development, Child Rights NGO Network and the United Nations Children's Fund had several discussions to develop strategies on how the recommendations in the report could be implemented. The meeting also had to adopt a strategy on how to disseminate the report. For instance, it was agreed that the UN report be appended to this report (refer to Appendix A).

1.1.8 Human Rights education by United Nations Volunteers (UNV)

The United Nations Volunteers (UNV) is one of the credible partners of the Uganda Human Rights Commission and the Government of Uganda in the area of human rights, particularly, the promotion and protection of human rights in hard to reach communities and the most vulnerable. Its project, titled, 'The UNV Support to the Promotion of Human Rights in Uganda Project' is working with the Commission in six districts (Bundibugyo, Gulu, Kabarole, Kasese, Mbale and Soroti) of Uganda in which it is increasing human rights awareness and community voluntary action among local communities of the (post) conflict areas of the Western, Eastern and Northern regions of Uganda. The project is also improving the outreach capacities of national institutions such as the Uganda Human Rights Commission, the Uganda Amnesty Commission and the Ministry of Local Government (MoLG) as well as to provide the linkage between UNDP policy dialogue and concrete human rights initiatives at the community level.



*UNVs meeting members of a Local Court in Bubukwanga Sub-County situated in Bundibugyo District of Uganda
© UNV Support to the Promotion of Human Rights in Uganda Project*



*A Community Human Rights training taking place in Bumwambu Sub-County situated in Mbale District
© UNV Support to the Promotion of Human Rights in Uganda Project*

As part of the implementation of its objectives, the Project is engaged in the training of the Village and Parish level, Local Council Courts (LC I and LCII) on the local administration of justice in line with Uganda's Local Council Courts Act, 2006 and the principles of natural justice. In Uganda, the community based LCI and LCII Courts have executive and judicial powers that enable them to preside over civil matters and pass judgements that are binding in law. The local courts are trained to apply the rules of natural justice, human rights, ethical conduct and gender sensitivity. The courts are strongly urged to respect quorum, jurisdiction, avoid conflict of interest among others.

To date the Project has trained more than 1294 court members in the said six districts of Uganda.

Further to interventions targeted at the local council courts, the Project assists the Uganda Human Rights Commission to carry out Human Rights Education (HRE) with view to facilitate the changing of attitudes and behaviour, learning new skills and promoting the exchange of knowledge and information. HRE is targeted at the general population, community leaders, Internally Displaced Persons, students and teachers, local CBOs/NGOs and reporters (ex-insurgents).

In 2005, 48 sensitization programmes were carried out either by direct implementation or through networking; over 10 schools (primary and secondary) were reached. The objective during these sensitization campaigns was to promote awareness of human rights among displaced people, peace promoters, school-going children, teachers, youth leaders, councillors, people living with HIV/AIDS and community leaders.

Apart from the trainings highlighted above, the Project is also engaged in lobbying and advocacy activities at national, district and local levels. It has successfully lobbied communities in the six districts to establish Human Rights Voluntary Action Groups (VAGs). Presently, the Project has facilitated the establishment and training of 20 VAGs. The VAGs received training that enables them to promote and protect human rights at community level. The Uganda Human Rights Commission values the work of the VAGs since they are helping it to inculcate the spirit of human rights awareness and observance at community level. Further to the VAGs, the Project is establishing Human Rights and Peace Clubs in primary and secondary schools. By the time of this update, the Project had established 14 Clubs in schools. As part of efforts to facilitate the operationalisation of the Rights Based Approach to Development (RBAD), the project is working with Ministry of Local Government through District Local Governments to establish District Human Rights Desks (DHRD). The Desks are established and trained

to mainstream human rights in the work of local governments, give human rights and law related advice to local government policy makers and staff, training local council courts, investigating and documenting human rights violations among others. The work of the Desks will go a long way in helping the Uganda Human Rights Commission, in view of its limited capacity to execute its constitutional mandate. To date Kabarole and Bundibugyo district governments have passed resolutions to establish the Desks whilst other districts such as Gulu, Kasese, Mbale and Soroti districts are at advanced stages in doing the same.

Plans are underway to introduce the Commission to all the structures trained by the project so that it could upload them in its future plans when the project closes. The Commission holds the opinion that the structures trained by the project are very helpful to the Commission since they are already promoting and protecting human rights at community level. The Commission shall continue to monitor and empower them.

1.1.9 Human Rights awareness strategy

Since 1997, the Commission has been involved in several awareness-raising campaigns. These campaigns have targeted several groups including the UPF, UPDF, Prisons, political and civic leaders, NGOs, community leaders and members of various professional bodies. In order to assess the impact of the past initiatives and improve the Commission's delivery of human rights and civic education, the Commission conducted a two-day workshop (13 – 14 October 2005) to review past initiatives in order to inform the process of developing a more effective strategy. The workshop attracted 50 participants who were drawn from civil society organizations, security agencies, constitutional bodies, government departments, faith-based organizations, academia and the media. At the time of writing this report, the strategy had not been finalized. We are confident that the next running period will see its completion.

1.1.9.1 National Dialogue October 2005

During 2005 the Commission held a **national dialogue** from 5 - 6 October 2005 at Hotel Africana in Kampala. The dialogue on the theme: **‘The Uganda we want based on the common good of all the people of Uganda’** was attended by 150 participants. Participants agreed that mature debate and tolerance of divergent views be encouraged in the transition to Multiparty Politics.



Some of the participants at the National Dialogue to commemorate 10 years of the 1995 Constitution. At the centre is Commissioner Fauzat M. Wangadya, UHRC.

This workshop attracted religious groups, constitutional bodies, civil society, the media, academia, private sector, security agencies, vulnerable groups, political parties and organizations. At the end of the dialogue it was agreed that the principles of good governance, human rights, unity, equality of men and women, justice, trustworthiness and moral leadership be upheld.

1.1.9.2 Human Rights publications

One of the ways in which the Commission disseminates human rights information is through *Your Rights Magazine*. For every issue, 4000 copies of the magazine are produced. In 2005, five issues of *Your Rights* magazine were produced, covering the following major themes: HIV/AIDS and human rights; Economic, Social and Cultural Rights; poverty and human rights; domestic violence and the Domestic Relations Bill (DRB); freedom of expression; freedom from torture, cruel, inhuman and degrading treatment

or punishment; the right to vote; children's rights; prisoners' rights; constitutionalism; human rights education and peace and human rights.

1.1.9.3 The Library and Documentation Centre (LDC)

The Library and Documentation Centre is the information unit of the Commission, which is charged with making human rights-related information available to the public.

Functions of LDC:

- Provide a core collection of reference materials generally on human rights-related subjects in both book and non-book forms that is relevant to users.
- Provide information on human rights norms, instruments and mechanisms for preventing violations and creating a system for the dissemination of such information.

During 2005, the LDC received a total of 460 textbooks and 80 journals. Some of the titles received include: B.G. Ramcharan, *Judicial Protection of Economic, Social and Cultural Rights*; Peter Bartlett and Ralph Sandland, *Mental Health; Law Policy and Practice*; Stanley S. Herp, *The human rights of persons with intellectual disabilities*; Rhona K.M Smith, *Textbook on international Human rights*; *Lexicon International Human Rights*; Stefan Trechsel, *Human Rights in Criminal Proceedings*; Lukas H Meyer, *Rights Culture and the Law*; UN OCHA, *Guiding Principles on Internal Displacement*; UNESCO, *World Directory of human rights research institutions*; Asbjorn Eide, *Economic, Social and Cultural Rights; A text*, etc.

During this period, 1,123 people utilized the services of the Library and Documentation Centre in the following categories: 752 (students), 107 (lawyers), 87 (journalists), 177 (other professions).

Regional Libraries

During the period under review, a deliberate effort was made to equip regional libraries with basic reference materials. Therefore, each of the six Regional Libraries received a set of the *Laws of Uganda*, revised Edition, 2000 and a set of *Compilation of International and Regional Human Rights Instruments* and a few UN human rights publications. In addition, more human rights textbooks were bought for the regional libraries as follows: Mbarara (30), Moroto (22), Jinja (25), Gulu (11), and Soroti (12).

Website (www.uhrc.org)

The website contains information about the Commission, its activities and its different publications (Periodic and Annual Reports, Inspection reports, cause lists, *Your Rights* magazine, tribunal decisions, position papers). Between December 2005 and March 2006, the Commission's website was inaccessible to several users due to the delays in updating with the service providers. However, this has since been solved and the website is now accessible.

Updates /Maintenance:

- A feedback section was created to capture views and comments from the public about the website and/or the Commission. Such information is directed to the Public Relations Office for further action and also helps the Commission improve.
- Modifications were made on the publications section to allow easy navigation of the website and easy accessibility of the publications posted.

1.2 National Civic Education Programme (NCEP)

In the 6th Annual Report, the Commission reported that a National Framework for a coordinated Civic Education Delivery had been formulated. This was with the objective of promoting citizen's participation

in the constitutional and democratic processes in the period leading to the general elections in 2006. Though the programme was designed to commence in 2004, it never did due to what the donors perceived as a heavy management structure that needed review. However it was rejuvenated later; managed by a Programme Management Committee chaired by the Uganda Human Rights Commission. Other members included one representative of the donor community, one representative from the civil society, one other member from the Uganda Human Rights Commission and a technical team.

In order to execute its work effectively and efficiently, the new programme developed two strategies of implementation, i.e. through the media and community-based civic education. For the civic education, two civic education manuals were developed i.e. a facilitator's manual and a resource-book. The former was to guide facilitators on how to carry out civic education. It was designed for trainers. The resource-book focused on the themes such as: democracy and good governance; multiparty democracy and elections; the constitution; human rights and the rule of law; conflict management; and, peace building. The themes in the resource-book were selected to reflect pertinent issues that were part of the political transition.

1.2.1 Implementation of NCEP by Civil Society Organizations

There were five implementing partners from the civil society organizations, namely: Uganda Project Implementation and Management Centre (UPIMAC), International Federation for Women Lawyers (FIDA), National Association of Women Organizations in Uganda (NAWOU), Uganda Joint Christian Council (UJCC) and MS Uganda. These CSOs carried out civic education in 40 districts as shown in Table 1.1 below.

Civic education was meant to benefit all people in

Table 1.1
Organizations that carried out civic education and the districts covered

No	Organization	Districts covered	No of pple
1.	UPIMAC	Kayunga, Nakasongola, Luwero, Mpigi, Mubende, Bundibugyo, Kabarole, Masindi, Kamwenge, Kyenjojo	89,556
2.	FIDA	Mbale, Tororo, Mbarara, Nebbi	149,076
3.	NAWOU	Pallisa, Soroti, Sironko, Katakwi, Mukono, Wakiso	89,693
4.	UJCC	Kitgum, Gulu, Moroto, Lira, Iganga, Jinja, Kamuli, Kapchorwa, Ssembabule, Kalangala, Masaka, Bushenyi, Kabale, Ntungamo, Rukungiri	213,400
5.	MS UGANDA	Apac, Arua, Adjumani, Moyo, Yumbe	201,383
	TOTAL		743,108

the chosen districts, but this was neither possible nor effective. Though, as indicated in Table 1, several districts had been targeted, the total number of beneficiaries was much less. In some instances, like Teso region, the Commission observed that the contracts had been further sub-contracted a number of times which inevitably affected the quality of the programme and its delivery as well. There were no benchmarks set during the sub-contracting process making the monitoring process difficult. The shortcomings were also related to the programme design, which emphasized the autonomy of the civil society organizations in their operations without much supervision; yet some had capacity- related problems.

1.2.2 Civic education for the Referendum and the General Elections

During the referendum and the subsequent elections, there was public concern about the insufficiency of civic education. The blame was partially apportioned to the UHRC because of its human rights education mandate. However, the following should be clarified: during the referendum and any other election, voter education is required which is within the mandate of the Uganda Electoral Commission to provide. Secondly, though the Commission carried out some civic education, it had several weaknesses as will be further explained below. Thirdly, civic education should be a continuous exercise whether or not there are impending elections.

1.2.3 Civic education through radio for the Referendum and General Elections

Prior to the July 2005 referendum on change of political systems, the NCEP provided a one-month radio civic education programme through Uganda Media Women Association (UMWA). This ended prematurely due to the concerns raised by the Uganda Electoral Commission (EC) on the contradictory nature of messages aired out. For instance, much as the EC had stopped emphasizing the centrality of voters cards during the referendum, UMWA's messages were placing emphasis on the possession of the voters cards. The above notwithstanding, though the referendum had been anticipated from as early as 2000, the one-month civic education in preparation for the July 2005 referendum was not sufficient and came quite late due to a re-structuring process within the programme. The NCEP was perceived quite early and if it had commenced its work as early as 2002, the programme would have had a reasonably better impact. However, the NCEP commenced when the referendum was due only in a couple of months. Consequently, it was implemented in a hurried manner and to a limited number of people.

From November 2005 to 19 February 2006, SEMAT Production was contracted to air out key messages in preparation for the 23 February 2006 Presidential and Parliamentary elections. SEMAT developed three sets of messages, which were translated into ten local

languages and aired on 16 radio stations distributed over the four regions of the country as shown in Table 1. 2 below.

Further, several messages were also relayed through free airtime on a number of radio stations. Members and staff of the Uganda Human Rights Commission

Table 1. 2 The distribution of radio stations that participated in airing the key messages

No.	Radio Station	Region covered	Language
1	Capital Fm	Central and part of Eastern	English
2.	Radio One	„	English
3.	Super FM	„	Luganda
4.	CBS	Central and part of Eastern	„
5.	Radio Veritas	North East	Ateso
6.	NBS	Eastern	Lusoga
7.	Open Gate	„	Lumasaba
8.	Voice of Teso	North Eastern	Ateso
9.	Karamoja FM	„	Karamojong
10.	Arua One	North Western	Lugbara/Swahili
11.	Radio Paidha	„	Alur
12.	Mega FM	Northern	Luo/Swahili
13.	Lira FM	„	Luo
14.	Radio West	Western	RR1
15.	Radio Hoima	Western	RR2
16.	Voice of Toro	Western	RR2

were invited to answer a variety of questions from the listening public. They emphasized issues of tolerance, unity in diversity, peaceful resolution of conflict and

use of courts of law to settle disputes. Table 1.3 below summarizes the talk show programmes.

Table 1. 3 The various radio stations that hosted UHRC staff

No.	Radio Station	Language	No of talk shows
1.	Capital Fm	English	2
2.	KFM	„	7
3.	Radio One	„	1
4.	Super FM	Luganda	2
5.	CBS	„	2
6.	Radio Veritas	Ateso	8
7.	NBS	Lusoga	8
8.	Open Gate	Lumasaba/ Luganda	8
9.	Voice of Teso	Ateso	9
10.	Radio Paidha	Alur	2
11.	Lira FM	Luo	8
12.	Mega FM	Luo/Swahili	8
13.	Radio West	RR1	1
14.	Radio Hoima	RR2	6
15.	Western Broadcasting Service	RR1	6
16.	Karamoja FM	Karamojong/Swahili	8
17.	Arua One	Lugbara/Swahili	8
	Total No. of talk shows		94

1.2.4 Civic education through road shows for the Referendum and General Elections

SEMAT Production assembled teams of young actors/actresses who with the use of loud speakers and a band travelled in groups to the west, north, east and central regions of Uganda targeting at least 32 districts. These road shows carried a variety of messages related to the elections that were forthcoming. These road shows were supplementing the messages that were already running on the radios. Table 1.4 below shows the approximate number of people reached through the road shows.

Table 1.4 Districts and approximate number of people reached through road shows

District	Approximate no. of pple	District	Approximate no. of pple
Mpigi	1500	Nebbi	1400
Masaka	1200	Pakwach	1200
Kabale	1000	Gulu	1000
Mbarara	800	Apach	3000
Fort Portal	1900	Lira	1200
Hoima	2000	Soroti	4000
Masindi	2000	Entebbe	400
Nakasongola	600	Mukono	900
Moyo	2000	Nakawa	400
Adjumani	890	Wakiso	950
Arua	1000	Kawempe	600
Paidha	1500	Luwero	1500
Iganga	1000	Mityana	800
Bugiri	1200	Natete	700
Busia	6000	Jinja	800
Tororo	5000	Mbale	5000
Subtotal	29,590	Subtotal	23,850
Grand Total			53,440

1.2.5 Challenges to the NCEP

Much as the NCEP made several achievements, it had several challenges as shown below:

(a) Limited time frame to implement programmes: Civic education should ideally be a continuous process. However, when the idea of civic education was conceived under the NCEP, it abruptly

came to an end because of what the development partners perceived to be a heavy structure and was only rejuvenated towards the referendum of 28 July 2005 and the February 2006 general elections. There was hence limited time to formulate and implement the proposed activities. As a result of this, the programme could have had a limited impact on the targeted population. The most significant aspect worth noting, however, is that for the first time, there was a coordinated civic education delivery and it has set a beginning point for a fully-fledged, continuous civic education programme in Uganda. If it is not interrupted again, the population would be better sensitized in the coming years.

(b) Internal weaknesses and poor monitoring of the implementing partners: When the programme was being formulated, performance indicators should have been established to determine the performance of the different actors. This was not done. It was later established that several of the contracted organizations sub-contracted other organizations, which in turn too sub-contracted other organizations. It hence was difficult to monitor the sub-contracted organizations, as they were not known to the Programme Management Committee and the Technical Assistance Team. In addition, some of the sub-contracted civil society organizations did not have the capacity to carry out effective civic education. There was hence need to first build their capacity to deliver. This weakness in the programme will have to be dealt with so as to ensure its efficiency and effectiveness.

(c) Technical exclusion of the UHRC: Though the Commission chaired the NCEP, it was excluded from the process of formulating and implementing the programme, leaving it entirely to Civil Society Organizations. This technical exclusion was in two areas, namely, human and financial resources. Before restructuring the programme, the Commission was to receive 10% of the 1 million dollars earmarked for civic education for security agencies, which it never received. It is important to note that the Commission

has the constitutional mandate to offer human rights education countrywide. Further, it has a fully-fledged directorate of research, training and education, six regional offices (Jinja, Soroti, Moroto, Gulu, Fort Portal and Mbarara), and Civil Military Cooperation Centres (Kumi, Soroti, Moroto, Kotido, Pader, Kitgum, Lira and Gulu). Besides, delivery of civic education was one of the planned activities to be directly undertaken by the Commission through its well-laid structures. The structures would have easily been used to extend civic education to all Ugandans more effectively and efficiently. Further, it was observed that some civil societies were partisan during the process.

1.3 Conclusion

Though the Commission has attempted to promote human rights awareness throughout the country, such efforts still need to be sustained by way of continued awareness raising campaigns by all stakeholders whether in government or outside. Such a campaign would, ideally, contribute to the promotion and protection of human rights as envisaged by the Constitution.

Table 1. 5 Summary of awareness workshops conducted in 2005

Date	Target institution	Theme	Venue	No. of participants
21-24 March 2005	Special Police Constables of the Uganda Police Force from Sironko and Kapchorwa districts	Enhancing Human Rights in Law enforcement	Kampala	241
21-23 September 2005			Kapchorwa	69
1-2 December 2005			Homeland Inn Mpigi	100
24 April 2005	Uganda Peoples Defense Forces	Training Trainers on human rights	Mbale	50
10-11, 13-14 June 2005	Rock High School, Tororo High School and Moroto High School students	Overview on human rights and awareness creation and discipline for academic excellence	Tororo, Moroto	363
25-26 May; 2,3,15,16,20,21 June; 29-31 August 2005	Bundibugyo, Kyenjojo, Kasese, Masindi, Rakai Local Councils	Sensitizing Local Leaders on human rights	Respective districts	389
23- 24 June 2005	Adjumani LC III and LC V	Promoting and Protecting Human rights; the responsibility of duty bearers	Adjumani	60
17-18 May; 7-8 June; 21-22 June 2005	Youth Leaders (Katakwi, Kaberamaido, Soroti)	Explaining and enlightening the youth on the concept of human rights	Katakwi Community Hall, Lukiiko hall and UHRC Soroti Regional Office	136 – Katakwi 100 – Soroti 100 - Kaberamaido
12 – 13 September 2005	Local Council Leaders	Sensitizing Local Leaders on human rights	Hoima	78
9 -10 November 2005	Local Council Leaders	Sensitizing Local Leaders on human rights	Kabarole	82

22 -23 November 2005	Local Council Leaders	Sensitizing Local Leaders on human rights	Masindi	69
15-16 September 2005	Local council leaders	Role of the local council leaders in the promotion and protection of human rights	Busia	100
11-12 May 2005, and 17 - 19 May 2005	Special police constables, L.A police, LDUs	Sensitization on Human rights and their role in the protection and promotion.	Kamuli and Kayunga Districts respectively	200
13-14 November 2005	SPCs, Local Administration Police	Human rights and the police	Mukono	100
16 and 17 December 2005	Local Council III and IV	Promoting and Protecting Human rights; The responsibility of duty bearers	Pader	80
21 – 22 December 2005	Special Police Constables	Sensitization on human rights	St. Andrews C.O.U Community Centre, Mbale	77

(Endnotes)

¹ Refer to Table 1.5 for a detailed report on the workshops conducted during the reporting period.

CHAPTER 2

INSPECTIONS, INVESTIGATIONS AND RESOLUTION OF COMPLAINTS

2.0 Introduction

In 2005, the Commission continued to inspect places of detention, and received, registered and investigated complaints. It also resolved these complaints through Mediations and the Commission's Tribunal. This is in line with the Commission's constitutional mandate, under Articles 52 and 53 of the Constitution of Uganda, 1995. This mandate, which is further spelt out in the Commission's corporate plan is operationalised under strategic objectives 7.2.1.1 and 7.2.1.2, which are "to receive, investigate and resolve complaints in a timely and fair manner and to initiate targeted investigations to resolve human rights violations". This chapter is divided in three sections, which include: Inspections, Investigations of complaints received and handled;

Resolution of complaints; and an analysis of findings made by the Commission.

Section I

2.1 Inspections

The Commission has a constitutional mandate¹ to visit jails, prisons and related facilities with a view to assessing the conditions of the inmates and making recommendations to the relevant organs of government.

The Commission inspected 291 places of detention², which included Prisons (Central Government and Local Administration Prisons), Police Stations/police posts, and Local Administration Police Posts as indicated in Table 2.1 below.

Table 2.1 Number of places of detention inspected by the Commission

Region	Local Administration Prisons	Central Government Prisons	Police Stations/ Posts	Local Administration Police Posts	Total
Head quarters	58	07	31	01	97
Gulu	03	03	06	-	12
Soroti	07	03	21	-	31
Mbarara	04	02	20	15	41
Fort Portal	12	02	29	-	43
Jinja	19	07	20	-	46
Moroto	-	03	01	17	21
Total	103	27	128	33	291

2.1.0 General observations on Inspections

The Commission observed that the general conditions in Local Administration Prisons (LAPs) continue to be appalling. A number of inadequacies continue to be recorded in both the Police cells and the Prison wards. As previously reported, the Local Administration Prisons are often in a worse state compared to the Central Government Prisons. This is aggravated by the fact that Local Administration Prisons are the

responsibility of Local Governments and not the Central Government. Authorities have blamed the continued appalling situation to lack of logistical and financial support from Government to run the facilities. Furthermore, the failure to pass the Prisons Bill into law, which would have brought the LAPs into mainstream Central Government Prisons, continued to aggravate the conditions of LAPs. The Bill, which, was laid before Parliament in 2003, was only passed in April 2006 and consequently no operational measures

had been put in place to improve the situation at the time of going to print apart from appointing a Commissioner in charge of Local Government Prisons, Mr. David Ahimbisibwe.

2.1.1 Findings in Local Administration Prisons

The Commission visited 103 LAPs across the country as indicated in Table 2.1 above. The following are the Commission's findings:

(a) Detention of Juveniles in Adult prisons: The Commission observed that detention of juveniles in Adult prison facilities continues to exist contrary to the Convention on the Rights of the Child, Article 37 (c), which states in part, that *every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and the child shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.*

This is further supplemented by the Standard Minimum Rules for the Treatment of prisoners adopted by the United Nations (of which Uganda is a Member State) and section 89(8) of the Children's Act which stipulates *that juveniles should be kept in separate institutions from those in which adults are held.* Additionally, United Nations Standard Minimum Rules for the Administration of Juvenile Justice, *Rule 13: (4) provides that Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.* Notably, children should be detained in separate juvenile facilities i.e. Remand Homes.

The Children's Act (Cap 59) Part X lays down the procedural laws on how children in conflict with the law should be handled. Section 91(5) of the Children's Act specifically states that a child shall not be remanded beyond six months for an offence punishable by death and three months for any other offence. This law was

enacted to conform to the internationally recognized standards of treatment of children as laid down in Articles 37, 38, 39 and 40 of the Convention on the Rights of Children (CRC), 1989. However in reality, the law is not followed.

During the inspection of detention facilities, the Commission found a number of children detained with adults pending trial. It was established that some children had been on remand for more than two years and others served with illegal sentences. For instance, the cases of children at Nyabuhikye local administration prison in Ibanda District explain the gravity of the problem. At this adult detention facility, the Commission found that, **Twesigye Elias**, was 14 years at the time he allegedly defiled a girl in October 2003 (in 2005 he was 16 years). Since his committal in October 2003, he has never appeared before court to defend his case. **Bishangwa Kasisi** was 14 years at the time he was charged with murder in June 2003 (in 2005 he was 16 years). He has never appeared before court since his committal. **Sekyanzi Paulo** now 18 years was charged with defilement and was committed in July 2003 and since then he has never appeared before court. **Tumwine Joram**, 17 years, was charged with murder and has been on remand since January 2004. **Byabakama Livingstone**, 17 years, had been on remand for four months for alleged theft, while **Mugume Robert**, 16 years, is serving a 10-month sentence for stealing a chicken. At the time the Commission visited the detention facility, he appeared emaciated. His scar from an old hernia operation had opened up (allegedly due to over-working) and was septic. He had never received medical attention despite his worrying condition. According to section 91(1) of the Children's Act, children who are denied bail, should be sent to the nearest remand home. However, in Uganda, there are only four overcrowded, dilapidated and poorly funded remand homes located in: Mbale, Naguru, Fort Portal and Kabale, and one National Rehabilitation Centre at Kampiringisa.

Detention of juveniles in adult prisons was also found at Nyakagyeme Local Administration Prison in Rukungiri District. The prison officers had no knowledge as to when the children's cases would be heard, arguing that they had no say in the fixing of cases which is primarily done by the Judiciary in collaboration with the Director of Public Prosecutions.

At the circuit High Court sessions there is no guarantee that cases of child offenders will be heard at the next session. The Commission notes that although the Family and Children's Courts are mandated to handle juvenile offenders, they are however only operational in urban areas, particularly Kampala, leaving the bigger percentage of child offenders to be dealt with by the ordinary courts which may not necessarily give particular consideration of their status as children while deciding on the order of cases to be heard. Notably, detention of juveniles in adult prisons has a hampering effect on the juvenile's development and stigmatisation is likely to occur.

(b) Infrastructure: This includes the physical appearance both on the inside and the outside of the prisons. During the reporting period, the Commission noted that the majority of the Local Administration Prisons visited had no beddings at all. Some prisons had beddings in form of papyrus mats, while some prisoners were allowed to use their own beddings. This was exhibited at; Butoolo (Mpigi district), Mityana, Kayonza, Kangulumira (Kayunga district), Matete (Sembabule district) and Lukaya (Masaka district) Local Administration Prisons all found in the Central region.

The Commission commends Kasese, Bwera, Mambugu and Kyabisenge Local Administration (Kibaale District), which are newly built and are fit for human habitation. Churches and a few NGOs have provided blankets to the inmates. During the Commission's visit to Mpigi Local Administration Prison, it learned that the facility received 29 one-inch mattresses from a Christian NGO known as the Uganda Christian Outreach Ministries (*Yesu Akwagala*).

(c) Congestion: In Ndorwa LAP, there was congestion, as the total number of inmates was 289 as opposed to its capacity of 144. Congestion in LAPs was also revealed in Ikulwe (Mayuge District), Bugembe (Jinja district), Masafu (Busia), Ngogwe, Kisoko and Kibuku LAPs.

The conditions in LAPs remain horrendous. However, prison authorities informed the Commission that under-facilitation to maintain detention facilities has contributed to the poor state of the LAPs. This may hinder the smooth operation of the institutions and also lead to the failure of LAPs to meet minimum standards set out in both national and international instruments, particularly, the Standard Minimum Rules for the Treatment of prisoners.

(d) Medical Care: The Commission noted that all the Local Government Prisons did not have independent health facilities for inmates. The latter had to meet their expenses at nearby community health centres or private clinics, which were also short of drugs. Generally, there was lack of adequate medical care and patients faced the risk of losing their lives due to inadequate health care. This was the case in Kisoko LAP, Bukedea (Kumi district) and Bubulo (Manafwa District). Medical facilities were not in easy reach for inmates of Mambugu (Kibaale district), Kyabisenge (Kibaale district), Bubukwanga (Bundibugyo district), LAPs.

e) Water, Sanitation and Hygiene: The Commission noted that the Standard Minimum Rules for the Treatment of Prisoners, Rules 9–21: particularly Rule 12, which requires that sanitary arrangements be made adequate to enable every prisoner to comply with the needs of nature when necessary in a clean and decent manner was not respected.

This was established in Bukedea, Amuria, Kapchowa, Butoolo (Mpigi), Ndorwa, Mityana, Kayonza, Kangulumira (Kayunga district), Matete (Sembabule district) and Lukaya (Masaka) Local Administration Prisons experienced some of the worst unhygienic

environments. The Commission noted that there were no proper sanitation facilities and water sources. At the same time, lice and skin diseases torment the inmates in the cells/wards. Most local administration prisons cannot afford disinfectants and pesticides to rid them of these microbes and pests. At Ntengeru Local Administration Prison in Mukono district, it was noted that there was a great degree of suffering caused by lice in the wards, and almost all inmates suffered from skin rash all over their bodies as a result of irritation and scratching due to lice infestation. However, on a positive note, female inmates in Katakwi, Kumi and Manafwa experienced better living conditions, with proper sanitation facilities and water sources. It was established that in some LAPs, Women's necessities were not catered for, particularly at Nakifuma Local Administration Prison, where female inmates complained of lack of sanitary towels. They also raised concerns over the one piece of soap given per week to share amongst two people, which was inadequate in such situations.



Celestine Alou, the Investigations Officer, Soroti Regional Office (left), being shown by the Officer in Charge, Mr. Augustine Karenget a latrine used by inmates in Kapchorwa Local Administration Prison.



A bathing shelter and collapsed pit latrine at the staff quarters in Bukedea Local Administration Prison.

(e) Transport and Communication: Prisons continued to experience limited transport and communication facilities. For instance, in Amolater LAP, Erute LAP, Dokolo LAP, and Aroca Prison Farm, where prisoners have to move long distances, even where they are ill.

(f) Inadequate food rations: The prisons are operated on a self-reliance basis. What makes matters worse, Local Government does not contribute towards the upkeep of the inmates, and hence LAPs are required to fend for themselves. It is upon the Officer-in-charge to search for food, and requirements of the inmates.

The inmates complained of poor diets, irregular meals and insufficient portions. In addition amongst all the places of detention inspected, the Commission established that the food provided, does not meet the dietary needs of the inmates – for purposes of physical and mental growth, development, maintenance and physical activity as required by Article 11 of the International Covenant on Economic, Social and Cultural rights. Particular mention is made for the situation in Katakwi Local Government Prison, Bukedea (Kumi district), Ngora (Kumi district), Amuria (Amuria district), Kabasanda (Mpigi district), Kapchorwa, Serere (Soroti), Aroca Prison farm, Kayonza and Kangulumira (Kayunga district) and Bubulo in the newly created Manafwa district. In Katakwi, the Commission established that over 50

inmates had spent three days without food, and were only surviving on one mug of tiny fish locally known as *omena* or *mukenne*.

(g) Long working hours: Prisoners continued to work for long hours. This was the case in Aroca Prison farm and Dokolo LAP in Lira District. Like was the case in 2004, prisoners continued to be over-worked as they were required to till the gardens from 7:00 a.m. to 6:30 p.m. on a daily basis without breaks. For example, at Kabasanda Local Administration Prison, the prisoners complained that they worked in the fields from 7:00 a.m. to 6:00 p.m. without breaks. In Matete (Sembabule district) Local Administration Prison, the prisoners maintained that they worked in the fields from 7:00 a.m. to 12:00 p.m. and resumed work from 2:00 p.m. till 5:00 p.m. In Wabusana Local Prison in Luwero district, a group of inmates on hired hard labour reportedly worked from 7.00 a.m. - 7.00 p.m. including Sundays.

(h) Prisoners on Remand: It is unlawful to require remand prisoners to work. *Section 45(1) of the Prisons Act Cap 304* stipulates that civil and unconvicted criminal prisoners are only required to keep their cells, precincts of cells, furniture, clothing and utensils clean. Other employment may be given to them at their own request. Rule 89 of *The United Nations Standard Minimum Rules for the treatment of Prisoners* states that, an untried prisoner shall always be offered opportunity to work, but shall not be required to work. This means that when such prisoners work, they should be paid for their labour. However, the Commission found that despite its call on the Uganda Prisons Service, inmates on remand continued to work mandatorily in order to raise money for LAPs. It was common knowledge that all prisoners whether on remand or convicted are subjected to hired hard labour and in return the money received is used to cater for requirements of the prisons.

(i) Lack of uniforms for prisoners: In most Local Administration Prisons, prisoners are clad in ragged

clothes, because of lack of uniforms or clothes. This was seen in Ikulwe LAP in Mayuge District, Kaiti in Iganga District, Masafu in Busia, Kisoko, Kibuku, Rukooki and Buyinja LAPs. The Prison staff are often found in civilian clothes which makes it difficult to distinguish between the inmates and the staff, except by the fact that the prisoners are usually dressed in ragged clothes.

(j) Lack of guns and handcuffs: The Commission established that there are LAPs that lack guns and handcuffs. There are cases of LAPs that are forced to borrow guns from nearby police posts. For instance Ntusi Local Administration Prison did not have a single gun to guard the inmates. At Busaana Local Administration prison, there was only one gun, which had a mechanical fault and was therefore not in use. There were no handcuffs and the prison officials had to resort to ropes for use when escorting inmates to court.

(k) Torture in Local Administration Prisons: The Commission noted that while in previous Annual Reports it had recorded complaints of torture of prisoners by LAP officials, this practice was on the decrease. However, there were isolated cases recorded in Ilukwe LAP (Mayuge District), Bugembe LAP (Jinja), Bubukwanga (Bundibugyo district), Hoima LAP, Nyabuhikye LAP and Kiboga LAP where prison officials are in the practice of torturing and ill-treating inmates.

(l) Welfare of the Prison Staff: The Commission noted that the welfare and working conditions of prison staff continued to fall below adequate standards. In most of the Local Administration Prisons, the staff lived in deplorable conditions and in temporary housing and lacked uniforms, and as such they were not motivated. Staff lacked decent accommodation and sanitation facilities. This was exhibited at Bukedea and Ngora LAPs (Kumi district), Rukooki, Bwera (Kasese district), Mambugu and Kyabisenge (Kibaale district),

Bubukwanga (Bundibugyo district), Hoima (Hoima), Bubulo (Manafwa District), Amuria (Amuria district), Kapchorwa (Kapchorwa district) and Serere (Soroti), Bugembe (Jinja), Aroca, Kayonza and Kangulumira (Kayunga district), Lukaya (Masaka district), Mpigi, Matete (Sembabule), Butoolo, Kabasanda (Mpigi district), Wabusene (Luweero district), Ntusi, and Kiboga (Kiboga) LAPs. The staff were found to be living in unacceptably squalid conditions without decent latrines and some of the rooms had no roofs.

At Matete (Sembabule district) Local Administration Prison, the housing facilities are so inadequate for prison staff. The latter have been forced to share accommodation with friends outside prison facilities. These houses are in poor condition as they are old, have no windows and instead papyrus mats were used to fill the open spaces. The affected LAPs include Ndagwe and Busaana Local Administration Prisons.



Part of the dilapidated building, which accommodates the Prison staff in Bukedea Local Administration Prison

Recommendations on Local Administrations Prisons

- (i) There are prisons that are too dilapidated, for human accommodation, are very poorly maintained and are impending disasters. Prisons such as Bubukwanga Prison (Bundibugyo district), Hoima LAP (Hoima), Kiboga LAP (Kiboga), and Amuria LAP (Amuria district) should be closed before they cause human catastrophe.

- (ii) Generally, LAPs have no facilities to detain people. The amalgamation of LAPs with Central Government Prisons should be supported by sufficient budget for improvement and efficient management. It should be noted that the recently passed Prisons Act will not help in the face of inadequate resource allocation that currently exists in the Prisons Sector.

2.1.2 Findings in Central Government Prisons

In the 27 Central Government Prisons (CGPs), which were inspected, the Commission observed the following:

(a) Congestion: The Commission noted that most of the Central Government Prisons continued to be overcrowded. By January 2005, the excess capacity of prisons in Uganda stood at 8,229. At the end of 2005, Prisons remand population remained high, at approximately 63% (out of 19,600), of whom 48% were defilement suspects triable by the High Court, which is already overstretched by an enormous case backlog.

Uganda Government Prison Gulu, with 7 wards and a planned capacity of about 350 inmates, had 588 male inmates, while in Lira Central Prison, there were 503 males, in 5 wards with a planned capacity of 250 inmates. Congestion continues to be evident in Central Government Prisons of Soroti, Kumi and Mbale notable among which are; Soroti Government Prison, Maluku Government Prison in Mbale and Kumi Government Prison in Kumi District. All these detention facilities were found to be housing more inmates than their original capacity. The structures are in very bad state as most of them are visibly dilapidated.

(b) Long remands and detention periods: Article 28(1) of the Constitution of Uganda, 1995 provides that 'in the determination of civil rights or obligations

or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial Court or Tribunal established by Law.’

Article 23(6)(c) requires that in the case of a criminal offence triable by only the High Court, the remand period in custody should be 360 days before the case is committed to the High Court, otherwise the person be released on bail on such conditions as the court considers reasonable.

On 1st March 2005, a Commission team visited Kigo Prison and found 237 inmates in continued detention even after the expiry of their mandatory remand period. Most of these complainants were accused of illegal possession of firearms and were arrested by Operation Wembley personnel and others by VCCU personnel. The Commission found that most of the inmates comprised of civilians, who will be tried with soldiers as their accomplices.

The Commission maintains that protection of personnel liberty is a fundamental right guaranteed under the Bill of Rights³. Therefore inmates whose mandatory remand period has expired should with immediate effect be brought before an independent, impartial and competent court of law for due process.

(c) Lack of transport facilities: The Commission established that both LAPs and Central Government Prisons lack transport facilities. Central Government Prisons have continuously faced inadequate transport facilities. In this regard, the worst hit were Lira Government Central Prison, Uganda Prison Farm Apac and Uganda Government Prison Gulu, Bukunghu Government Prison and Namalu Government Prison. Furthermore, these are conflict areas, where people are vulnerable to crime, arrest and detention. In situations of war, coupled with lack of transport, detainees can be locked up and forgotten altogether.

(d) Medical Care: Lack of adequate medical care for both staff and inmates has proved to be a ‘norm’ in

both LAPs and Central Government Prisons. The Commission established that the Central Government Prisons worst hit by this challenge are Soroti, Kumi, Mbale, Amita, Moroto, Namalu, Gulu, and Bukunghu.

(e) Staff Welfare: In most of the prisons listed above, there is a problem of inadequate standard of housing for the staff as revealed in revealed in Nakasongola, Kitalya (Wakiso district), Muinaina (Mubende), Masaka, Mutukula (Rakai district), Kigo Women and Kigo Men Central Government Prisons most of the staff live in grass-thatched houses and others rent in the nearby villages.

(f) Long working hours: Facilities hire out labour as they contend that it is the only way they raise revenue to pay for basic utilities like soap, transport of inmates to court, drugs, and food, among other items, as they strive to fill shortfalls in supplies necessary for their operations. For instance, in Wakyato (Luweero district) and Nakasongola Central Prison inmates worked for long hours without rest.

(g) Detention of Juveniles in Adult prisons: The Commission observed that generally Central Government Prisons are gradually diminishing the practice of detaining juveniles with adults. There has been a remarkable improvement in Muinaina CGP (Mubende), Masaka, Mutukula (Rakai), Wakyato (Luweero), Gulu, Lira, Ug. Prison Farm, Apac, Bufulubi, Kamuli, Jinja Main Prison, Jinja remand prison, Bukunghu Morkatipe, and Amita CGPs, where the Commission found that there were no juveniles in these adult facilities.

2.1.3 Findings in Police stations and Outposts

In the reporting period, the Commission inspected 128 Police stations and outposts and 32 Local Administration Police Posts and established the following:

(a) Torture in Cells: The Commission observed that torture was still persistent in Local Administration police posts and outposts, particularly, Kapedo, Lotome, Lokopo, Lolachat and Kakomongole in Karamoja. In other parts of the country, there was a general remarkable improvement in the treatment of inmates/suspects in custody.

(b) Infrastructure: Particular note was taken of Kalungi Local Administration Police post in Nakasongola, where the Commission found that police cells meant for inmates were being used by staff members to keep their animals that included cows, goats and dogs. At the time of the Commission's visit, there was one suspect in a cell, which had not been cleaned and the floor and walls of the cell was filled with animal dung. The cell's ventilation was poor and the stench unbearable.

The Commission noted the poor and inadequate infrastructure at Iganga CPS, Namung'alwe Police Post, Busia CPS, Busia Police Post, Tororo CPS, Tororo police posts, Malaba Police Station, Nagongera, Mayuge CPS and Police Post, Bugiri Police Post, Kamuli Police Post, Jinja CPS, Camp Swahili in Karamoja, Kasese CPS, Mpondwe CPS, Kyenjojo CPS, Kyegwa CPS, Sunga CPS, Kagadi CPS, Kibaale CPS, Kiryandongo CPS, Bundibugyo, Kiboga CPS, Kakumiro police posts, Kihumuro police posts, Kabasedeke, Muhorro, Bubukwanga, Rwebisengo, Karugutu, Rugendabara, Kibiito, Mukunyu, Kakabara, Nyahuka, Ntandi, Buhimba, Kyangwali, Biiso, Diima, Bweyale and Kinyara police posts. It was revealed that in the outposts, there were no provisions for female cells, and this could leave them vulnerable to abuse by male inmates, if ever they were arrested and had to be detained in these places of detention.

The only police stations and outposts whose facilities had improved were: Gulu CPS, Bugiri CPS, Apac, Amolatar, Lacor Outpost, Akalo Outpost and Dokolo Outpost.

(c) Detention of Juveniles in Police Station/Posts:

In both LAPs and Police stations/posts, detention of Juveniles in Adult prisons was still in practice. Separate cells for Juvenile suspects were virtually non-existent and many of the children were detained with adults. This was experienced in Mbale CPS, Nakaloke Police Post, Nkoma Police Post, Shikoye Police Post, Mayeze Police Station, Kapchorwa CPS, Sipi Police Post, Kaserem Police Post, Kaberamaido CPS, Kalaki Police Post Bululu Police Post, Okapel Police Post, Amuria Police Station, Orungo Police Post, Apeiulai Police Post and Camp Swahili Police Post.

Suffice to note that almost all the stations and police posts in the Teso region do not have detention facilities for children. It is commendable that Kumi Central Police Station has decent children detention facilities complete with beds and beddings as a result of assistance from the Red Barnet Child project.

(d) Congestion: The Commission established that the problem of congestion still exists at police stations and police posts and this was evidenced at Fort Portal CPS, Kyenjojo CPS, Kyegwa Police Station, Iganga CPS, Busia CPS and police posts, Tororo CPS and Police posts, Malaba Police station, Nagongera police station, Mayuge CPS and police posts, Bugiri police posts Kamuli CPS and police posts, Jinja CPS and Namung'alwe Police Post. In all these places, the detention cells were far below the capacity of the inmates they housed at the time.

(e) Food: Whereas it is recommended that suspects/inmates be entitled to at least 680g of food per day, the Commission's investigations continue to reveal that in most detention facilities underfeeding of suspects/inmates is the norm. In Gulu, Apac and Amolatar central police stations, one meal per day is served to suspects. The same problem was evidenced in Local Administration Police Posts, for instance in Alerek and Camkok in Moroto. Suspects depend on the food provided by their relatives; and where relatives were not available, they depended on the goodwill of the officers in a particular post. This practice has created

room for officers to extort money from relatives of suspects.

(f) Medical care: The Commission's investigations revealed that all the Police detention cells do not have independent health facilities for the inmates/suspects. The inmates meet their own cost of medical facilities and drugs at private clinics. This was seen inter alia, at Orungo Police Post, Amuria Police Station, Otuboi Police Post, Okapel Police Post, Bululu Police Post, Kalaki Police Post, Kaberamaido CPS, Kasarem Police Post, Sipi Police Post, Kapchorwa CPS, Mayeze Police Station, Shikoye Police Post, Nkoma Police Post, Nakaloke Police Post, Mbale Police Post and Camp Swahili.

(g) Lack of Transport Facilities and Communication equipment: Most police units face a limitation of transport and communication facilities. This greatly affects the effectiveness of investigations and responses to reports of crime. For instance, it was established that Apac and Amolatar central police stations did not have means of transport to conduct investigations. A similar transportation problem was experienced at police outposts of Aduku and Akalo police posts in Apac. Lack of communication equipment was common to some outposts as was evidenced in Lacor, Akalo and Dokolo police posts in Gulu.

(h) Staff Welfare: During the period under review, the living conditions of police personnel, especially housing, remained appalling. In Akalo and Dokolo police outposts, staff rented their own accommodation and there was insufficient space to implement office duties.

2.1.4 Steps taken by the Uganda Human Rights Commission

Following its inspection of detention facilities, the Commission communicated in writing on its findings to the Chief Administrative Officers (CAOs) of the respective districts and the letters were

copied to the Permanent Secretary of the Ministry of Local Government. The Commission noted that as a result of this method of intervention, the Permanent Secretary, Ministry of Local Government communicated in writing to the CAOs of Rakai, Wakiso and Nakasongola for action on issues raised by the Commission in its inspection reports. The Commission held stakeholder meetings with the Ag. CAO Kiboga, CAO Nakasongola, O/C Nakasongola Local Administration Police and the CAO of Mubende. These meetings culminated into transfers of notorious O/Cs of Local Administration Prisons and Police stations/outposts, for instance: the O/C Kalungu Local Administration Police was replaced; the O/C Myanzi Local Administration Prison was transferred to another LAP, which led to improved conditions in the Prison. However, while the Commission appreciates the transfers, it is the Commission's considered view that transferring non-compliant Officers In Charge is in a way transferring the same problems with them to their new places of deployment. It is recommended that the reasons for inefficiencies in such cases are properly identified and appropriate remedy be found including further training for such officers (and or demotions) to enhance observance and accountability from human rights. The Commission held meetings with officers of Nakasongola Central Government Prison, and it was agreed that through Prisons Headquarters, the prison authorities would tackle the congestion issue by transferring capital offenders to other prisons.

2.1.5 Findings in Military Detention Centres

The military detention facilities are some of the places the Commission is mandated to inspect. However, the Commission did not inspect any military detention facilities during the period under review. The army insisted that the visits were contingent on the Commission providing a notice prior to the inspections. That is a 48-hour notice was required for the first visit, a 24-hour notice for the second visit, a 12-hour notice for the third visit and the fourth visit did not require notice.

While the Commission welcomes the cooperation extended by the UPDF, it notes that the prerequisite of giving notice affects the value and intention of the Commission's inspections, which are meant to be unexpected and impromptu in order to avoid scenarios of 'stage management'. The Commission emphasizes that the on-spot visits contribute to the value of these inspections and therefore the requirement of Notice should be waived. The ambiguity of the appropriate authority within the UPDF to whom the notice should be addressed is another issue that needs to be clarified by the UPDF as an Institution.

Section II

2.2 Complaints received and those handled in 2005

The Commission receives complaints, makes follow-up (investigates) and, when need arises, plays a referral role to other institutions. In the period under review, the Commission registered 1,208 complaints and 748 lodgements. Complaints refer to those cases, which, on their face, reveal a human rights violation and which fall within the jurisdiction of the Commission. On the other hand, Lodgements are complaints which, on their face, are difficult to discern as to whether they constitute human rights violations or not. Following preliminary investigations, a decision is made either to

continue or close the same. In other cases, lodgements are registered for purposes of referral to other institutions if they do not fall within the jurisdiction of the Commission.

2.2.1 Complaints registered in 2005

In comparison with the previous years, the number of complaints registered has been varying as shown in Table 2.2 below. The Commission, however, continues to clarify its mandate and to streamline the complaints that fall squarely within its jurisdiction for more effective and efficient complaints management. Complaints at the Commission are ordinarily received by a physical appearance to lodge a complaint or through communication written by complainants to the Commission.

During the period under review, the Commission registered 1,208 complaints of alleged human rights violations that fall squarely within its mandate. The human rights violations registered at the Commission included: Maintenance, Torture, Cruel, Inhuman and Degrading Treatment or Punishment, Right to Personal Liberty, Right to Property, Right to Education, Right to Remuneration, Right to a Fair and Speedy Hearing, Deprivation of life, Domestic Violence, Discrimination, Right to a Healthy Working Environment, Freedom of Expression, Right to Health and Right to Privacy.

Table 2.2 Number of complaints registered since 1997

Year	Number
1997	414
1998	981
1999	1,265
2000	1,223
2001	1,227
2002	812
2003	2,050
2004	2,294
2005	1,208

Table 2.3 below is an illustration of the complaints and lodgements registered by the Commission at the various regional offices and the Headquarters.

Table 2.3 Status of complaints and lodgements registered with the Commission in 2005

Region	Complaints registered in 2005	No. of Lodgements registered	No. of Investigations concluded *
Headquarters	265	25	299
Gulu	128	42	135
Soroti	260	76	102
Moroto	146	55	158
Jinja	136	22	58
Mbarara	145	490	95
Fort Portal	128	38	127
Total	1,208	748	974

* Some of the cases that were investigated were concluded in 2005; however the bulk of cases investigated was from 2004.

to appeal is included in the Letter of Closure to the complainant.

2.2.2 Complaints investigated in 2005

The Commission prioritised the reduction of its backlog in its 2004-2009 Corporate Plan. This involved a vigorous investigations strategy that led to the conclusive investigation of 974 complaints (as shown in Table 2.3 above). This figure is the summation of files forwarded to the Legal and Tribunal Directorate for consideration for Tribunal hearing, files referred to other Institutions and files closed for various reasons such as:

- In cases where no human rights violation(s) were revealed by the complaint(s) after preliminary investigations.
- Cases where the same matter reported to the Commission was also pending before a Court of Law or was already decided by a Court of Law.
- Loss of interest in the matter by the complainants.
- Cases where the complainant obtained a remedy after the Commission's intervention.

However, those Complainants who feel aggrieved by the decision of closure are given an opportunity to appeal. A clause containing the complainant's right

2.2.3 Investigations initiated by the Commission

In line with Article 52(1) (a) of the Constitution, the Commission on its own initiative conducted 2 major investigations, namely:

- UHRC 232/2005 UHRC – AND – DPC NAKASONGOLA POLICE:** Following allegations made on 26 September 2006, on *Radio Simba's* 7.00 a.m. news, that Police officers of Nakasongola Police Station had tortured a suspect who had consequently died and that they were also involved in obtaining money from suspects in order for them to be released on bond, the Commission took interest in the matter.

On 27 September 2005, the Commission team proceeded to Nakasongola and the purpose of the investigation was to verify the allegations. Witnesses were interviewed and statements were recorded from them, as well as from Police officers. A post-mortem report of the cause of death of the alleged tortured suspect was also obtained. The Commission has gathered relevant evidence concerning the matter and the file was being prepared for the

Commission Tribunal at the time of writing this report.

- ii. In October 2005, the Commission initiated investigations into allegations that workers at Road Master Cycles Nalukolongo were required to report for duty at 11.00 p.m. and worked till 7.00 a.m. in a bid to take advantage of the low electricity tariffs at night. Some workers alleged that they would continue to work till mid-day. It was also further alleged that in consideration of the fact that the workers were made to work through the night, the wage structure was unfair and employees were not issued with letters of appointment. The Commission proceeded to carry out investigations into the matter by visiting the factory at the time when most workers allegedly reported for duty (11.00 p.m. to midnight). Both the employees and employers were interviewed and it was found that the employees were faced with both structural and administrative problems. A meeting was convened between the Commission and Management of Road Master Cycles, and the Management agreed to put in place structures that would solve the problems faced by their employees.

2.2.4 Challenges faced during investigations

1. **Difficulty in locating witnesses/victims:** Generally in Uganda there is insufficiency of physical addresses in both urban and rural areas. However, the problem is more eminent in urban areas. Complainants usually state, the name of the village where the incident may have happened in general terms without specifying the actual home (physical) address. It is therefore left to the investigator to scan through numerous homes in a village. This greatly hampers the Commission's investigations thereby leading to investigations backlog.

2. **Lack of cooperation from Government Institutions:** Government Institutions such as the Army and the Police take long, or sometimes do not respond to the Commission's inquiries.

3. **Ignorance of the population on the Powers of the Commission:** As stipulated in Article 53(1) and (2) of the Constitution, the Commission has powers of a Court. However, the Commission in some instances has had to act with coercion as opposed to cooperation from some individuals who have acted with contempt of the Commission's orders. This also delays the process.

4. **Lack of co-operation from eyewitnesses:** In some instances, eyewitnesses are reluctant to avail information that would be useful to conclude a case because of fear for their own security.

5. **Insecurity in conflict-related areas:** Insecurity in conflict-related areas hampers investigators' work, as some areas are impassable without escorts.

6. **Lack of logistics:** The Commission for instance lacks cameras, audio and visual recording equipment and laptops, which would go along way in hastening documentation of information.

2.2.5 CATEGORISATION OF COMPLAINTS

Male complainants formed the larger percentage of complainants received at the Commission as illustrated in Table 2.4 and Graph A below. The total number of complainants by gender does not match the total number of complaints registered at the Commission because some complainants record more than one violation.

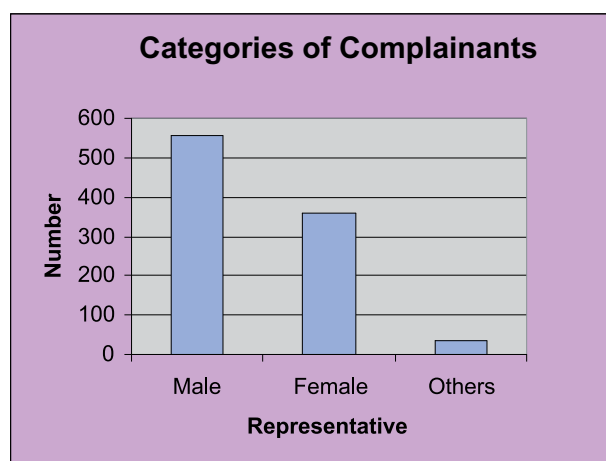
Although male complainants were the majority during the period under review, Moroto region received more female complainants than any other region, excluding Kampala (see Table 2.4 below). Female complainants in Moroto constituted 49.7% of the complainants

registered. This reflected that in Moroto region, of women are abused a lot. women's rights or the rights of children under the care

Table 2.4 Categories of Complainants in 2005

REGION	MALES	FEMALES	Institutions/Groups
Headquarters	128	103	03
Gulu	88	43	00
Soroti	46	26	04
Moroto	40	67	28
Jinja	95	45	00
Mbarara	75	46	01
Fortportal	86	27	01
Total	558	357	37
Percentage	58.6%	37.5%	3.8%

Graph A



2.2.6 Nature of violations and prevalence

Table 2.5 complaints registered by the Commission in 2005

Violations/Abuses	Hqtrs	Gulu	Moroto	Soroti	Jinja	Mbarara	Fortportal	Total/per violation	%age
Child Maintenance/Neglect	74	29	57	52	27	36	11	286	23.6
Freedom from Torture	58	41	14	59	19	42	23	256	21.19
Right to Personal Liberty	31	23	11	21	14	49	27	176	14.5
Right to Property	10	19	42	44	24	07	12	158	13.1
Education	18	04	12	23	03	10	03	73	6.0
Remuneration	10	02	01	23	13	-	18	67	5.5
Fair hearing & Speedy trial	21	01	02	18	10	-	07	59	4.8
Deprivation of the Right to Life	04	08	04	12	11	01	08	48	3.9
Freedom from Cruel Inhuman and Degrading Treatment or Punishment	22	-	-	-	10	-	12	44	3.6

Domestic Violence	02	-	03	06	-	-	-	11	0.9
Discrimination	05	-	-	-	01	-	01	07	0.5
Right to a Healthy Working Environment	-	-	-	-	04	-	01	05	0.4
Access to Children	04	-	-	-	-	-	01	05	0.4
Freedom of Expression	04	-	-	-	-	-	-	04	0.3
Right to Health	-	-	-	01	-	-	02	03	0.2
Right to Privacy	02	-	-	-	-	-	01	03	0.2
Freedom from Servitude	-	01	-	01	-	-	01	03	0.2
Total/per region	265	128	146	260	136	145	128		
Total number of complaints received in 2005				1,208					

TRENDS OF SYSTEMATIC HUMAN RIGHTS VIOLATIONS AS OBSERVED FROM THE COMPLAINTS HANDLED BY THE COMMISSION

Basing on the categories of complaints received and their numbers, it is clear that some rights are violated/abused more than other rights. The number of violations revealed is higher than the complainants registered, because in some complaints more than one violation is committed simultaneously. For instance, a violation of the right to Personal Liberty may also be committed with acts of torture.

2.2.7 Neglect/failure of parents to maintain children

The Right to Maintenance is provided for under Article 34(1) of the Constitution, which provides that children shall have a right to know and be cared for by their parents. Section 6-7 of the Children's Act, Cap 59, provides *that it is the duty of a parent or guardian to maintain a child and every parent shall have parental responsibility for his or her child.* The Penal Code Act, Cap 106 sections 156 and 157, provide for the offence of desertion of children under the age of 14. Section 157 further provides for offence of neglecting to provide for children. Under the Divorce Act, s. 29 provides for custody of children, maintenance and education

of minor children of the marriage in case of divorce. Therefore the right to Maintenance is a fundamental right guaranteed under the Constitution. Maintenance entails the provision of food, clothing, shelter, medical care and education to the right holder.

The Commission's 7th Annual Report 2004 recorded the violation as the highest among the complaints received with a total of 602 representing a percentage of 26% of the total complaints received. In 2005, the violation of the right to maintenance/child neglect remained the highest complaint registered with a total of 286 complaints representing 23.6% of the total complaints registered at the Commission. The Commission notes that in real terms, complaints registered in 2005 on child neglect have reduced significantly in number as compared to 2004. Primarily, unemployed mothers continue to file 70% of the complaints registered.

(a) Nature of Maintenance complaints

Women bring the majority of these complaints to the Commission. This includes complainants who seek maintenance for their children and themselves. Most mothers are between the age brackets of 15-19 years and are therefore gullible to being lured by men who impregnate them and thereafter abandon them. These young mothers have dropped out of school and, due to limited education, they are unemployed as a result of

lack of qualifications and/or skills.

The Commission recorded two cases where fathers filed complaints. In one instance a father lodged a complaint against the mother of his children who he claimed was not providing food for his children despite him providing her with the money for maintenance of the children. Another was a complaint brought by the father of a sixteen-year-old girl who had been defiled by a soldier and got pregnant. The soldier who had been demobilised could not be traced to provide financial support.

A synthesis of the complaints about neglect or refusal to maintain children shows that violators or persons accused come from all strata of society. Males formed the greater majority of those accused and these included doctors, accountants, administrative officers, businessmen, peasants, labourers and soldiers, especially in Northern Uganda. Complaints were also against prominent personalities such as politicians and government officials. The majority of the cases for the maintenance of children concerned vulnerable children below the age of 10. Failure to support was manifested in neglect or refusal to pay school fees, which negatively impacted on the right to education. This was also the case with children of school-going age or those above 18 years of age who were still in school. These personally lodged complaints with the Commission seeking support from parents for their educational expenses, but were met with the defence from parents that they are already adults and therefore not eligible for compulsory financial assistance.

Additionally, most men proceeded to end any form of support to women after the cohabitation came to an end, regardless of the number of children the relationship had borne. A good proportion of other maintenance claims were from women who were deserted by their husbands. Many of the complaints also raised issues of child custody, domestic violence and distribution of matrimonial property. In a few cases, children came to the Commission with requests

for the Commission to assist them obtain assistance from their fathers.

(b) Reasons established for not supporting children

i. Poverty: The Commission noted that the social-economic status of parents plays a big role in the maintenance of children. Analysis by the Commission revealed that poverty is a major factor in the failure of a parent/guardian to provide maintenance for his or her children. The majority of complainants were unemployed, without resources; while others were casual labourers earning meagre wages. The mothers with stable jobs wanted the fathers of their children compelled to supplement their earnings as a contribution to the upbringing of their children. In the Northern region, the problem was mainly attributed to general poverty in IDP camps. In many of the cases, a father was unable to effectively maintain all his children because of the large number of children against limited resources.

ii. Breakdown of the Institution of Marriage: From the complaints registered, the practice of husbands abandoning their families and starting new ones was common. The abandoned family suffers since the provider and backbone of the family has withdrawn his support.

iii. Conflicts between Couples: Conflicts between couples have in many of the cases left the children to suffer at the hands of their parents. In most of the complaints received, husbands refused to maintain their children, in order to 'get-back' or 'punish' their partners. Children are therefore used as baits for conditions to be met. Two women, for example, were forced into sexual intercourse (after separation)

every time they requested the fathers of their children for support. One told the mother of his children that “*No sex, no money for the children*” the woman surrendered though they were separated. It has in many cases been established that these men refuse to maintain their children because the women have refused to have sexual intercourse with them on account of their living apart. Other cases were of deliberate neglect or refusal, especially where the child did not live with the father. Others refused to give support because they were disputing paternity.

iv. *Cultural stereotypes against the girl-child:*

Some of the fathers stopped paying school fees for their daughters in the belief that the girl’s role was to stay home and engage in household chores.

v. *Misappropriation of children’s property by relatives:* Some of the complaints registered were by children whose parents had died *intestate* and relatives had been appointed as administrators of their estates. The relatives misappropriated the property without consideration of the orphans’ welfare.

vi. *Poverty-stricken minors:* In some of the complaints both the mother and father are minors and are both without any income and therefore unable to provide maintenance for their child and the child-mother looked up to the child-father to take care of the child.

vii. *Effect of HIV/AIDS:* This has sometimes led to the break-up of families. Complaints registered revealed that women/wives abandon their husbands on allegations that their husbands have infected them with HIV/AIDS. In other complaints, some have had to divert the money to cater for medical treatment. Consequently, the husbands withdraw all the

financial and emotional support from the children.

viii. *The influence of step-mothers:* In instances where the couples separated and the fathers retained custody of the children, mothers have often been denied access to their children by the fathers or stepmothers. The mothers of these children often lodge complaints at the Commission alleging neglect / mistreatment of their children by step-mothers and sometimes fathers.

ix. *Cohabitation:* Complaints registered revealed that a number of women had cohabited with men for periods of between five to twenty years after which the men abandoned them. The current law does not recognise rights of parties in cohabitation and as such it is assumed that there are no obligations or responsibilities required from either party. This underscores the urgency and the importance of a law to take care of such situations as envisaged in the Domestic Relations Bill, which Bill, Parliament seems to have shelved.

x. *Denial of the right to work:* Cultural beliefs where women are prohibited from working have also contributed to the problem of lack of child maintenance. After abandonment by the men, women are left to fend for themselves and their children.

xi. *Alcoholism:* Some of the fathers were reported to have failed to maintain their children due to excessive drinking which consumed much or all of their resources.

(c) *Role of the Uganda Human Rights Commission in addressing Child Neglect*

i. The Commission mediates in such cases and

ensures that each party signs a Memorandum of Understanding (MOU) (see paragraph 2.3.3). Where the Commission does not have jurisdiction over issues raised in the maintenance claim, or where one of the parties is not respecting the agreed terms of the MOU, the Commission has invariably referred the claim to the Family and Children's Court and followed it up to a logical conclusion.

- ii. The Commission conducted a research on child neglect and its overall goal was to develop a holistic approach of handling cases of child neglect. Currently, the Commission is in the process of compiling for publication, a special report on child neglect. The specific objectives include:
 - To identify the broad and specific causes of child neglect;
 - To establish whether parents/guardians are aware of children's rights;
 - To identify Institutions with the mandate to handle children's rights and establish partnerships in this cause;
 - To establish the extent to which parents and children are aware of remedies available with regard to child neglect.

The Commission reiterates its earlier position in previous Annual Reports, that there is a need for the GoU to strengthen existing laws on parental responsibility and their enforcement, and for other stakeholders working on the rights of children to advocate for the enforcement of laws related to the rights of children in order to ensure that parents meet their obligations appropriately. Government and other stakeholders should also increase investment in public awareness and sensitisation on parental responsibility and also increase awareness on the roles of local councils and members of the community in the care and protection of children.

2.2.8 Torture, Cruel, Inhuman and Degrading Treatment or Punishment

Protection from torture, cruel, inhuman and degrading treatment or punishment is enshrined under *Article 24 of the Constitution of the Republic of Uganda (which is a non-derogable right)*, *Articles 2 and 4 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, *Article 5 of the (ACHPR) African Charter on Human and People's Rights*, *Article 7 of the (ICCPR) International Covenant on Civil and Political Rights* and *Article 5 of the (UDHR) Universal Declaration of Human Rights*. From the above national and international human rights instruments, it can be affirmed that torture, cruel, inhuman and degrading treatment or punishment are prohibited and under no circumstances should anyone be tortured. Yet, despite universal condemnation, perpetrators of torture continue to inflict physical agony and mental anguish on countless victims – without a national law to prohibit torture or other forms of cruel inhuman and degrading treatment or punishment.

(a) Definitional Aspects

Torture, cruel inhuman and degrading treatment or punishments are related, yet are distinct acts to humanity.

Three major elements that constitute *Torture*⁴ are:

- The infliction of severe mental or physical pain or suffering;
- By or with the consent or acquiescence of a public official or by other person acting in an official capacity; (*however, the Commission has expanded this to include Private Individuals acting in their private capacities.*)
- Done for a specific purpose, such as gaining information, punishment or intimidation.

According to International Human Rights Law therefore, Torture means acts done with the consent or knowledge of public officials that intentionally inflict severe physical or mental pain or suffering, in order to fulfill a certain purpose, such as extortion of information

or confession or for purposes of intimidation.

Cruel, Inhuman and Degrading Treatment or Punishment

The elements, which constitute *cruel treatment not amounting to torture*,⁵ would therefore be reduced to:

- Intentional exposure to significant mental or physical pain or suffering;
- By or with the consent or acquiescence of the State authorities.

Degrading treatment may involve pain or suffering, less severe than for torture or cruel or inhuman treatment and will usually involve humiliation and debasement of the victim. It is about disregard of human dignity.

Such practices such as cruel, inhuman and degrading treatment or punishment are not torture, if they lack any one or more of the ingredients that constitute torture. The difference depends on kind, purpose and severity. For instance, denying an inmate food by *omission*, and that person dies in prison can be cruel or inhuman treatment, because it was done without *purposeful intention* of subjecting that person to physical or mental pain.

Additionally, the Commission remains mindful of the threshold that distinguishes acts of torture and acts of inhuman or degrading treatment or punishment. This threshold is based upon a *Progression of Severity*⁶. Thus, arguably under such a *threshold of severity*, when

degrading treatment reaches a certain severity, it can be re-classified as inhuman treatment, which in turn, if particularly serious, can be classified as torture. Therefore, the ‘measuring stick’ for assessing whether an act amounts to torture, is the level of severity, and the act, whether torture or cruel, inhuman and degrading treatment or punishment must attain a ‘minimum level of severity’.

The distinction between torture, cruel, inhuman and degrading treatment or punishment is necessary because a *special stigma* attaches to torture, which is not found in other forms of cruel, inhuman and degrading treatment or punishment. Accordingly, in order to be classified as torture, the treatment must cause ‘*serious and cruel suffering*’. As shown in Table 2.5, the Commission separated torture from other forms of cruel, inhuman and degrading treatment taking into account the level of severity.

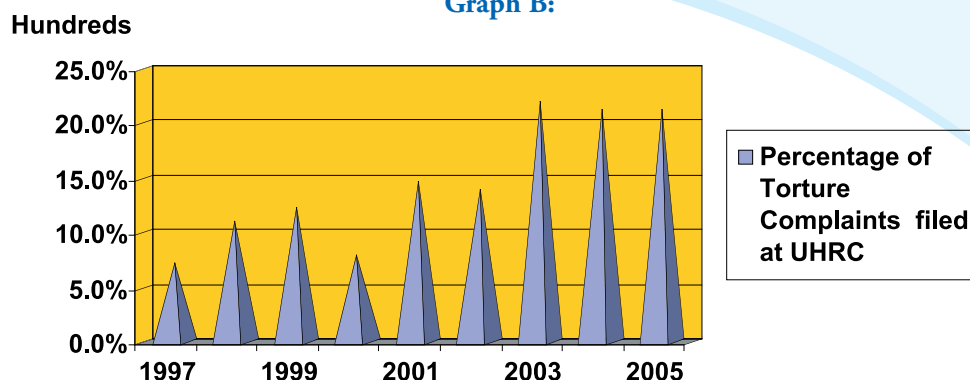
(b) Complaints registered in 2005 on Torture, Cruel, Inhuman and Degrading Treatment or Punishment

In 2005, the Commission registered 256 cases against Torture, representing 21.1 per cent of complaints registered; and 44 cases against Cruel, Inhuman and Degrading Treatment or Punishment, representing 3.6 per cent of complaints registered. Torture was the second highest violation registered at the Commission. Table 2.6 and Graph B below is a comparison of cases on torture registered at the Commission since 1997.

Table 2.6 Complaints on Torture, Cruel, Inhuman and Degrading Treatment or Punishment registered by the Commission since 1997

No.	Year	No. of complaints against Torture	Total No. of all complaints registered	Percentage of torture violations
1.	1997	30	414	7.2%
2.	1998	109	981	11.1%
3.	1999	158	1,265	12.4%
4.	2000	152	1,223	7.9%
5.	2001	210	1,227	17.1%
6.	2002	114	812	14%
7.	2003	446	2,050	22%
8.	2004	488	2,294	21.2%
9.	2005	256	1,208	21.1%

Graph B:



The Commission notes two major discernable reasons for the persistent number of complaints on torture, registered at the Commission, are:

- The increased awareness by the public of their rights through human rights education and the media;
- The continued acts of torture committed in conflict related areas also were suspicion for rebel collaboration or illegal possession of firearms is rampant.

(c) Some concluded cases on torture, cruel, inhuman and degrading treatment or punishment

Generally throughout the reporting period, it was observed from the complaints received that the security agents mandated with protection of individual's human rights, continued to be the major violators of the people's right to protection against torture, cruel, inhuman or degrading treatment. As previously reported in the Annual Report 2004, Uganda has no law specifically prohibiting and criminalizing torture, despite having ratified the Convention Against Torture, (1984). Therefore clarity has to what constitutes torture is as elusive to the perpetrators, as it is to the victims and to the judiciary.

The reluctance of the police and prison officials in ensuring that errant officers implicated in torture are disciplined, has not helped the situation. For instance, in Ngogwe LAP in Mukono District, it was established that *MR. MICHAEL SEBAGALA* was arrested from his home in Katete, Kikwayi zone, Ngogwe subcounty,

Mukono District and while in Ngogwe Prison he was taken to work in a garden and was beaten up by Paul Bisaso, a prison warder until his buttocks got shattered. As a result Mr. Ssebagala died from injuries sustained from the beatings. The Officer-in-Charge, Salongo Bampiga David, confirmed the death of Mr. Ssebagala and the Commission established that the officer who committed the atrocity was merely transferred to another unit.

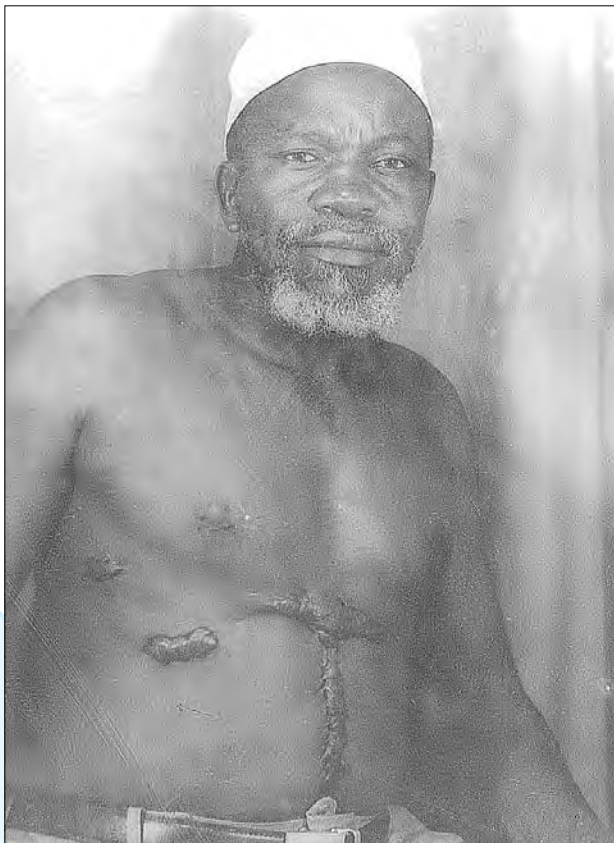
IDRIS KASEKENDE VS. ATTORNEY GENERAL

7. On 25 January 1998 at 8.00 p.m., Idris Kasekende, aged 57, while returning from prayers at Katwe mosque, was arrested without any charge or reason(s) of arrest, by three plain-clothed armed men. While resisting arrest, a scuffle ensued and he was shot in the ribs. Meanwhile an LDU at the scene shot at two of the plain-clothed men, killing one instantly. Mr. Kasekende lost consciousness after being shot and was taken to Nsambya Hospital under armed guard and was handcuffed to his bed. While in hospital, he was informed that he was being held for murder of a policeman and causing grievous bodily harm to a soldier. He was discharged without full recovery and was detained at Central Police Station, kept incommunicado and denied any further treatment. Mr. Kasekende was made to defecate and urinate in the same place where he slept.

During interrogation and detention, he was subjected to considerable torture beatings, kicks, blindfolded, denied medical attention and deprived of food and water. His bullet wound became septic and began to rot. He was later taken to Mulago Hospital and

medical reports revealed that upon admission, Mr. Kasekende had an infected entry and the abdominal operational wound discharged a great deal of pus. The complainant remains with big ugly protruding scars on his abdomen.

In this case, the Commission Tribunal⁸ held that acts committed on the complaint constituted torture. They were deliberate acts of severe physical and mental pain. The government security personnel committed the above wrongs in the course of their employment as servants of government and the respondent (Attorney General) was vicariously liable. Notably, whereas the complainant tried to resist the arrest, the amount of force deployed by the soldiers to counter his resistance was completely out of proportion in the circumstances. He ought to have been compelled to submit to the arrest by use of lesser force other than shooting. Moreover, *Article 221 of the Constitution places a duty on security organisations to observe and respect human rights and freedoms in the performance of their functions.*



Photograph of Idris Kasekende with bullet wound inflicted by armed security operatives

The Tribunal awarded Mr. Kasekende Ug. Shs. 15,000,000 as general damages for violation of the right to personal liberty and Ug. Shs. 25,000,000 as general damages for violation of the right to protection from torture, cruel, inhuman and degrading treatment.

ABER AZIZA JUMA & TALIB ABDU JUMA VS. ATTORNEY GENERAL⁹:

Aber Aziza Juma, 33, and Mr. Talib Abdu Juma, 32 years, were arrested from their respective homes in Gulu Municipality by UPDF soldiers in the night of 18 September 1997 and that same night was taken to UPDF 4th Division Headquarters. Later that night, they were put in an armoured car known as ‘Buffalo’ with their hands tied ‘kandoya’ style, were blindfolded and stepped on by soldiers. They were transferred to Ngomoromo Military Detach, Kitgum District, and subjected to severe torture on allegations that they were rebels. Ms. Aber was thrown in a pit where she was kept for 12 days before being brought back to Gulu. One Lieutenant, commonly called ‘Victor’, threatened Abdu with hanging, pushed him on the floor, his head was stepped on, and had bullets fired towards him to frighten him. Ms. Aber’s legs were burnt with a cigarette lighter in a bid to extract information. Medical reports revealed Ms. Aber had abdominal pains and was passing blood in urine and suffers neurosis/generalised anxiety disorder and post-traumatic stress disorder after great psychological trauma, while Mr. Abdu suffered from gastro-oesophageal reflex disease.

The Commission¹⁰ found the Attorney General vicariously liable for the actions of its servants, the UPDF. The complainants’ right to protection from torture, cruel, inhuman and degrading treatment or punishment was violated contrary to Articles 24 and 44 of the 1995 Constitution. An order was made of Ug. Shs. 33,578,000 as general and special damages to the complainants.

(d) Steps taken by the Government in combating torture, cruel, inhuman and degrading treatment or punishment committed by the UPDF

The government's role included, enactment of laws to punish offenders, strengthening of monitoring mechanisms and taking action against offenders.

- i. UPDF Act :* The Uganda Peoples' Defence Act, No. 7 of 2005, creates a number of offences that encompass human rights violations. Most importantly, the Act contains in the Seventh Schedule, a Code of Conduct for the Defence Forces, which proscribes conducts that would constitute violations of human rights. The Code of Conduct, for example, *forbids members of the Defence Forces to abuse, insult, beat or in any way provoke any member of the public.* Contravention of the Code of Conduct constitutes the offence of conduct prejudicial to the good order and discipline of the Defence Forces, for which the maximum punishment is dismissal from the Defence Forces. The dismissal may be coupled with a punishment of imprisonment for a period not exceeding two years.
- ii. Monitoring Mechanisms by the UPDF Human Rights Desk :* The UPDF established a Human Rights Desk, whose mandate includes, monitoring human rights observance and protection through investigations of human rights violations and mediation in cases. Its establishment is down to the unit level, where it is represented by Unit Political Commissars.
- iii. UPDF Special Investigations Branch:* The UPDF has a Special Investigations Branch (SIB), which in addition to conducting criminal investigations, also investigates human rights violations. SIB forwards the case file to the Department of Prosecutions to prosecute the offender. The SIB is established down to Battalion level.
- iv. Punishing Culprits by UPDF:* According to UPDF, **Pte. Samuel Okot Odur** and **Pte. Okello-Okello** in November 2005 jointly tortured a civilian and forcefully took his property. Pte. Samuel Okot

Odur was sentenced to four years of imprisonment and Pte. Okello-Okello was sentenced to one year of imprisonment and both officers were dismissed from the army. **Pte. Richard Wani** was charged with torture and causing grievous bodily harm and was convicted by Division 4 Court Martial and sentenced to seven years imprisonment. (See also parag. 6.6 of Chapter 6)

(e) Role of the Uganda Human Rights Commission in combating torture cruel inhuman and degrading treatment or punishment

The Commission's role has revolved around Human Rights Education, Investigation work, Advocacy work, Counselling and Tribunal Awards.

- i. Human Rights Education:* The Commission is continuously involved in human rights education for security personnel (see chapter 1).
- ii. Investigations:* The Commission has continuously investigated human rights violations that are reported to its headquarters and satellite offices.
- iii. Advocacy work:* The Commission is continuously engaged in Advocacy work: campaigning for a law prohibiting torture, cruel, inhuman and degrading treatment or punishment. The Commission conducted meetings with stakeholders with the theme "Realising the freedom from torture through an Act of Parliament". The purpose was to build consensus on the possibility of enacting an Act of Parliament, to ensure that Uganda not only conforms to its international obligations but also puts an end to torture. The Commission is also advocating for Uganda's ratification of the Optional Protocol to the Convention Against Torture (OPCAT). The OPCAT complements the Convention Against Torture, which provides for a specific reactive mechanism allowing the Committee Against Torture to carry out visits in detention places, where there are well-founded indications that systematic and widespread torture has been committed and upon acceptance of a visit by the State concerned.¹¹ The OPCAT

is more proactive in approach, focussing on prevention through a mandatory system of regular and follow-up visits to any place of detention and provides fairly sufficient means to implement its provisions.

- iv. Counselling:** The Commission has a counselling desk that provides counselling for traumatised victims. A total of 23 cases on torture were offered counselling during the period under review. Where the Commission established that a victim is acutely traumatised, then the victim is referred to the *African Centre for Treatment and Rehabilitation of Torture Victims* (ACTV), which has assisted immensely in treating torture victims.
- v. Tribunal Hearings and Compensation of victims:** Through the Tribunal Hearings, the Commission has exposed perpetrators of human rights violations and ordered for compensation of victims. However, the Commission notes that the Attorney General has not expedited the honouring of the Commission awards to victims of human rights violations.



Mr. Nathan Byamukama (with Mic.), Director Monitoring and Treaties, UHRC, flanked by Ms. Christine B. Nsubuga and Mr. Isaac Bakayana of the UHRC at the workshop on realising freedom from Torture through an Act of Parliament at Hotel Equatoria.



Commissioner Veronica Bichetero facilitating at the workshop on Torture.

(f) Success rates on Torture/ Percentage proved

During the period under review, the Commission Tribunal heard 22 cases on torture and 17 of the cases brought before it were proved and awards ordered, which gave a representative figure of 77.2% of torture cases proved before the Commission Tribunal. During the reporting period, the Commission awarded a total of Ug. Shs. 132,278,000/= to victims of torture, cruel, inhuman and degrading treatment or punishment. Table 2.7 below shows the complaints of torture cases proved before the Commission's Tribunal.

Notably, Article 119(4)(a) of the Constitution of the Republic of Uganda, 1995 provides for the functions of the Attorney General to include giving legal advice and legal services to the government on any subject. According to the Government Proceedings Act Cap 7, all suits against the Government must be instituted by or against the Attorney General which include, acts committed by officers, state agents and servants. Thus the Attorney General can be vicariously liable for all torts committed by his servant in the course of his employment and within the scope of his authority.

The law of vicarious liability therefore suggests that the Attorney General pays for damages that have been awarded on behalf of a government official who tortures in the course of his/her duty. The practice has brought the perpetrators of torture closer to impunity and less bothered about their actions since they are not directly

Table 2.7 Complaints of Torture proved before the UHRC Tribunal in 2005

NO.	UHRC.NO	PARTIES	VIOLATION/ABUSE	AWARD
1.	172/1998	Idris Kasekende -and- Attorney General	Torture	25,000,000/=
2.	732/2000	Kimuli Wilson -and- Attorney General	Torture	5,000,000/=
3.	UHRC/581/01	Gregory Babukiika -and- Bushenyi District Administration	Torture	2,000,000=
4.	G/4/2003	Omara David -and- Attorney General	Torture	7,000,000/=
5.	S/224/2001	David Adelimo -and- Attorney General	Torture	2,900,000/=
6.	G/45/2000	Moro Keneri -and- Akena Venansio	Torture	6,400,000/=
7.	G/271/2003	Langol Justine -and- Attorney General	Torture	900,000/=
8.	G/155/2003	Ojera Basil -and- Attorney General	Torture	15,000,000/=
9.	MBA/84/2002	Rutimbuka/Beyaka -and- Kambamu and Mugarura Gordon	Torture	1,000,000/=
10.	1182/1999	Lukyamuzi Peter -and- Attorney General	Torture	1,000,000/=
11.	S/274/2003	Tabu Godfrey -and- Capt. Mukiibi Pte. Byamugisha	Torture	2,500,000/=
12.	208/2003	Lwere Ibrahim -and- Attorney General	Torture	7,000,000/=
13.	1128/1999	Kabagenyi Beatrice -and- Attorney General	Torture	5,000,000/=
14.	G/153/2003	Okot Wilson -and- Attorney General	Torture	5,000,000/=
15.	G/577/1999	Aber Aziza Juma Talibu Abdu Juma -and- Attorney General	Torture	33,578,000/=
16.	G/112/2003	Olanya Samuel -and- Cpl. Komakech Geoffrey	Torture	9,000,000/=
17.	MBA/2/2003	Patrick Koraho and Attorney General	Torture	4,000,000/=
TOTAL		Torture		132,278,000

affected. Furthermore, since the compensation comes from the Attorney General instead of the Ministry from where such perpetrators serve, nothing deters the perpetrator from continued involvement in torture.

As seen in Table 2.7 above, the majority of cases on torture were against officers of Government, represented by the Attorney General. The Commission observes that one of the biggest challenges of enforcing prohibition of torture in Uganda is that the perpetrators of torture are not personally penalized (in cases where vicarious liability is applied) for their actions, which would have acted as a deterrent measure.

However, when the servant on his own caprice deliberately commits a criminal act, the Attorney General is not held liable. But where the wrongful act is done in the course of employment the Attorney General is held liable.

The rule on vicarious liability is concisely stated in Salmond on Torts, 6th Edition 1924 at page 100:-

“A master is not responsible for a wrongful act done by his servant unless it is done in the course of employment. It is deemed to be so done if it is either –

- (a) a wrongful act authorised by the master;*
- (b) a wrongful and unauthorised mode of doing some act authorised by the master.”*

The Commission notes that there can never be any moral argument that justifies purposeful infliction of unjustified or justified pain on a human being. Torture is the worst assault on human dignity and for this reason alone, it is absolutely condemned and it is for this argument that ‘lawful’ torture is challenged. Additionally, it is important to hold the perpetrator accountable for acts of torture they have committed and the need to restore the victim’s dignity through a formal recognition of the injustice and wherever

possible, pay reparations/compensation to the victim.

The Commission recommends for the amendment of the Government Proceedings Act, Cap. 77, so that for purposes of human rights violations, liability is decentralized. This will ensure that it is the responsible Ministry from where the perpetrators belong that is liable. This would enhance discipline and accountability on the public officials to who torture

2.2.9 Deprivation of the Right to Personal Liberty and deprivation of the Right to a Speedy and Fair Trial

Article 23 of the Constitution provides for the Protection of Personal Liberty. However, as recorded in previous annual reports, people have continued to be detained illegally, and for over 48 hours without being produced before recognised Courts of Law.

The Constitutional 48-hour rule provided for under Article 23(4) of the Constitution, which provides that every criminal suspect shall be brought to court, or released, “not later than forty-eight hours from the time of his or her arrest” is seldom respected. Article 23(7) of the Constitution requires the government to compensate persons detained beyond the 48-hour limit.

During the reporting period, the Commission established that the Police and security agents continued to be the major violators of the right to Personal Liberty. In 2005, the Commission received 175 complaints on the violation of the Right to Personal Liberty. Thus, the violation of the right to personal liberty constituted 14.5 per cent of complaints registered at the Commission and was the third highest violation registered.

The Commission established that the cause of the abuse of the 48-hour Constitutional rule has continued over the reporting years to be multifaceted. First, there is the **delay of police investigations to collect the**

necessary evidence before a file is submitted to the Resident State Attorney (RSA). Secondly, the police are continuously compounded with **logistical problems - facilitation in terms of transport and communication to conduct investigations in time.** The Commission also noted that **inadequate staffing to deal with the backlog of cases for investigation by the Police is another hindrance to handle cases expeditiously.** Police have also contributed to the violation of this right through their indecisiveness on action to be taken on various files. The Commission also established that **poor record keeping/data management coupled with frequent staff transfers are a contributor in delaying investigations** and denying justice to the suspects. The police also believe that for *suspected* capital offenders, the likelihood to be denied bond is very high.

In Mbarara, protracted pre-trial detention is an ongoing problem. The growing numbers of inmates on remand especially capital offenders has reached colossal proportions. Almost more than half of the inmates are on remand. A considerable number have been on remand for more than 2 years with no hope as to when their cases shall ever be heard.

In Teso Region, however, the Commission generally observed that the constitutional requirement for suspects to be detained in Police cells for the maximum of 48 hours before being produced in court or released on Police bond has improved remarkably in most Police Stations throughout the region except for a few isolated cases of a capital nature. The Police have also argued that there is ample time needed to collect and collate the necessary evidence for prosecution of capital offences.

The Commission also established that respect for the 48-hour Constitutional rule is further obscured **by the time taken by the Resident State Attorney (RSA) to peruse files.** In some jurisdictions, one RSA handles files from more than one district. When the file is forwarded to the RSA, there is bound to be more delay due to backlog of cases. For instance, the

Commission documented a case where the RSA for Hoima district is also in charge of Kibaale district. It would be almost impossible for someone arrested on any charge in Kibaale to be brought to court in record time of 48 hours. The same problem was noted in the districts of Tororo, Busia and Bugiri. Notably, the police cannot produce a suspect in court before the RSA has sanctioned the charge. The RSA in charge of Kamwenge district is based in Fort Portal and likewise the RSA in charge of Kanungu District is based in Rukungiri. Consequently, a Resident State Attorney handling more than one District is overwhelmed with the number of files coming from more than one District, which would affect the time in which files are perused.

The Commission established that inmates have to walk very long distances to access Kakumiro court, as Kyabisenge Prison Farm in Kibaale District is over 10 kilometres away from the Court

The Commission also established that the right to Personal Liberty is denied due to the **unavailability of Magistrates to take plea.** Following sanctioning of the file, the absence of a Magistrate will still keep the suspect in police cells, well beyond 48 hours. For instance, Kagadi Magistrates Court has two Magistrates G.I and G.II. However, it has only one courtroom, so the magistrates hear cases in shifts, which creates a backlog of cases to be heard. The Commission established that at Kagadi Magistrates Court, one Magistrate hears cases every Tuesday and Wednesday, while the other Magistrate hears cases during morning hours of every Thursday and Friday. Therefore there are no Magistrates to hear cases or take plea on Mondays, hence creating a backlog.

The Commission therefore **recommends** that in order to ensure promotion and protection of the right to Personal Liberty, there is need for the government to facilitate the police expedite their duties. There is also need to appoint more State Attorneys to ensure that each district has a Resident State Attorney. The Commission notes that there is need to appoint more

Magistrates to handle the backlog of cases and also for the appointed Magistrates to conduct their duties in a more accountable manner because *justice delayed is justice denied*.

2.2.10 Deprivation of the Right to Property

The right to Property is guaranteed under Article 26(1) of the 1995 Constitution. During the period under review, the Commission received 158 complaints on the right to property, representing 13.1 percent of the complaints received. In Northern region, most of the complaints on deprivation of the right to property were against the UPDF. Many of these complaints relate

to destruction of property such as crops, huts, trees, burial grounds, etc. by the UPDF during operations.

2.2.11 Major respondents accused of Human Rights violations per Region in 2005

Table 2.8 below is a categorization of respondents registered per region in 2005. As was the case in 2004, in 2005, the highest numbers of complaints were registered against individuals. These relate to the violation of the right to maintenance of children, property, Education, Work, Healthy working Environment, Health, Privacy and Cruel, Inhuman and Degrading Treatment or Punishment.

Table 2.8 Categorization of Respondents – Violations by Institution

No	Respondents	Headquarters	Gulu	Soroti	Moroto	Jinja	Mbarara	Fortportal	Total
1	Private Individuals*	113	40	136	77	59	44	21	490
2	Uganda Police Force	59	16	62	07	30	41	35	250
3.	UPDF	06	63	19	42	03	08	05	146
4.	District Administration	11	03	11	03	02	30	12	72
5.	Government Institutions	05	04	05	-	13	-	05	32
6.	Private companies	04	03	03	03	14	-	01	28
7.	Uganda Prisons Services	05	01	02	03	09	04	03	27
8.	VCCU	13	-	03	-	03	03	03	25
9.	Education Institutions	04	-	12	-	-	-	06	22
10.	CMI	15	-	-	-	-	-	-	15
11.	Judiciary	01	-	-	-	-	-	03	04
12.	ISO	03	-	-	-	-	-	-	03
13.	LDUs	-	-	01	-	-	-	-	01
14.	NGOs	01	-	-	-	-	-	-	01
	Total	240	130	254	135	133	130	94	1,116

* Private individuals are the highest respondents as a result of cases registered against them in relation to violation of the rights to Child Maintenance, Property, Education, Work, Healthy working Environment, Health, Privacy and Cruel, inhuman and degrading treatment or punishment.

The highest number of respondents were the Private Individuals, Uganda Police Force followed by the UPDF, and then District Administration and Government Institutions.

2.2.12 Counselling

The Commission realised the need to provide counselling services to complainants who seek the services of the Commission and whose complaints are under investigations at the Commission. This is due to the traumatic experiences that some of them

have undergone as a result of the violation of their rights. This was also found to be necessary as a way of providing psychosocial support during the process of registering their complaints and through the process of investigations. The unit also plays a referral role to complainants who require further professional counselling and treatment.

During the period under review, the counselling unit offered services to 102 complainants and these included 65 males and 37 females as indicated in the Tables 2.9 and 2.10 below.

Table 2.9 Categorization of counselling offered

No.	Viols/ Cases	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
1	Depression	4	1	3	2	4	3	7	4	3	3	3	3	40
2	Stress	3	2	3	3	5	2	5	1	2	-	2	4	21
3	Tortured/ Trauma	2	3	3	3	-	3	1	4	1	-	2	1	23
4	Anxiety	1	-	1	-	1	-	-	1	2	1	-	-	07
Total		10	6	10	8	10	8	13	10	8	4	7	8	102

Table 2.10 Summary of Complainants offered counselling by Gender in 2005

Gender	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Male	8	4	7	5	7	6	7	8	5	3	1	4	65
Female	2	2	3	3	3	2	6	2	3	1	6	4	37

(a) Impact created by the Counselling Unit

- The unit made six referrals for further professional counselling and treatment. These included three referrals to Mulago Mental Health Clinic, one to Mental Health Hospital- Butabika and two to ACTV.
- The counselling unit cooperated with Mental Health Uganda to assist in handling the mentally disabled clients/complainants. This enabled the complainants register into associations that enabled them acquire cheaper medical care, loans, skills and experience.

SECTION III

3.3 RESOLUTION OF CASES: Tribunal and Mediation

During the period under review, 119 files were allocated to the Commission Tribunal for hearing. The

Commission Tribunal heard in part 205 cases, which included the backlog of cases of 2004. The Tribunal concluded 60 cases as shown in Table 2.11 below. The major respondents before the Commission's Tribunal included: Individuals, the Uganda Police Force, the UPDF, Local Government and Government Institutions.

Table 2.11 Summary of complaints before the UHRC Tribunal in 2005

Region	Allocated to the Tribunal in 2005	Status of Part-heard Cases in 2005 (incl. Backlog)	Concluded cases (incl. Backlog) in 2005
Headquarters	37	71	34
Gulu	30	52	10
Soroti	12	19	04
Moroto	01	01	-
Jinja	06	08	03
Mbarara	12	26	06
Fort Portal	21	28	03
Total	119	205	60

2.3.1 Part-heard Complaints

During the period under review, the Commission was unable to conclude all cases brought before the Tribunal. In this respect, the Commission Tribunal heard in part 205 cases. The part-heard cases included the backlog carried forward from 2004. Table 2.11 above indicates the volume of, inter alia, Part-heard cases per region.

The Commission observed that some of the hearings were not carried out expeditiously because of, *inter alia*, non-appearance by the Attorney General's office and this has been attributed to lack of funds to facilitate the State Attorneys handling matters before the Commission Tribunal; and lack of permanent addresses for the complainants. This had an implication on the timeframe, within which cases were resolved.

2.3.2 Concluded cases

(a) Dismissed/Withdrawn cases

Of the 60 complaints disposed of at the Tribunal, 17 cases were dismissed and; 6 cases were withdrawn by the complainants as a result of the respondents meeting their obligations as shown in Table 2.13.

(b) Commission Tribunal Awards

During the period under review, the Commission Tribunal awarded damages to 37 complainants amounting to Ug. shs. 306,228,000/= in total as indicated in Table 2.12 below. In particular, the Commission Tribunal awarded Ug. shs. 275,278,000/= against the Attorney General, Ug. shs. 28,950,000/= against Private Individuals and Ug. shs. 2,000,000/= against Institutions.

The Commission could not report on the number of complainants paid by the Attorney General during 2005 because this information was not availed by the Attorney General's office when contacted. Suffice to note here, if there was any payment at all, it was negligible given the past trends of performance

inhonouring Awards by the Attorney General's office

Table 2.11 Summary of complaints before the UHRC Tribunal in 2005

NO.	UHRC.NO	PARTIES	VIOLATION	AWARD
1.	172/1998	Idris Kasekende Vs. Attorney General	Torture and Personal Liberty	15.000.000= 25.000.000= Total 40,000,000=
2	767/2000	Abdu K. Kiranda Vs. Attorney General	Personal Liberty	1,200,000=
3.	180/2002	Nanyonga Janat -and- Attorney General	Right to Life	9,000,000/=
4.	104/2004	Maj. Kanyarutokye Vs. Alice Kiyayi	Education and Maintenance	200,000/=
5	125/2004	Sam Edrin Vs. Haji Karim Hirji	Right to Maintenance and Education	5, 000,000/=
6	128/1997	Walusimbi Sebagala and Attorney General	Personal Liberty	10.000.000= 2.000.000= Total: 12,000,000/=
7	191/2003	Kaliisa Joseph and Attorney General	Personal Liberty and Property	7,000,000/=
8	732/2000	Kimuli Wilson and Attorney General	Torture	5,000,000/=
9.	70/2004	Asio Agnes and Aregu Raphael	Access to Children	- Respondent retains the two children - Children to visit their mother during holidays and expenses to be met by the father. - Complainant to visit her children at school
10	149/2004	Susan Kaasa -and- Maj. Sambwa Godfrey	Maintenance and Education	130.000/= 100.000/= Total: 230,000/=
11	MBA/244/03	Bandiho Philemon -and- Executive Director, Uganda Wildlife Authority	Personal Liberty	1,100,000=
12	MBA/581/01	Gregory Babukiika -and- Bushenyi District Administration	Torture and Personal Liberty	2,000,000=
13	G/4/2003	Omara David -and- Attorney General Et Al	Torture and Personal Liberty	4,000,000/= 6,000,000/= 1,000,000/= TOTAL: 11,000,000/=

14	S/224/2001	David Adelimo -and- Attorney General	Torture and Personal Liberty	1,500,000/=
				500,000/=
				900,000
				Total: 2,900,000/=
15	S/173/2002	Okello Joseph and Attorney General	Personal Liberty	2,000,000/=
				9,000,000/=
				Total: 11,000,000/=
16	G/45/2000	Moro Keneri -and- Akena Venansio	Torture and Personal Liberty	400,000/=
				6,000,000/=
				TOTAL: 6,400,000/=
17	G/271/2003	Langol Justine -and- Attorney General	Torture	900,000/=
18	G/93/2003	Onek.F. Albino -and- Attorney General	Property	7,200,000/=
19	G/155/2003	Ojera Basil -and- Attorney General	Torture and Personal Liberty	3,000,000/=
				15,000,000/=
				Total 18,000,000/=
20	MBA/84/2002	Rutimbuka/Beyaka -and- Kambamu and Mugarura Gordon	Torture and Personal Liberty	1,000,000/=
				1,000,000/=
				TOTAL: 2,000,000/=
21	1182/1999	Lukyamuzi Peter -and- Attorney General	Personal Liberty and Torture	5,000,000/=
				1,000,000/=
				TOTAL: 6,000,000/=
22	187/2004	Eva Namwanje -and- Itaaga Bosco	Maintenance	50,000/=
				150,000/=
				Total: 200,000/=
23	249/2002	S. Peace Nshemereirwe -and- Attorney General	Life	30,000,000=
24	S/274/2003	Tabu Godfrey -and- Capt. Mukiibi Pte. Byamugisha	Torture	2,500,000/=
25	MBA/268/03	Ms. Asiono Florence -and- Pte. Mulunga Jackson	Maintenance	40,000/=
				30,000/=
				TOTAL: 70,000/=
26	208/2003	Lwere Ibrahim -and- Attorney General	Personal Liberty and Torture	7,000,000/=
27	FP/42/2002	Annet Kajumba -and- Baguma Henry	Maintenance	2,000,000/=
28	358/2001	Lillian Tumuhimbise -and- Attorney General	Personal Liberty	1,500,000/=

29	Uhrc. No.10/02	Akisoferi Rwabwire -and- Attorney General	Personal Liberty	900,000/=
30	1128/1999	Kabagenyi Beatrice -and- Attorney General	Personal Liberty and Torture	12,000,000/= 5,000,000/= TOTAL: 17,000,000/=
31	141/2004	Lukwago Musa Et Al -and- Attorney General	Personal Liberty	45,000,000/=
32	J/41/2003	Rebecca Tibesigwa and- George Lukoda	Maintenance and Education	50,000/= 200,000/= Total: 250,000/=
33	G/153/2003	Okot Wilson -and- Attorney General	Torture	5,000,000/=
34	S/156/2003	Abbey Higenyi -and- Attorney General	Personal Liberty	100,000/=
35	G/577/1999	Aber Aziza Juma Talibu Abdu Juma -and- Attorney General	Torture	17,000,000/= 16,578,000/= Total: 33,578,000/=
36	G/112/2003	Olanya Samuel -and- Cpl. Komakech Geoffrey	Torture and Personal Liberty	9,000,000/=
37	MBA/2/2003	Patrick Koraho and Attorney General	Torture	4,000,000/=
	TOTAL			306,228,000

Table 2.13 Categorization of cases dismissed for want of prosecution and cases withdrawn by complainants

NO.	UHRC.NO	PARTIES	VIOLATION	COMPENSATION AWARDED
1	008/2000	Abdallah Kiyaga Vs. Attorney General	Personal Liberty and Property	Matter dismissed for want of prosecution
2	G/233/2001	Angee Jerolina -and- Chairman L.III Koro Sub-County Council	Property	Matter dismissed for want of Prosecution.
3	G/124/2003	Salvatorio Nyeko -and- Attorney General	Property	Matter dismissed because it was time-barred.
4	84/2004	Jessica Namugabo -and- Dickson Kyagulanyi	Maintenance	Matter dismissed for want of Prosecution.
5	MBA/253/2003	Sunday James -and- Lt. Bwambale Liaison Officer	Torture	Matter dismissed for want of Prosecution.
6	893/1999	Nyakana Dorothy -and- Mashanyu Muhamadi	Maintenance	Matter dismissed for want of Prosecution.

7	FP/82/2003	Tuhaise Olivia -and- Kabwa Micheal	Maintenance	Matter dismissed for want of Prosecution.
8	334/2002	Jonathan Masembe -and- Attorney General	Torture	Matter dismissed for want of Prosecution.
9	132/2004	Bako Grace -and- Adriko Maxwel	Maintenance	Matter dismissed for want of Prosecution.
10	419/2003	Boniface Oguttu -and- Attorney General	Liberty	Matter dismissed for want of Prosecution.
11	171/2003	Mohammad Mutyabya -and- Luwero District Administration	Torture and Liberty	Dismissed for want of Prosecution.
12	J/Log 18/2002	Ruth Lwetutte -and- Epinetu Lwetutte	Maintenance	Matter dismissed for want of Prosecution.
13	244/2003	Sam Kamba -and- Attorney General	Liberty	Matter dismissed for want of Prosecution
14	513/2001	Kateeba Yahaya -and- Maj. Kakooza Mutale	Torture Liberty Property	Dismissed for want of Prosecution
15	FP/8/2004	Mugume George -and- Managing Director, Car tracks, Security systems	Life	Dismissed for contempt of the Commission Order under Art. 53(2) (d) (i) of the 1995 Constitution
16	244/2003	Sam Kamba -and- Attorney General	Liberty	Matter dismissed for want of Prosecution
17	330/2002	Waninda Geoffrey Vs. Operation Wembley	Torture and Liberty	Matter withdrawn by the Complainants
18	323/2003	Jude Okuku -and- Constance Ojambo	Maintenance and Education	Matter withdrawn (Respondent died)
19	244/2004	Lydia Nambuya -and- Awuka James	Maintenance	Complainant withdrew the matter
20	31/2004	Mukaye Betty -and- Cranimer Kalinda	Maintenance	Complainant withdrew the matter File retired basing on an agreement by both parties
21	283/2003	Akemo Celine -and- Joseph Esabu	Maintenance	Complainant withdrew the matter. Respondent was meeting his obligations
22	J/42/2002	George Mugweri -and- Alamanzani Kange Et Al	Liberty and Property	Complainants withdrew the Matter
23	405/2003	Birungi Harriet -and- Luyima John	Maintenance	Dismissed for want of Prosecution

(c) Categorization of violations before the**Commission Tribunal**

During the period under review, the category of violations heard before the Commission Tribunal included:

Deprivation of the right to Personal Liberty	-	28
Torture	-	22
Deprivation of the right to Maintenance	-	17
Deprivation of the right to Property	-	07
Deprivation of the right to Education	-	05
Deprivation of the right to Life	-	03
Deprivation of access to children	-	01
Total	-	83

Note: The number of violations appears more than the number of complaints because some complaints presented more than one violation.

(d) Categorization of Respondents before the Commission Tribunal

The main respondents in the cases decided by the Tribunal are security agencies and private individuals. Below is the categorization of respondents before the Commission's Tribunal:

Uganda Police Force	-	11
UPDF	-	10
Private Individuals	-	09

Local Government/

Administration	-	05
CMI	-	04
ISO	-	04
VCCU	-	03
Private Companies	-	01
Total	-	47

2.3.3 Mediation of complaints

The Commission ensures that parties to a dispute reach a negotiated settlement and sign a Memorandum of Understanding (MOU). The MOU (containing the terms of the settlement) is drawn and endorsed, in the presence of an officer of the Commission. Where the Commission does not have jurisdiction over issues raised in the claim, the Commission invariably refers the claim to an appropriate institution and follows it up to a logical conclusion. Where one of the parties does not respect the agreed terms of the MOU, the Commission refers the case to the Commission Tribunal.

During the reporting period, the Commission mediated and resolved 81 complaints. The majority of mediated complaints were cases on maintenance and education. The Commission prefers to use alternative dispute resolution in the form of mediation in family matters in order to preserve the family as an Institution. Other cases included property rights, remuneration and gender rights. The purpose of mediation was to ensure that parties reach a mutually agreed and amicable solution.

2.4 Summary Recommendations

- The Commission recommends immediate implementation of the law on amalgamation of prisons and closure of those without capacity.
- The Commission recommends the following Local Administration Prisons for closure as their existence is a threat to the lives of inmates:

- Close Kiboga LAP and inmates be transferred to Kigo, Luzira, Masindi, Isimba LAPs.
- Close Hoima LAP and inmates be transferred to Masindi and Isimba LAPs.
- Close Bubukwanga LAP and inmates be transferred to Katojo, Rwimi, Ibuga, Mubuku LAPs.
- Close Masafu LAP in Busia and inmates be transferred to Morkatipe Prison in Tororo District
- Close Amuria Local Government Prison is located about 45 Kms from Soroti Government Prison and inmates be transferred to Soroti Government Prison.

c. The Ministry of Finance, Planning and Economic Development should as a priority, increase the budget allocations to the Uganda Police Force and Uganda Prisons Service to ensure performance of their duties efficiently and effectively, more so as LAP merges with CGPs.

d. In recognition of the Commission's mandate, the Chief of Defence Forces should waive the notice required of the Commission to inspect Military Detention Facilities.

e. The Ministry of Internal Affairs should ensure that all gazetted detention facilities provide separate detention facilities for children.

f. Regarding compensation of victims, the Commission recommends three related options namely;

(i) The Attorney General should ensure that individual officers, men and women who commit human rights violations are personally brought to Justice, i.e. strict liability as opposed to vicarious liability should be emphasised. This will give an implied liability on the person (perpetrator) to take all precautions necessary to prevent human rights violations. This will act as a deterrent measure for officers that are likely to violate human rights and freedoms.

(ii) The Commission recommends that a Victims Compensation Fund be established, from where the victims whose perpetrators are unable to compensate should be compensated.

(iii) Liability should be decentralised from the Attorney General's office to line ministries, of perpetrators. This will ensure that line ministries assume a sense of accountability. This will entail amending the Government Proceedings Act, Cap 77.

(iv). In addition, Parliament should enact an effective legislation specifically prohibiting acts of torture, cruel, inhuman and degrading treatment or punishment. This law should provide a comprehensive definition of torture, and ensure absolute prohibition of torture, cruel, inhuman and degrading treatment or punishment.

(Endnotes)

¹ Article 52(1)(b) of the Constitution of the Republic of Uganda, 1995

² See Appendix B

³ Article 23 of the Constitution of Uganda, 1995

⁴ Combating Torture, *A manual for Judges and Prosecutors*, Human Rights Centre, University of Essex, Conor Foley, 2003, p. 12

⁵ Ibid, 1

⁶ Held in *the Greek Case*, (1969), YB: *European Convention on Human Rights*, no. 12, p.186 and in *Ireland vs. UK*, (1978), 2 *European Court of Human Rights*. (Series A), p. 25.

⁷ UHRC 172/1998

⁸ Decision by Commissioner Mariam F. Wangadya

⁹ UHRC/G/577 of 1999

¹⁰ Decision by Commissioner Veronica E. Bichetero

¹¹ See Article 20 CAT.

CHAPTER 3

POLITICAL TRANSITION FROM MOVEMENT TO MULTIPARTY SYSTEM: AN ASSESSMENT

3.0 Introduction

The Uganda Human Rights Commission monitored the political transition from the Movement political system to a multiparty political system which was completed by the March 2006 Presidential and Parliamentary elections. The Uganda Human Rights Commission is mandated under the 1995 Constitution to among other things monitor Government compliance with International Conventions and Treaty obligations¹ on human rights. It is under this mandate that the Uganda Human Rights Commission monitored the transition process, including the general elections that took place on 23 February 2006.

On 23 February 2006, Ugandans participated in General elections under a multiparty arrangement after 25 years. The 23 February 2006 general elections were a culmination of the political transition process that started almost 5 years ago. For almost 20 years, Ugandans were being governed under a no-party system, first under the National Resistance Movement, which later metamorphosed into the Movement system in 1995 after the promulgation of the new Constitution. Under this political dispensation, party activities were limited although old political parties were allowed to exist with very restricted operation and activities. A referendum was held in 2000 whose results showed an overwhelming support for the continuation of the Movement Political System. In 2002, a Constitutional Review Commission under the chair of Prof. Fred Ssempebwa was set up to review certain provisions of the 1995 Constitution. It is this Constitutional Review Commission that recommended the return to multiparty politics in Uganda. Again in July 2005, a referendum was held which showed an overwhelming support, by Ugandans, for a multiparty political system.

The general statement of the Commission was that, overall, the Commission considers the political transition process from the Movement political system to a multiparty political system commendable despite some shortcomings that were registered. In its general assessment, the Uganda Human Rights Commission is of the opinion that the General elections held on 23rd February 2006 was successful and the outcome of it reflected the general will of the majority of voters, notwithstanding many and serious irregularities that were noted on the Election Day.

3.1 Objectives of Monitoring the Political Transition Process

The Commission monitored the political transition process in order to achieve the following;

1. To ensure that there is observance and respect for human rights and freedoms during the electoral process. The cardinal role was to monitor Government's compliance with convention and treaty obligations
2. To ensure that an independent, impartial and objective evaluation of the electoral process was conducted.
3. To encourage participation and build voter confidence in the electoral process.
4. To ensure the integrity of the electoral process. This includes deterrence and detection of violence, intimidation and fraud.
5. To monitor the protection of all human rights during the election period.
6. To provide support for civic education.

3.2 Methodology

The Commission used various methods to monitor the political transition process ranging from review of Bills before Parliament, reviewing of media reports,

visiting sites of alleged human rights violations, interviewing key informants like leaders of political parties, candidates and their agents, heads of civil society organizations, government officials, attending candidates' rallies, making spot checks, reviewing other reports on the political transition process, attending court sessions and monitoring polling on the election day and post-election developments.

On the Election Day, Uganda Human Rights Commission deployed a total of 80 election observers in over 30 districts of Uganda who monitored more than 1,000 polling stations. UHRC election observers were in the districts of Kampala, Wakiso, Mukono, Kibaale, Iganga, Kaberamaido Soroti, Amuria, Katakwi, Kumi, Pader, Lira, Gulu, Masindi, Kitgum, Moroto, Kotido, Kaboong, Bushenyi, Nakasongola, Ntungamo, Rukungiri, Mbarara, Kabarole, Kasese, Kayunga, Jinja, Mayuge, Nebbi, Kamuli, Kaliro, Busia and Tororo.

3.3 Constitutional Reforms:

This started with the setting up of the Constitutional Review Commission(CRC) which was established under the Commission of Inquiry Act (Cap 166) in 2001 with the mandate of reviewing parts of the Constitution after thorough consultations with all stakeholders in Uganda. The CRC had terms of reference, which included making recommendations to the minister responsible. Cabinet also presented its views to the CRC.

For the transition process to proceed, there was a need to first review certain articles of the Constitution that were necessary and were urgently required for a peaceful and smooth transition from the Movement Political System to Multiparty Political System. However, much as the amendment of the constitution required adequate time, in some instances it was hurriedly done. For example issues like the lifting of the presidential term limits and federalism for Buganda still remained contentious and became key campaign issues by the opposition. The Commission was and is still of the opinion that such issues needed ample time for an in-

depth study and wide consultations before the final decision was taken.

The constitutional amendment process was a significant step in ensuring that the Movement and the Multiparty Political Systems were accommodated in the constitutional amendments. However, for a smooth and successful political transition, it was not only enough to amend the Constitution alone but also other related laws.

3.4 Parliament of Uganda and the Political Transition Process

Parliament also played a commendable role in passing relevant laws for the political transition. Parliament carried out necessary constitutional amendments, passed relevant laws like the Political Parties and Organisations Act, 2005 the Presidential Elections Act, 2005 the Parliamentary Elections Act, 2005 and the Local Governments Elections (Amendment) Act, 2005.

The Commission noted with concern delays on the part of the executive to table Bills relevant to elections before Parliament. Occasionally, Parliament had to rush through some of the Bills to beat deadlines. Other stakeholders like Political Parties, Civil Society Organizations and the Commission itself, had no, or little time to scrutinize all the Bills before Parliament and make concrete recommendations on the fairness of the proposed laws and the human rights implications.

The Commission noted with concern the way the Parliamentary Elections (Amendment) Bill, 2006, was rushed through, aided by the suspension of a number of the procedural guarantees in the rules of Parliament. This, for example, was done to facilitate table a motion that provides for the representation of special interest groups. The Commission was therefore denied an opportunity to have an input to the Bill. That notwithstanding, the Commission applauds continued representation of all special interest groups, particularly

vulnerable groups.

Both the Parliamentary Elections Act (2005) and the Presidential Elections Act (2005) require Civil Servants to first resign their offices before they can contest in any election under a multiparty political arrangement. The Political Parties and Organizations Act (2005) also bars all civil servants from participating in politics in a multiparty dispensation unless they first resign their offices, the reasoning being that multiparty politics are by their very nature partisan. Given that technically, the UPDF is supposed to be part of the public servants in Uganda, the Commission has not been wholly convinced about the continued UPDF participation in Parliament under a multi-party political dispensation. There is need to further debate the relevance of the UPDF representation in Parliament, so as to ensure consensus is reached.



The Speaker of Parliament, Edward Ssekandi (left), listening to findings and recommendations presented by the Commission



Members of the Commission with the Speaker of Parliament, Edward Sekandi (4th from left). (L-R): Commissioner A. Sibbo, Commissioner V. Bichetero, Chairperson Mrs. Margaret Sekaggya, Commissioner JM Waliggo, and Commissioner Aliro-Omara

3.5 The Judiciary and the Political Transition.

The judiciary played a significant role in ensuring that the political transition process remained on course and that the rights and freedoms of the actors in the political transition from Movement to Multiparty were at all times protected. The courts of law made outstanding rulings that reflected their independence and impartiality. Given the fact that the laws in place protect fundamental rights and freedoms, the Commission is satisfied that all the major decisions arrived at by the courts of law during the political transition were necessary and indispensable, without which the political transition would have rocked. The various rulings of the courts of law were a testimony that institutions like the judiciary were strong enough to resist pressures from any corner, be it the state.

There were however accusations of bribery on some members of the judiciary to influence the decisions of the courts of law. Given the previous rulings of the courts of law, most of which were against the state, the Commission found it difficult to believe those accusations against the judiciary. In these rulings, the judiciary had proved beyond reasonable doubt that it was far above such accusations.



The Chief Justice, Benjamin Odoki, the Judiciary kept the transition process on course

3.6 The Electoral Laws:

The Electoral Law that was put in place to govern the political transition process largely conformed to international human rights standards. The major problem, however, was that the most crucial laws for elections were passed very late. These laws included; The Constitution Amendment Acts, The Political Parties and Organization Act 2005, The Presidential Elections Act, 2005, The Parliamentary Elections Act 17 Of 2005, The Local Governments Amendment Act, 2005 and The Parliamentary Elections (Amendment) Act, 2006. These laws only came into force on 21st November 2005, one month to the commencement of campaigns. Consequently, the passed laws still contained some contradictory provisions on human rights, which need further review.

For instance, under section 85 of the Parliamentary Elections Act, the right to recall a Member of Parliament only applies when the Movement political system is in force. There is no equivalent provision when the multi party political system is in force. In other words, the voters have no way of recalling a Member of Parliament who has failed to represent them effectively, under the multiparty system. The right to recall a Member of Parliament is created by article 84 of Parliamentary Elections Act irrespective of whatever political system may be in place. Section 85 of Parliamentary Elections Act is therefore inconsistent with this right as provided for by the Constitution and should be reviewed.

The Commission is of the opinion that the late enactment of the electoral laws meant that there was little time given to those who intended to participate in the elections to prepare and to embark on meaningful participation. Also, the late enactment of the electoral laws meant that there was little time left to study and internalize them. In fact by the time of voting, most candidates, voters and election officials were not fully conversant with the provisions and requirements of these laws. For example much as the Presidential Elections Act (2005) provided that persons who

had already voted could stay at the polling station, 20 meters away, the guidelines of the Electoral Commission required such persons to either quit or stay 100 meters away from the polling station. The guidelines therefore contradicted the law.

3.7 Registration of Parties

The registration of parties generally went on well. However, there were initial hitches noted by the Commission during the process of registration of political parties, which were later resolved by the passing of the Political Parties and Organizations Act (2005). Generally, the late enactment of laws for the political transition had a significant impact on the strength of the parties/organizations that competed for state power in the elections during the political transition. It meant the parties had little time to organize or re-organise in the case of the old parties. This was one of the reasons why some of the registered parties could not present candidates both at the local and national levels. It is the contention of the Commission that strong, democratic and accountable political parties are indispensable in building a democratic state. The political transition process should have therefore provided opportunities for the development and growth of these political institutions through a timely legal regime and some resources for operation.

Given that many of the political parties: JEEMA, PAP, FDC, National Peasants Party, etc only registered after the opening up of the political space, they were less than a year old and did not have any form of grass-root structures on the ground. The election date as stated gave the parties a period of three months within which to set up grass-root structures and offices, hold party primaries and mobilise and canvass for votes countrywide in time for the elections. This period was too short for any of the political parties and their candidates to make adequate preparations and effectively participate in the elections on an equal footing with the incumbent. The situation was not any different for the old parties; UPC, DP and CP, whose

structures had collapsed during the 25 years that they were in limbo.

Much as there were over 30² registered political parties, only four effectively participated in the elections. Other political parties in place were too weak, disorganised and characterised by internal bickering over leadership. Some even had no capacity to sponsor a single candidate for any elective political post. The Commission hopes that with the new Political Parties and Organizations Act (PPOA) 2005, these parties will be able to strengthen their capacities. Under the PPOA, Parties and Organizations have been allowed to meet freely all over Uganda to decide on the leadership, hold meetings at the grass-roots and to change leadership.

3.8 Party Primary Elections:

The Commission monitored party primary elections with the major objective of establishing how the rights of members in these parties to political participation were observed. Some parties like NRM had primaries conducted through electoral colleges to choose party representatives, while others like FDC and DP chose their representatives through their national conferences without going through primaries. While the NRM method was more democratic, it had weaknesses leading to many petitions to the NRM party electoral commission headed by Hon. Ruhakana Rugunda. Many of those who were not satisfied by the results of the primaries stood as independents and in many cases they were vindicated. On the other hand, the methods used by DP, UPC and FDC were less democratic, less transparent and resulted in complaints including desertions from some parties. There were also disagreements within the UPC party with one faction outmanoeuvring other factions in the party. Those who felt unhappy with the internal processes in the parties opted to contest as independents. On the other hand there was factionalism within the DP, with the example Mr. Al Hajji Nasser Ssebagala and Mr. Sebaana Kizito having separate factions all belonging to the same party. The political parties were constrained by the late enactment of legislations in that they were

not able to establish structures at various levels; some even omitted holding of the primaries and this grossly affected their ability to function effectively.

3.9 Continuation of the Movement Secretariat

The NRM structures funded by the State continued to function normally during the political transition period up to the Election Day, with the NRM Secretariat at the head. There were arguments by the opposition that because the Movement structures were not disbanded, therefore the NRM, which controlled the Secretariat, had an advantage over other parties. The argument was strengthened by the Constitutional Court ruling that the Movement under the Movement Act (1997) was actually a party and not a system that was envisaged under the 1995 Constitution. The Government on the other hand interpreted the legal provisions to mean that as long as one system is in place, the other one remains in abeyance. According to this argument, the movement was still in place until a new multiparty system came into place. The general opinion was that the structure of the Movement System was promoting the interest of one political party i.e. The NRM, and nothing concrete was done on the part of the NRM to dispel such political fears.

3.10 Electoral Commission administration of the Process

In the circumstances, the Electoral Commission has to be congratulated for successfully organizing the recently concluded elections amidst complaints of resource constraints and other shortcomings. And where the shortcomings existed they were largely attributed to other organs of government such as Parliament's late enactment of the electoral laws, failure by some citizens to meet their obligations to register for the electoral process and check their names on the voter register and Government (executive) for not giving sufficient financial resources. Most importantly, the delayed enactment of electoral laws constrained the work of the Electoral Commission. For example the

local government amendment was assented to on 4th December, 2005, yet the nomination was set for 27th December 2005. Much as the Electoral Commission was systematic and professional at the briefing and communication of results to the public at the Mandela Stadium, there is a need for improvement especially regarding the time factor. For example, in this modern information technological era, it took the Commission a couple of hours after voting, to announce the first partial provisional results. The way the results were communicated from the districts to the National Tally Centre in Namboole was contested by other parties. The Commission proposes that the system of tallying results be reviewed, to plug all possible areas of abuse or at least to satisfy parties to an election that the process is satisfactorily transparent and leads to the announcement of genuine results.

The Commission however commends the Electoral Commission for observing the following aspects of the electoral process;

- Availing copies of the voters register and number of registered voters per polling station to political parties/ candidates and other stakeholders including observers.
- Publicising the list of polling stations in the entire country in the print media.
- Holding regular meetings with representatives of political parties and candidates to iron out emerging issues at various levels.
- Regularly briefing the media and observers to keep them abreast with the electoral process.
- Adhering to the law specifically by allowing candidate Kiiza Besigye to be nominated in absentia, notwithstanding the contrary advice of the Attorney General, a position that was upheld by the Constitutional Court.
- Formulating the code of conduct for political parties although it was not enacted into regulations by the responsible Minister.

3.11 Civic and Voter Education

There were general complaints about insufficient civic and voter education. This was indeed true as many voters did not comprehend the major issues at play. For example, much as Uganda is now under the multiparty system, very few people understood how the system operates. Could this explain why a voter would vote a Member of Parliament belonging to a certain party, say NRM but also vote for a Presidential candidate of FDC party? The institutions responsible for civic education such as the UHRC had no resources to do that. Donor support for such an education was so late in the day that what was put in place had little impact because it did not reach many. The Commission strongly recommends that civic and voter education becomes continuous and Government should continually provide sufficient resources for it. The practice of waiting to undertake civic education during elections merely wastes resources as not much impact is achieved. Notwithstanding the insufficient civic education however, voters were able to make up their choices, which were based mainly on choosing whether to have change or to continue with the present leadership and its programmes.

3.12 Media Coverage of the Elections

Uganda has many media outlets across the country using many languages. It was very difficult for any particular group to claim monopoly over all the media outlets during the political transition period. There were, however, complaints and justifiably so, that the government-owned Uganda Broadcasting Corporation (UBC) Television did give more coverage to Presidential candidate Yoweri Museveni of the NRM. UBC had a duty to give coverage to all candidates as required by law. This criticism is justified since UBC is funded by tax-payers. Nonetheless, UBC did not have resources (Human, Financial and Equipment) to deploy in the field. The President, on the other hand, had the advantage of the Presidential Press Unit that fed UBC with campaign news. The Commission urges

Government to avail adequate resources to UBC to fully perform its functions. On the other hand, there were radio stations and newspapers that were openly pro different candidates as well as others being against other candidates. Depending on the voter/supporter, one could access the media that spoke or wrote what one wanted to read or hear. On the whole, the media did a commendable job especially in the run up to the elections.

3.13 Nomination of Candidates

On the whole, the nomination process at all levels was generally peaceful and transparent and those who were denied nomination had opportunity under the law to petition against such a decision. The Electoral Commission acted with competence and independence in dealing with nomination issues including the contentious issue of whether candidate Kizza Besigye should be nominated while in prison.

3.14 Election Campaigns

The election campaigns were conducted largely in a peaceful atmosphere. Violence was, however, recorded in some districts but these were exceptions rather than the practice; notable episodes of electoral violence were in Iganga and in Bulange-Mengo, where three people were shot dead by an official of the RDC's office. The Police however, largely dealt with such problems wherever they cropped up.

3.15 Use of Government resources for campaigns

The law banned the use of government resources by candidates or their supporters to canvass for votes during the 2006 General Elections. The only limited exception was that of a sitting President who was allowed to continue using only the facilities, which were necessary for the functioning of his office and his security. No such resources, however, could be used directly for soliciting votes. Other government

officials such as Ministers had no such entitlements. But government vehicles were seen being used during campaigns. There were instances where government vehicles were dressed with private number plates to circumvent the law. The Commission is of the opinion that in future elections, the electoral law should be improved to spell out sanctions that would stop people from abusing government resources for political campaigns.

3.16 The National Voters' Register

The update of the voters' register was done between 29th September and 31 October, 2005, stretching for a period of one month. It was later extended by two more days over a weekend. The Voters' register was later displayed from 22 December, 2005 –17 January, 2006, a period less than a month. There was however a last minute rush to register especially when Dr Kiiza Besigye of the Opposition FDC returned from South Africa in late October, 2005. Poor handling of the voters' register during the time of update and display disenfranchised thousands in the 2006 general elections. The display of the voters' register enabled qualified voters to check whether they were in or their particulars were correct on the National Voters' Register. There were however complaints during the first week of the display exercise that the registers had not arrived in some places for display. The following shortcomings were noted in updating the voters' register:

Absence of Display officials

Findings by the UHRC during the voters' register display exercise revealed that at some display centres, the display officials were not always present and voters who wanted to check their particulars in the register could not do so. This was especially common among the working class who could only secure a few minutes from work but would find that the display officials were absent. As a result some voters failed to establish as to whether they were on the register or not, and many turned up on the voting day only to find their names missing from the registers.

Cameras few or faulty

The photographic voter registration exercise also had some shortcomings. The voter update was delayed because there were few cameras in use. Officials were overwhelmed by high turn up of potential voters especially during the last days of update. Some of the cameras were faulty and could not be used. The register had shortcomings, which require cleaning or improvement.

3.17 Insufficient information on new polling stations

Much as the Electoral Commission endeavoured to publish information regarding the number and location of all polling stations in the country, including newly created ones, the information was insufficient in regard to which voter was at which polling station. In any case the publications were in national newspapers read largely in towns. This caused confusion and disenfranchised many voters on the polling day as they failed to find their names in the register at their usual polling stations. Changing polling stations without informing those concerned did not only cause inconvenience but led to many not voting.

Wrong spellings and mix up of names

Wrong spelling of names in the voters' register and mix up of names is also another major problem in the national register. Some registered voters' actual identities were mismatched with wrong photographs. This problem needs to be rectified as it resulted in many voters not voting because their correct names could not be located by polling officials in the register on the Election Day.

3.18 Arrest of Kiiza Besigye

From the beginning of the political campaigns, and the big crowds that were greeting Kiiza Besigye on his return from exile in South Africa, it was apparent that the Presidential race was between NRM's Yoweri Museveni and FDC's Kiiza Besigye. When therefore

Kiiza Besigye was arrested on 14 November, 2005 and charged both in a civilian court and the court martial with serious crimes (treason and rape in civilian court, terrorism in the court martial), many felt that it was a design by the State to prevent Besigye from participating in the elections. It met with condemnations locally and internationally. It meant that until Besigye was out of prison he could not conduct his campaigns. Even when he was released on bail he had lost time on his campaigns and had to divide his limited time between attending court and addressing his rallies. The arrest also led to riots resulting in destruction of property.

What must be said of all this is that the arrest and detention of Besigye was certainly ill-timed, led to suspicions and threatened to deprive the electoral process of legitimacy in the eyes of many.

3.19 Violence during campaigns was limited

In general, there were fewer cases of election violence in 2006 general elections as compared to previous elections of 2001. This was probably because there was in place a much more elaborate system by police in the 2006 elections, to receive and follow up the prevention or investigation of the incidences of violence among other election offences. Apart from the Bulange incident where three supporters of Dr. Kiiza Besigye were shot dead by a security agent attached to Rubaga RDC's office, the campaigns were generally peaceful, save on these occasions:

- On 2 February, 2006, FDC and NRM supporters clashed in Kibuye in Kampala District.
- On 31 January, 2006, FDC and NRM supporters clashed in Kiboga District.
- On 31 January, 2006, violence was reported in Bugiri District at Namuyingo Sub-county between NRM and FDC supporters.
- On the front page of Bukedde Newspaper of 3 February 2006, purported NRM supporters, wearing yellow t-shirts were seen carrying guns at the scene when violence in Kibuye broke up.
- In Adjumani where one candidate died.

- FDC's Coordinator for Electoral Affairs, Rt. Major Rubaramira Ruranga was on December 12 2005 slapped in full view of his colleagues by Lt. Col. Dick Bugingo, who at the time was commander of military police, outside the FDC offices in Najjanankumbi on the outskirts of Kampala

The Police election crimes squads created at districts, regions and CID headquarters compiled 1276 election related cases before elections, 128 during the election voting period and 306 during the post election period. The cases are summarized hereunder.

Table 1: Nature and magnitude of electoral offences during the electoral process

Defacement of posters and notices	326
Violence in form of assault, etc	234
Threatening violence	199
Bribery	118
Malicious damage	106
Inciting violence	67
Illegal nominations	65
Forgery & uttering false documents	49
Giving false information	28
Illegal voter registration	22
All other miscellaneous cases	496
Total	1710

Source: Uganda Police Force

From the analysis presented, crimes of violence proper were only 234 (13.68%) of all cases reported. All the cases tabulated above were reported from all the districts of Uganda. This was a great improvement from the previous elections of 2001.

3.20 Voting day environment

On the whole, the voting exercise was peaceful, transparent and the result a true reflection of the majority will of the electorate. Voters were calm, peaceful and enthusiastic to cast their vote for candidates of their choice. The data analysed by DEMU Group from 344 polling stations indicated that:

- There were reports of polling stations opening late. According to our data, 10.7 % opened before 7.00 a m, then 61.7 % opened between 7.00 am and 8.00 am, 23.4% opened between

8.00 am to 10.00 am.

- 98.6% of the Presiding Officers and 94.1% of Polling Assistants reported for duty.
- 95% of polling stations were covered by agents.
- There were some problems with missing materials and this should be looked at in future elections. 2.2% of polling stations were missing ink pads, 1.7% were missing seals and 4% did not receive the indelible ink markers. This was a positive indicator of preparedness but also a lesson for better performance in future.



Voters witnessing the counting of votes at one of the polling stations in Kampala's suburbs

3.21 Role of Security Agencies during the Political Transition

The security agencies must be commended for ensuring peace during the elections. The Code of Conduct for the Security Forces during elections was a well thought out document. In spite of this, there were statements and conduct by some security officials that left the impression that they were partisan and in future these statements and conduct must be avoided. Statements from security officials during elections must be professional, balanced and deal with the circumstance in point without displaying the officials' political preferences. That said, security was well taken care of on polling day, and there were instances when the police acted quickly to situations that required their intervention. The deployment of security forces on the streets did not seem to bother voters who proceeded to go to polling stations and cast their votes.

3.22 Role of Election Monitors and Observers

There were very many local and foreign observers in Uganda monitoring the 2006 General Elections. The presence of Monitors and Observers bestowed confidence to the process. There was evidence that all foreign observers had a proper grasp about the events in Uganda through their independent readings but also through their consultations internally. There was high

respect for the monitors and observers. However the electorate was not able to separate monitors/observers from the Electoral Commission supervisors/officials at polling stations. Consequently, in some cases voters as well as election officials were asking the observers and monitors for assistance that was ordinarily beyond their mandate.

3.23 Transparency during voting and counting

The voting was done in a transparent manner. The presidential and parliamentary candidates' ballot boxes were transparent themselves. Counting was done in the presence of some voters and also party representatives. Except for DP, UPC and independent candidate Dr Bwanika, FDC and NRM had representatives in most polling stations. Our observers noted a few isolated incidences of vote rigging some of which were handled by the Police.

3.24 Register and Voting

A good number of people did not vote because they did not find their names on the register. This was attributed to the merging or splitting of polling stations. This contributed to confusion on the polling day. A big number of people were disenfranchised because they were unable to find out where they were registered. Some voters were disenfranchised because their names did not appear on the registers despite the fact that some of them had voters' cards. There were those who were refused voting because a wrong photograph appeared against their name in the national register. Some voters whose names were missing on the registers but had registration cards were suspicious that their names were deleted on political grounds.

For example, at Acet- Angorom Polling Station in Kaberamaido District, UHRC Election observers were surprised when two people presented a card bearing the same names. By the time a second person came to vote, the first one had already voted. The card had the serial No. 07948533 (Kaberamaido, Kalaki, Otuboi, Lwala,

Acet Angorom) in the names of Eladu Raymond born on the 23rd of Jan 1971. Both the presiding officer and the agents wondered how this could have happened. Unfortunately the second one Eladu, who seemed to be the true owner of the card was not allowed to vote.

The Commission recommends that the updating and cleaning of the voters register should be an on going activity by the Electoral Commission and not be done only during the time of elections. The missing names on the voters' register greatly inconvenienced the affected voters who moved from one polling station to another searching for their names in the register while others were disenfranchised altogether.

3.25 Parish Tribunals disenfranchised some people

There were also complaints that some parish tribunals, established at the parish level according to the Electoral Commission Act, and have the function of helping the EC to maintain a clean and updated register due to their closeness to the grassroots, were in some places so biased in favour of a particular party that they maliciously deleted some names from the register claiming that such a voter is either dead or has transferred to another area. This could have contributed to a section of the population not finding their names on the register even when they had valid voter's cards. Section 25 of the Electoral Commission Act, Cap.140 provides for the display of the voters' roll by the Electoral Commission. During the display exercise, any person may raise an objection against the inclusion of any voter on the roll. Subsequently the returning officer appoints a tribunal, which makes a decision on whether or not a voter should be removed from the voter's roll. The section however has no provision giving the affected voter a right to be heard. It is important that the person whose name is proposed for removal from the roll should be summoned to show cause why his or her name should not be removed. The section as it is now is against the rules of natural justice and should therefore be reviewed. Now that the country is under multipartism,

parish tribunals should be representative of all political parties to remove suspicion of bias.

3.26 Security personnel guarding polling stations did not vote

The Commission observed that the security personnel deployed to guard polling stations were not able to vote. This is because they had registered in areas different from where they were posted. Some of those who were nearer their polling stations were constrained further from voting when they were told that their names could be on other polling stations. They could not afford to check further. The latter case was what befell the Constable at Mary Stuart poling station in Makerere.

3.27 No Planning for Rain

Rain disrupted voting almost everywhere on the day of voting. The Electoral Commission was not prepared for that situation. On the whole however, the enthusiasm and interest for voting surpassed the inconvenience caused by the rain. Where UHRC observers went, voters withstood the rain for the purpose of casting their vote. Some election materials were spoilt by rain.

3.28 Time Management in Voting and Counting:

There was late delivery of voting materials in some places but on the whole it did not stop people from voting. In some places like in Olilim, in Lira District, voting did not start until 12:30 p.m., while in a place as close as Namuwongo in Kampala voting did not start until 11:00 a.m.

3.29 Lack of Seals for Ballot boxes

In some places ballot boxes arrived without seals. The transparent boxes seemed not to be easy to lock. In Kisugu –Wabigalo, for example, a drunkard just opened the box lid and dropped in his ballot paper after

failing to locate the opening for the ballot paper on the ballot box. Furthermore, in Nakasongola District at Air Field P-Z polling station, the wind that preceded rain blew off the ballot box from the table scattering cast ballot papers. It took some minutes to put the ballot papers and the box back in order. Dr Besigye was seen in the media complaining about the unsealed ballot box where he voted in Rukungiri. This problem was widespread and had the potential for abuse.

3.30 Lack of preparedness for night counting

In some places there was no preparedness for night counting. Not all polling stations had torches, let alone electricity. People however improvised. There were places where people used their mobile phones for lighting. The people/ supporters however were so vigilant as to ensure transparency.

3.31 Polling agents not well trained for the voting exercise and at times disorganized

Some polling agents seemed not to have been well trained on what to do. In Kisugu parish, polling stations were too close to one another creating congestion in the area. Three polling stations Kiwuliriza South A-K; Kiwuliriza South L-N and Project office were too close to one another. This created too much confusion, which the polling officials seemed unable to sort out at first. In Kiwuliriza South A-K for example, all ballot papers were given from one table instead of three. At Project office polling station, none of the voters or Polling Assistants knew what to do. At Kisugu-Universal College, for example, polling officials were giving ballot papers for the three elective offices of 23rd i.e. President, Member of Parliament and Woman M.P from one table instead of three. In Wabigalo Parish, there was another confusion created by congestion. At LC1 meeting Place PA-M Obbo Alikip N0 11467568 put a woman MP's vote in the Presidential Candidate box of another polling station 11 (N-Z). In other places the order started with the box of Woman MP, MP and president instead of the reverse.

3.32 Polling officials denying voters their right to vote

In some places, voters were deliberately denied their right to vote by polling agents on the pretext that their names did not exist on the voters' register. This was the case in Busega where a group of women were told that their names were not in the voters' register, only to find that the names actually existed after the intervention of the Electoral Commission Official who came later after their complaints.

3.33 Bias and intimidation of Election officials at polling stations

There was clear bias in some polling stations bordering on intimidation depending on which group considered itself dominant in a particular area. In some places, polling officials were forced to declare some votes invalid contrary to what the polling official believed, while in some others a polling official declared some ballots invalid just because an insignificant stretch of a tick extended into another candidate's box on the ballot paper while ignoring the same problem when it came to another candidate. There was an instance in Kampala-Kawempe, when a UHRC observer did not join the excitement after declaration of results the observer was intimidated into leaving the place. In Makerere University, students in Livingstone Hall were shouting, "*Ajja Kugenda (he will go)*" while others were saying *Abewo (let him stay)*" as others voted, thus intimidating voters.

3.34 Voter Bribery

There were allegations of bribing voters with cash and other incentives like alcohol to influence their voting during the electoral process. Most of these allegations were received from areas of western, central and eastern Uganda. For example at Olillim Primary School Polling station, Katakwi District, some vigilant polling agents confiscated and retained party cards of voters they suspected to have been bribed and instructed to

vote in a particular way. In Katakwi Sub-County and Aleles Parish, in particular Aleles 'A' and 'B' polling stations, selling of alcohol (booze) was so close to the polling station, an act that was against the electoral laws. Some voters were given alcohol in the morning as an inducement before they were asked to go and vote for a particular candidate. The Commission believes that a voter who casts his/her ballot after receiving some inducement has not actually exercised his or her right to vote freely. The Commission therefore invites Parliament to put in place tough legislative measures to curb this malpractice both on the part of the candidates who give and the voters who receive.

3.35 Tallying and announcement of Results

Tallying of results was done at the district level, which then forwarded their tally results to the Electoral Commission, which in turn produced the national overall tally. The Districts were prohibited from announcing the district results except the results for Members of Parliament. The arrangement was for the Electoral Commission to receive the district results and provide copies or access to the candidates' agents. Although the announcements by the EC were public and transparent, some candidates were not satisfied that the tally results announced were the correct figures. The matter went to the courts for their decision. The Commission recommends that in future elections, the media should be allowed to announce results as they receive them from Polling stations and it should be the District Returning Officers to tally and announce district results in the presence of candidates' agents. The Electoral Commission would then announce the overall national total. This process would reduce any efforts to interfere with the final results.

The role of the media in announcing results also requires further reflection. The media can ensure transparency but they were criticized for announcing election results. The media should be allowed to tell the public information about results as long as what they announce is factual and not claimed to be the

official result. This happens elsewhere and can serve to even put the EC on guard about what they give out to the public. In any case this is what the media continued to do in spite of the government's prohibitions.

Official Results of the Presidential Elections – 23rd February 2006

PRESIDENTIAL CANDIDATE	VALID VOTES RECEIVED	% AGE OF TOTAL OF VALID VOTES
Abed Bwanika	65,345	0.95%
Kiiza Besigye	2,570,603	37.36%
Miria Obote Kalule	56,674	0.83%
John Ssebaana Kizito	108,951	1.58%
Yoweri Kaguta Museveni	4,078,911	59.28%
Valid votes	6,880,484	
Invalid votes	292,757	4.08%
Total votes	7,173,241	68.64%
Total of Registered Voters	10,450,788	

Source: Uganda Electoral Commission

3.36 Uneven playing field

Notwithstanding the fact that the election of 23rd February, 2006, was a success and reflected the will of the electorate, there were factors, which ensured that the ground was not level for fair competitive politics and these were;

1. The NRM was perceived to have monopolized the political playing field for the last 20 years supported by the Movement Secretariat. This was ensured through a restrictive legal regime, which prevented other parties from being formed or operating if they existed. The NRM was therefore in the psyche of many voters particularly where there was peace. The NRM was seen as synonymous with the movement system.
2. The laws that restricted political party activities were not reviewed until late 2005 and therefore delayed registration

and re-organisation of parties. Time was not sufficient for the other parties to organize their membership, branches or even internal elections. The old parties had themselves been weakened by the years of restrictions. The NRM therefore had a head start in the elections.

3. Inadequate or insufficient civic education meant that voters based their decisions on whether to have change or not. They were not well informed about issues like how the multiparty system works. This was an important issue given the background that for 20 years, political parties were disparaged and condemned by government functionaries as well as through political education courses.
4. The Electoral Commission should immediately disqualify any candidate caught bribing.
5. The parties that contested in the elections were much disorganised compared to NRM with the exception of perhaps the FDC. They hardly had resources compared to the well-oiled machinery exhibited by the NRM. Many had no countryside structures worth talking about.

3.37 The pattern of support and its implications

The outcome of the elections brought to the fore a particular pattern where a large part of the country (Northern Region) voted against the NRM and the Southern part voted overwhelmingly for the NRM that won the elections. The greater North clearly brought the disenchantment of the people there with insecurity and poverty, which have afflicted them for many years. The Government should demonstrate to the people in northern Uganda that they will not be penalized for not voting the NRM, which won the elections. This should be done in line with Government's commitment to respect, protect and fulfilling the rights of the

vulnerable populations in Northern Uganda.

3.38 Presidential Election Petition and Ruling

When the EC announced the results of the Parliamentary and Presidential elections, the NRM candidate Y.K Museveni (who was also the incumbent) had won with 59.28% and his party, the NRM, had a clear majority in Parliament. While some political parties in the race (such as DP and independent candidate Dr Bwanika) accepted the outcome of the elections, others (UPC and FDC) did not accept the outcome. The FDC consequently challenged the outcome of the elections that gave President Museveni a victory. In the case of **Rtd Col. Dr Kiiza Besigye (Petitioner) Versus 1. Electoral Commission 2. Yoweri Kaguta Museveni (Respondents) filed in the Supreme Court, 2006**, the Petitioner, Dr Besigye challenged the outcome on the basis that there was non-compliance with the Constitution, the Presidential Elections Act and the Electoral Commission Act in the conduct of the 2006 elections; and also that President Museveni and his agents committed electoral offences and illegal practices during the process of elections.

In a hearing which commenced on 22nd March 2006, ended on 30th March 2006 and judgment read 6th April 2006, the Supreme Court dismissed the petition by majority decision indicating that although there were non-compliance with the laws and principles to the elections, they were not significant enough to affect the outcome of the elections in a substantial manner. Court stated "*it was not proved to the satisfaction of the court that the failure to comply with the provisions and principles (of the law) affected the results of the Presidential elections in a substantial manner*" Like the Commission, the Supreme Court noted several concerns such as continued involvement of security forces in conduct of elections, massive disenfranchisement of voters by deleting names from the voters register without their knowledge or being heard and apparent partisan and partial conduct of some electoral officials and apparent inadequacy of voter education, among other shortcomings, these should be avoided in future.

As expected, the public reaction to the ruling was a mixture of excitement and disappointment. The FDC however, took the disappointment to worrying levels. The FDC called a press conference to announce that they will “not respect the decision” of the Court. In the FDC President’s Statement published in the press on 7th April 2006³ a day after the ruling he concluded:

We exposed illegalities, election malpractices and offences; we exposed the Constitutional and legal impediments to free and fair elections, we provided another opportunity to the Supreme Court to influence the tortuous democratization process in Uganda. We are disappointed by the Supreme Court’s decision that an election, which is not free and fair as required in Article One of the Constitution; one that is not conducted in accordance with the law can be allowed to stand. We shall, therefore, not associate ourselves with or respect this decision.

The Statement went further to state that:

It is quite likely that this will be the very last Presidential Elections petition that their Lordships will ever preside over and for this, history will hold their Lordships responsible for this because subsequent petitions are likely to be addressed to courts similar to the one in which President Museveni found confidence in 1981. (Implying “going to the bush”).

Knowing that according to the law, this Ruling was final, these statements were intimidating and a threat to the constitutional and democratization culture that Ugandans are striving to nurture under a new political dispensation of multipartism. Threats of extra legal means by the FDC because of a decision of the Court that is not in their favor is a contradiction in terms given that the same Courts have in some other cases ruled in their favor. The Commission calls upon all political actors to respect the rule of law and decisions of the Courts, this is the way to go.

The above notwithstanding, what remained unclear however was how much of freeness and fairness in an election process should or should not exist or be

substantial enough to nullify or not nullify election results. If for example there is evidence to show that there was corruption or any other malpractices in an election contrary to the law in only 2% of the polling stations, should the entire election be said to have had elements of unfairness as much as if it were 30% or 55% of the polling stations? There is need for a benchmark on which an election can be declared free and fair (or not free and fair), to be able to scientifically satisfy all the parties to the Petition and the Electorate.

3.39 General Recommendations

1. While planning for elections, Parliament should review and enact electoral laws well ahead of time to give room for adequate preparation and implementation. Late enactment of electoral laws constrains the work of the Electoral Commission, Political parties and candidates. It also affects the fairness of the election.
2. In future elections, the EC will need to undertake sufficient preparations for free, fair and transparent elections including putting in place contingency plans for any uncertainties such as weather changes. In particular the Electoral Commission should attend to the following:
 - a. The Electoral Commission should clean up, update the national register well ahead of time and effectively inform the electorate of whatever changes have been effected.
 - b. Sufficient training of election officials should be carried out by the Electoral Commission before they are deployed.
 - c. Reflection should be made in order to come up with the best suitable tallying process that removes suspicion about results announced.
 - d. The existing Electoral Commission

- parish tribunals should be disbanded and reconstituted to compose representatives from different political parties to remove the suspicions of biased officials.
- e. Much as it is not easy to detect, the Electoral Commission should try to fight the malpractice of voter bribery.
 - f. The role of the LCs in updating the register needs to be reviewed because most of them are partisan which compromises their neutrality.
3. Both civic and voter education should be intensified, continuous and adequately supported by Government. The concerned institutions should take voter and civic education seriously, and other CSOs accredited by the EC should be funded to join hands in this exercise more especially at this time when the country is under a multi party dispensation
 4. The electoral law should be amended to provide for stiff penalties for the use of state resources for partisan campaigns.
 5. The State media should serve all candidates without bias. The possibility should be explored to avail candidates with equal slots on State electronic and print media for them to convey electoral messages as well as provide equal resources and infrastructure access state electronic and print media in equal measure.

Conclusion

The Political transition and the subsequent Presidential and Parliamentary elections were satisfactorily organised, fairly competitive culminating into the will of the electorate. It was commendable that it was held in an atmosphere of peace and with acceptable transparency in spite of the problems encountered by the Electoral Commission. It is also commendable that the results were greeted with general acceptance and did not lead to chaos as had been feared by some people. It is equally commendable that those not satisfied with the results chose the legal recourse of taking their grievances to the courts of law. That is the way it should be. The organisation of the elections by the Electoral Commission improved greatly but it remains with the challenge of making improvements in the areas we have highlighted.

The NRM organisation in power needs to explore ways of living harmoniously with other political parties. However, of great importance is to sensitize Ugandans who now belong to different political parties/ organisations about the workings of a multiparty system so that they learn to co-exist peacefully with one another. This will go a long way in preventing the re-occurrence of the human rights violations that characterised the first multiparty governments in Uganda.

(Endnotes)

¹ The relevant international obligations are contained in articles 25 of ICCPR, Art. 21(1) of UDHR, Article 13 (1) ACHPR, Art. 7(a) of CEDAW, Art. 5(c) of CERD and Art. 2 of ICCPR

²These were: Peoples' United Movement, Republican Women and Youth Party, National Progressive Movement, Peoples' Independent Party, National Peasants' Party, Forum for Integrity in Leadership, Action Party, Movement for Democratic Change, Forum for Democratic Change, Uganda Economic Party, Conservative Party, National Unity, Reconciliation and Development Party, National Peoples' Organization,



National Convention for Democracy, Farmers' Party for Uganda, Popular Peoples' Democracy, Democratic Party, Liberal Democratic Transparency, National Resistance Movement, Progressive Alliance party, Uganda Patriotic Movement, Uganda Peoples' Party, Social Democrats of Uganda, Justice Forum (JEEMA), Movement Volunteer Mobilisers Organisation, Reform Party, Uganda Peoples' Congress, Uganda Mandate Party, Bridge Party, New order Democracy.

³ See "*Besigye rejects Supreme Court ruling*", The Daily Monitor, April 7, 2006 p.3 and "*Besigye rejects Ruling*" The New Vision April 7, 2006 p.1.

CHAPTER 4

PLANNING FOR THE VULNERABLE PERSONS: ANALYSIS OF THE CURRENT POLICIES AND PROGRAMMES

4.0 Introduction

A nation that does not plan for its vulnerable population has its development plans and programmes destined to failure. Any government programmes and policies should be aimed at improving the lives of the people. Government policies and programmes are designed, funded and implemented; but at the end of such programmes/policies, it is often wondered what the policy or programme actually achieved. This is simply because the gains are either not visible or are of negligible impact. It is hence worth noting that even when the government has been implementing the Poverty Eradication Action Plan (PEAP), the number of people living in poverty increased from 34 % to 38 %¹. At the same time, HIV/Aids prevalence rates have stagnated between 6% and 6.5 %² despite several HIV/AIDS programmes and policies, while only approximately 23 % school-going children make it to primary seven level of education³ despite the Universal Primary School (UPE) policy. Part of the problem in the implementation of these policies arises from the failure to identify and target correctly the actual beneficiaries of these programmes. As a result, services never reach the intended population. More often than not, the vulnerable are never empowered, consulted and budgeted for. Even where the policy is well developed and the intended beneficiaries properly identified, the implementation may not always be according to the laid down policy. In this context, the Commission sought to come out with a clear understanding of vulnerability and contribute to awareness of the urgent need to address vulnerability in all our planning and programming if its impact on development is to be visible.

4.1 Understanding and Identification of Vulnerability

The concept of vulnerability is understood differently by different people depending on the context or environment in which they live or their overall experience. The vulnerable populations are not homogeneous. Vulnerability applies both in situations of war and in peace. Vulnerability may be as a result of conflict, poverty, disease, disability, age, sex and ethnic group, among other things. Vulnerability implies that the people are exposed to suffering, have dire needs or are exposed to threats while lacking ability and/or resources to cope with these issues. Vulnerability does not necessarily mean that one is lacking anything or wants something; *it simply implies exposure to shocks and threats* and *is* defenceless as well as powerless to withstand them. Therefore vulnerability has two sides: the external side of exposure to shocks, stress and risk; and the internal side of defencelessness and powerlessness. This condition negatively affects the dignity and the well-being of a person. So planning processes must take this factor into consideration.

The Uganda Bureau of Statistics (UBOS) defines vulnerability as “risk or exposure to shocks that threaten aspects of well being” such as conflict, death, droughts, unemployment. The National Orphans and other Vulnerable Children Policy of the Ministry of Gender, Labour and Social Development defines vulnerability as “a state of being or likely to be in a risky situation, where a person is likely to suffer significant physical, emotional or mental harm that may result in their human rights not being fulfilled”. From a natural disaster perspective, vulnerability implies “susceptibility to degradation or damage from adverse factors or influences”,⁴ or the level of “exposure of human life,

property, and resources to damage from natural as well as man-made hazards”.⁵ The Poverty Eradication Action Plan (PEAP), quoting local community members, defines vulnerability as powerlessness to withstand shocks. It states, “*In Uganda local community members have described vulnerability as powerlessness to mitigate negative household and individual shocks*”.⁶

The UHRC notes that vulnerability can be understood to be “the inability of the individual, household, community and society as a whole to withstand shocks, be they in terms of social-economic factors, diseases or natural disasters”. On the basis of the above definition three categories of vulnerable people can be identified namely:

- (a) ***Those exposed to insecurity/crisis, stress, shocks*** (e.g. conflict, war, cattle raiders, drought, floods and other natural disasters). In this case IDPs, refugees, pastoralists who experience drought, pastoralists who experience cattle raids, populations in famine areas/drought-stricken areas, populations in earthquake-prone areas, e.g. Bundibugyo and Kasese, suffer vulnerability on the basis of exposure to the risk/shocks.
- (b) ***Those exposed to the risk of inadequate capacity to cope with the crisis, stress and shocks***. These would include the landless poor, the urban poor, minorities who have no access to resources, widows and widowers, women and children-headed households, orphans, adolescent mothers, the elderly, and persons with disabilities. In this case, resources such as income become relevant; but other services such as information are equally relevant depending on the threat. Anything that increases their income empowers them to get out of their capability failures to determine their own destiny in dignity.

- (c) ***Those who risk severe consequences in case of crisis, stress and shocks***: These would include pregnant and lactating women, the unborn children, children under five years, school-going children, people living with HIV/AIDS, people with severe disabilities, extremely old people (80 and above) and the sick. This only emphasizes the different levels of vulnerability. It shows that in case of a crisis, there are people among the vulnerable who need to be given priority attention - the most vulnerable of the vulnerable.

Summary Vulnerable groups –General to particular

- (i) **Women** - much attention needs to focus on women affected by extreme poverty, women infected and affected by HIV/AIDS, women with disabilities, widows who are helpless and illiterate women who are affected by repugnant cultural practices.
- (ii) **Children** - especially those in war or conflict-affected areas, children affected by extreme poverty, children affected by and infected with HIV/AIDS, children with disabilities, child-headed families, child mothers and orphans.
- (iii) **Internally displaced persons (IDPs)** - who most of the time do not have basic facilities and services.
- (iv) **Refugees** - especially children, women, people with disabilities, people living with HIV/AIDS and the elderly.
- (v) **People living with HIV/AIDS** - especially the poor, rural and illiterates.
- (vi) **The elderly** - especially those without anyone to take care of them and lack any social support/protection.
- (vii) **Minorities** whose identity, if unprotected by the state, can disappear.

4.2 Government Policies and Programmes in Uganda

The Ugandan policy environment is characterised by situations where some necessary policies have been put in place, some are in draft form, while others that are needed have not been formulated at all. As far as the policies that are meant to solve the problems of vulnerable people are concerned, most of them tend to suffer target deficits. Other policies exist without legal back up, while others conflict with the law in place largely because they were drawn after the law had been in operation.

The Commission believes that unless the contradiction between a good policy and the ability to implement it is resolved, the policy will not achieve its objectives. It further believes that unless the questions of targeting, budgeting and empowering the vulnerable persons in policy formulation, design and implementation are resolved, its effectiveness will be negligible. The Commission further believes that laws that precede policies on human rights related issues only serve to make implementation expensive. It is expensive because policies do not have a binding effect and there is need to amend the law to conform to the changing realities on the ground, as well as creating obligations and rights for the duty bearers and rights holders. Ordinarily it should be the law to follow a policy and not vice versa. This is what has happened to the Land Act, which had to be amended in 2002, to accommodate the National Land Policy approved by Cabinet in 2002 and is likely to continue to be amended even further in the light of the National Land Use Policy together with Land Sector Strategic Plan.

It is expected that such policies have an inbuilt system of protecting the vulnerable in all forms. The policy, for example, should

have an inbuilt mechanism of respecting, protecting and directly assisting the vulnerable populations.

4.3 Challenges to policy in Uganda

The implementation of policies in Uganda encounters many challenges. These include but are not limited to the following:

- (i) There is no compendium of policies in Uganda. Policies are ad hoc and scattered. It is therefore difficult to follow which policy is in place and when it was developed. At the time of writing this report, the National Planning Authority (NPA) had been trying to create an inventory for policies in Uganda. The absence of such inventory in the country for such a long time has meant that there has been a lot of repetitiveness and duplication leading to wastage of time and resources.
- (ii) Some of the policies are actually human rights based but they are poorly implemented. Therefore the design and the implementation should carry equal interest and attention.
- (iii) Some policies get compromised by corruption among the implementers who deliberately mismanage facilities/resources meant for the implementation of the policies, as well as by bureaucrats who are uncommitted and unconvinced about the policy itself, the best design notwithstanding.

Unless these challenges are addressed head-on, they will continue to derail policy design and implementation in Uganda.

4.4 A brief Assessment of selected Government Policies

There are several government policies in place. A few are selected here so that we examine the extent to which they pay attention to the vulnerable populations. The objective is to highlight the need to always target the vulnerable populations in policy formulation and implementation. The selected policies are:

- (i) The Poverty Eradication Action Plan
- (ii) The Land Policy
- (iii) The National Land Use Policy
- (iv) The National Policy on Internally Displaced Persons (2004)
- (v) The National Wetlands Policy
- (vi) The National Forestry Policy
- (vii) National Water Policy
- (viii) Health policies

4.5 Poverty Eradication Plan (PEAP) and Vulnerability:

The Poverty Eradication Action Plan is Uganda's national planning framework. It provides overall goals for government policy and programmes on the medium term planning and budgeting processes on which specific spending and action plans are hinged.

The Poverty Eradication Plan 2004/5 – 2007/8, just like the previous ones since 1997, provides an overarching framework for the government to eradicate poverty. The target is to reduce poverty to 10% by 2017. It provides a basis for programmes to address developmental issues, which have direct impact on the welfare and rights of the people. The Commission in its 7th Annual Report analysed the PEAP⁷ and pointed out the gaps in the policy from a human rights perspective. On the specific issue of the vulnerable, however, PEAP's target is rather general and lacks specificity, and therefore it may be difficult to benefit the poorest of the poor. There are two dangers in classifying entire groups of people (e.g. orphans) as vulnerable. The first problem is the targeting *error*. Any group-based classification provides

a proxy for need that will inevitably misclassify some individuals as being 'at risk' or 'in need' when in fact they are neither. For example, not all female-headed households are poor, not all orphans need special care, not all people with disabilities are unable to work and maintain themselves. The cost-effectiveness of any intervention targeted at broad groups depends largely on how robust those groups are as proxies for need.

While PEAP acknowledges that that "Government recognizes that vulnerability varies with gender, age, ethnicity, occupation and social status"⁸, there is no sufficient evidence to show that that recognition is translated into various intervention measures to assist those who are (most) vulnerable of the identified and known vulnerable groups. As if to equate vulnerable groups with disadvantaged groups, the PEAP lists disadvantaged groups to include women, widows, the youth, the elderly, neglected children and orphans, people with disabilities, the displaced and refugees as a disadvantaged group.⁹

A related danger is *homogenisation* of vulnerable groups. It is important not to assume that all orphans, or IDPs, or PLHAs have the same needs. For example, the category of 'orphans' should be disaggregated or 'segmented' into several sub-categories – orphans with one parent and those with none; orphans in foster homes, in institutions, and on the street; orphans in urban areas, rural areas, and conflict zones; orphans in different age sex cohorts. Ideally, distinct programmes should be designed to meet the specific needs of each sub-category.

4.6 PEAP, Land Policy and the landless

One major group of vulnerable people are the landless. The PEAP prioritises modernisation of Agriculture with emphasis to value addition. Most of the Ugandan population (90%) engage in agriculture. Most of these are in subsistence agriculture with less than ½ acre of land for tilling. The Land Sector Strategic Plan (2001-2010) and the Land Act (Revised 2002) addresses the

problem of access to land through certification of land titles. Land titles focus on *bona fide*, customary, lawful occupants, women and children and are silent on the right of those persons who are landless and have to either rent or live as squatters on other people's land for a living. It is therefore futile to contemplate meaningful modernisation/commercialisation of agriculture with value addition without directly empowering the most vulnerable (landless peasants) to acquire land as a means of production.

Furthermore, findings from the Village Census (2001) revealed that the size of land held by the poor is decreasing and the poorest categories have seen land ownership diminishing significantly since 1993. The provision of the Land Fund seemed to have been discriminatory as it was availed to only Kibaale, Kasese and Bundibugyo districts. In conformity with Articles 33 (4), 34 (3) and 35 of the Constitution of Uganda and Land Act Cap 227 (sect 26 and 27) (as revised in 2000), government should give priority of the Land Fund to the most vulnerable persons, such as persons with disability, women and youth and extended to more vulnerable populations nationwide.

4.7 PEAP and Agriculture budgeting makes those in Agriculture vulnerable

At the time of writing this report, agriculture expenditure in the 2006/2007-budget framework was to be reduced from the already negligible 4% to 3.5 % thus reflecting increasing government's disinterest in Agriculture. Agriculture is supposed to be the backbone of Uganda's economy and therefore crucial to the population. Logically, it would follow that since development is for the people, then the biggest percentage of the national resources should be directed to where the majority of the people are based and work. Most Ugandans (85%) live in rural areas and out of these and biggest percentage live on agriculture, yet it receives only 3.5% of the national budget. It follows that there will not be any meaningful improvement in the lives of the poor people in the villages in spite

of the so-called "The Sub-county Development Approach" where, according to the Minister of Finance Dr Ezra Suruma¹⁰, "a substantial amount of resources will be allocated to the sub-county development" to "supplement current resources for implementation of the Plan for Modernisation of Agriculture (PMA) including the National Agricultural Advisory Services (NAADS)" which have their own inefficiencies in delivering to the ordinary people.

4.8 PEAP impoverishing the vulnerable through micro finance programmes.

The improvement of rural access to finance is one of the priorities in PEAP. The current policy and legislation on micro finance institutions promotes only access of micro finance institutions and does not regulate the manner in which they operate. The interest rates charged by the micro finance institutions and their forms of mortgaging have a triple contradictory effect - they are attractive, prohibitive and scaring. They are attractive because they are less bureaucratic and to that extent easy to access if one has what to mortgage. They are prohibitive because the poor will neither borrow since they have no mortgage to deposit nor are they able to pay back if they borrow by whatever means. It is scaring because even when those with mortgages borrow, they end up surrendering even the few savings through confiscated mortgages because of their inability to pay. The poor spend most of the time hiding away from the micro finance creditors instead of engaging in production. The recipients of micro finance thus end up getting more impoverished rather than getting out of poverty.

Part of the reason for this is that there is no sufficient information on borrowing. Instead, the population is provided with half-truth, thereby appealing to the vulnerable that are powerless into unmanageable debt. The fact that people have less capability and are voiceless and sometimes without a choice to determine their destiny should not be the reason to manipulate them or ignore them while planning for

them through micro finance. The newly created Micro Finance Ministry under MFPED, headed by General Salim Saleh Akandwanaho, will have to address the weaknesses of the current Micro Finance framework in order to perform better.

Therefore, micro finance in its current form and mode of administration threatens the very livelihoods that PEAP attempts to protect. The poor find no meaningful advantage in micro finance institutions. To advance on this front, micro finance policy and law needs to be revised and people given sufficient time and information to be able to make useful and rational decisions to borrow or not to borrow micro finance loans. Besides, government needs to provide small and standardised interest rates or interest-free-loans for the vulnerable persons.

4.9 PEAP prioritising electrification at the expense of providing wood cover increases vulnerability

The PEAP targeted increasing power generating capacity, implementing the rural electrification strategy, and promoting technologies that reduce wood fuel consumption and promoting environmental conservation. At the time of writing this report, the country was facing a serious energy shortage. By May 2006, out of installed capacity of 300MW from Nalubale and Kira hydropower plants, only 135MW was being generated. There were fears that it would even reduce to 90MW in the four months that would follow. The major reason given for this was drought. Other reasons included growth in demand for electricity and limited financial (public and private) resources to invest in large infrastructure power projects.¹¹ This shortage negatively affected all sectors of the economy and threatened to lead to the fall in GDP growth from an expected 6.5% to 4.5%.¹²

From the perspective of the vulnerable, there are two major related concerns about the strategy to tackle the energy crisis. First of all, it is most likely that the

enormous resources to be channelled to the energy sector can only benefit the miniature minority of town dwellers of a population that is 85% rural. The rural poor who have been left to use expensive paraffin for lighting and fuel wood for cooking (without forest reserves and all empty range lands) are in effect constrained by both the physical and economic accessibility of paraffin and fuel wood and charcoal. Secondly, the strategy will have long-term implications to the health, education and other sectors, which are crucial to the ordinary person. The trade offs are likely to affect the ordinary person more as progress in these areas is likely to retrogress because of lack of resources. Therefore all the above policies and plans in the education and health sectors are likely to be rendered either inadequate at best and unimplemented at worst, with the negative impact of this being felt by the poor. Therefore as attention is given to electricity, there should be corresponding attention given to provision of wood cover, as well as subsidising paraffin for the poor in the rural areas. Furthermore, other than hydro, alternative methods of generating electricity such as wind should be considered.

4.10 PEAP's emphasis on tourism increases vulnerability

Under PEAP, government was committed to diversification of tourism products including agro-tourism, cultural sites, community tourism etc. This priority action in the tourism sub sector does not bring out the issue of land conflict between the Management of the Game Parks and Game Reserves, and the communities living around these areas. The imperatives of arable and livestock farming have often generated resentment from the local communities who view government's actions as favouring the wild animals as compared to them, and yet some of these communities do not see the direct benefit of the Game Parks/ Reserves.

Notwithstanding the above, the fact that national parks are not fenced, neighbouring communities face

a double jeopardy of being penalised for grazing in the national parks without a corresponding punishment for the wild animals trespassing into the land and farms/gardens of the neighbouring communities. Instead, it is the neighbouring communities expected to fence their lands. Justice would require that the most powerful (i.e. the State) through the Wildlife Authority protect and respect the poor vulnerable communities neighbouring the parks and even compensate them for any loss accruing out of the wild animals trespassing on their land and destroying their property. Instead, the neighbouring communities are left to fend for themselves when such incidents take place. It is crucial that government balances nature conservation and livelihoods/human rights.

4.11 The National Water Policy makes the urban poor more vulnerable

The PEAP and the National Water Policy priorities the provision of water and sanitation services to the rural population and urban poor. The right to adequate water, safe from hazardous and electromagnetic substances and culturally accepted in colour is crucial. The National Water Policy, together with the Constitution of Uganda under National Objectives and Directive Principles of State Policy No. XXI (Clean and Safe water) supports this. It is reinforced with an enabling legislation of the Water Act Cap 152, Laws of Uganda. This notwithstanding, it is estimated that that 45%¹³ Ugandans do not have clean water yet. They are both in rural and urban area. There is evidence to show progress in this direction. The problem, however, remains with the urban poor. The current tariff settings and pricing policies on water and the management of watering points/stand pipes by private operators does not help the urban poor since the private operators make water economically inaccessible even when it is physically accessible.

This is because the prices are determined and implemented by the private operators on commercial basis. This increases the cost of living for the poor

especially in the urban areas. The expensiveness of water in urban areas leaves the poor with little or no water both in quality and quantity for food preparation, drinking, washing and bathing, cleaning and so on. They are also exposed to the use of unprotected and unsafe water, which increases their vulnerability to health-related risks. There are two visible solutions to this problem; either the government declines to privatise the water sector and continues to subsidise it, or if government must privatise water, it should revise the tariffs for the urban and rural poor.

4.12 The National Policy on Internally Displaced Persons (2004)

The Internally Displaced Persons Policy 2004 is also crucial in the promotion and protection of the rights of internally displaced persons. The IDP policy caters for human rights and obligations in condition of flight, settlement and in return of IDPs, including the minimization of internal displacement. The Policy puts emphasis on the principle of equality in the enjoyment of rights by all Ugandans without any kind of discrimination arising out of vulnerability as a result of being displaced from one's area of habitual residence. The policy objectives and intentions are:

- Minimizing internal displacement;
- Minimizing the effects of internal displacement by providing an enabling environment for upholding the rights and entitlements of IDPs;
- Promoting integrated and coordinated response mechanisms to address the causes and effects of internal displacement;
- Assisting in safe and voluntary return of IDPs;
- Guiding development of sectoral programs for recovery, through rehabilitation and reconstruction of social and economic infrastructure in support of return and resettlement.

The policy has established structures¹⁴, composed of different stakeholders including the Commission that plays a key role in monitoring the rights of IDPs. The Commission contributed a lot during the development of the IDP Policy and currently chairs the Human Rights Protection and Promotion Committee under the policy¹⁵. Further, the UHRC is a member of District Committee for protection and promotion of human rights under the same policy¹⁶. The policy is human rights based and has the vulnerable at heart. The problem with this policy is not in the design but in the implementation. It is at the implementation level that the vulnerable are in fact ignored.

The National IDP policy provides for mechanisms for voluntary return and resettlement, issuance of necessary documentation, property rights, food security, shelter, clothing, health, education, water and sanitation and resettlement kits as well as rehabilitation of infrastructure. The policy is well laid that if it were followed with consultation of the affected population, there would not be major complaints from the population. Section 3.14 provides that “The OPM/DDP, Local Governments and humanitarian and development partners shall provide resettlement inputs and tools to returned and resettled families, as well as tools kits to support construction and self-employment. Displaced persons shall be consulted on the most appropriate inputs to meet their food security needs under prevailing circumstances”.

Much as the National Policy for Internally Displaced Persons is a good document that addresses the rights of IDPs, in totality if implemented in spirit and letter, it has some provisions that are almost impracticable to implement. Some of its provisions if implemented would constitute an illegality. One such crucial provision is on land. The National IDP Policy does not seem to address the land question adequately and it has a potential of causing another cycle of violence. For instance, the National IDP Policy urges Local Governments to “assist IDPs especially women to acquire legal interests or certificates of customary

ownership in the land they have recovered or been allocated”¹⁷. Owing to the fact that people have been in displacement for over a decade, and drawing from the articles of the 1995 Uganda Constitution and the provisions of the Land Act, the implementation of the provisions of the policy dealing with land issues would amount to an illegality. Both the 1995 Constitution and the Land Act recognise customary, freehold, leasehold and mailo tenure systems. However the 1924 Registration of Titles Act, CAP 230, Revised Laws of Uganda 2000, stipulates under Section 56 thereof the certificates of titles are ultimate proof of ownership only impeachable on grounds of fraud. The implication of this is that certificates of customary ownership (CCOs), provided for in the Land Act are inferior to certificates of titles under the Registration of Titles Act¹⁸. These laws need harmonisation to clear the way for policy implementation of the IDP policies.

Furthermore the National Policy for Internally Displaced Persons entrusts local governments with the responsibility of protecting the property and possessions left behind by the IDPs and assist them in the process of return, resettlement and reintegration by acquiring, allocating and/ recovering their land in accordance with the Land Act. Interestingly the policy works on a false assumption that there is free and vacant land somewhere for local governments to give away which is not the case. Moreover, Article 237 (1) of the 1995 Constitution stipulates that “*land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided in this Constitution*”. Above all, the use of the words “acquire’ and “recover” in the land policy¹⁹ presupposes that the IDPs ancestral land of origin has been alienated and appropriated wherefore such land ownership, and management have shifted hands. In most areas affected by internal displacement, land is communally and customarily owned, with most authority over land vested in the clans, families and households. Acquisition of the IDP land to recover it from those using or occupying it when the rightful owners are in the IDP camps as insinuated in the IDP

policy is an illegality and the law abhors and loathes illegality. This, if undertaken would be in violation of Article 26 (2) (b) of the 1995 Constitution and the relevant provisions of the Land Act which mandatorily requires *prompt and adequate compensation prior to any compulsory acquisition*.

Another loophole in the IDP policy is that it does not address aspects of community reconstruction which are important in the post war recovery, development and peace building. The policy is also silent on the crucial issue of environmental protection in support of livelihoods and sustainable development. Regarding women and other vulnerable groups, it can be argued that the policy does not offer them adequate and consistent physical and psychological protection on land and property issues. The situation is exacerbated by lack of women-friendly legislations in the country covering land and property issues, not to mention the fact that Uganda is basically a patrilineal society. Those who lost their husbands during displacement, might have difficulty accessing land in situations of patriarchy of Acholi land, they therefore need protection.

The major problem however is not with the IDP policy itself but its implementation. The ministry that is charged with the implementation of the policy is under funded which affects the implementation of the policy.

When the Commission visited returning IDPs in Teso sub-region and Lira District, it discovered that the guidelines under the policy were not being followed. It established that some of the seeds that had been provided for planting were being eaten as food; that the iron sheets that were to be distributed (30 iron sheets per family), stood a danger of being sold cheaply by the beneficiaries as they were not a priority at the time and that some of the ox ploughs that were being provided did not benefit all of them. The Commission established that the IDPs as a vulnerable group had not been consulted about their own interests and needs. (See also Chapter 5 on IDPs).

When the Commission asked an LC I in Anyara camp, Kaberamaido District who was going for a meeting about distribution of iron sheets at the sub-country on who should get the iron sheets given that they were only 5600 pieces, he suggested that the LCs should be given first and then the rest would follow. Nevertheless, there are some districts that are sensitive to vulnerability as well as efficiency. A good example is that one of the Chief Administrative Officer, Mr N. Muron Ocakara, wrote to all sub-county chiefs of Katakwi District advising that in the distribution of 5,600 iron sheets priority should be given to IDPs who are resettling and to households that are child- headed; or widows; or households headed by elderly; or households headed by the disabled.

Regarding those beneficiaries of the ox-ploughs, Mr Ocakara gave priority to “farmers groups (mainly women and youth) that already have bulls/oxen”, as well as “individual farmers that have bulls/oxen and who are ready to share”.²²

While these directives may be all right, it is still unclear whether this is what a returning IDP wanted at that particular time or not. Even if they are delivered, there is no guarantee that they will be used for the purpose they were intended because probably that is not what the IDPs wanted at the time. They were not consulted on what they wanted.

For effective implementation of the policy the following issues have to be addressed:

- Increased sensitization of the IDPs about the policy and translation of the Policy document in the relevant local languages.
- Increased funding by Government and development partners to the office of the Prime Minister OPM and in particular the Disaster and Relief Ministry to enable it implement the Policy.

- Increased funding to UHRC to enable it monitor human rights of IDPs.
- Total disarmament of the Karimojong warriors.
- Exploring all available avenues of ending the conflict in the north by Government so that all IDPs can start going back to their original villages.
- Extension of social services in both IDP camps and areas of return.
- Strengthening of policing and justice law and order sectors in the areas of return.
- Strengthening and building capacity of District Land Tribunals and Local leaders to help resolve land conflicts that may emerge.

4.13 The National Forestry Policy and the National Wetlands Policy

These two policies have generated a lot of controversies. What is called the wetlands and national forest reserves are places where the most vulnerable have sought refuge just because they did not have money to buy land. Since the introduction of the Wetland and the National Forestry Policy and the corresponding laws, the victims have largely been the poor. By June 2005, there were 150,000 so called encroachers settled in Forest Reserves with over 120,000 animals,²³ who are either vulnerable to displacement or are displaced already.

Arua had 4,510 encroachers and 1,162 animals. Masindi, Budongo forest had 1,473 encroachers and 978 animals. Masindi (Bugoma forest) had 13,337 encroachers with 3,409 animals. Bushenyi, Kasese, Kamwenge and Rukungiri districts had 444 encroachers and 1,547 animals. Gulu had 1,599 encroachers with only two animals. Nakasongola and

Luwero had 10,748 encroachers with 24,254 animals. Jinja, Mukono and Mayuge had 21,643 encroachers and 2,299 animals. Masaka, Rakai, Sembabule, and Kalangala have 65, 643 encroachers with a total of 56, 898 animals. Mbarara and Ntungamo have 217 encroachers with 5,555 animals. In Moyo district there were 3, 971 encroachers with 1,160 animals. In Mpigi (Mpigi Archipelago) District there were 3, 275 encroachers with 13,500 animals. In Mubende and Kiboga there were 6,985 encroachers with 2,398 animals. With evictions being carried out by the National Forestry Authority without compensation, all these people and animals have nowhere to go.

Relatedly, the National Wetlands Policy evicts people in places gazetted as wetlands. People do not go to wetlands because they want it. They “invade” wetlands because they have nowhere else to settle. Most of Uganda’s land is either covered by water, forests or has been turned into national parks. It is better to conserve nature but it is equally more important to balance nature conservation and livelihood. Worse still, the preservation of wetlands has been politicized. The weak and most vulnerable continue to suffer under such policies while the rich and the powerful invade these lands with impunity. The Commission is concerned that these policies appear discriminatory and the laws are enforced in a discriminatory manner. In Teso sub region, for example, where a group popularly called *Balaalo* herdsmen is being evicted for settling in wetlands, the Commission discovered that actually the *Balaalo* together with the Itesot were living together outside the wetlands but grazing together in the wetlands.



L-R, Commissioner V.E. Bichetero (UHRC); the UN Representative of the Secretary General on Human Rights of IDPs, Dr. Walter KÄLIN; Marit Kohohen, Head of Office - Office of the High Commissioner for Human Rights (OHCHR) and Karen Gulik, OHCHR-Geneva. At the Implimentation of Uganda's National IDP Policy, held between 3rd -4th July 2006 at Hotel Africana, Kampala.

4.14 Health Policies and the vulnerable people suffering from neglected diseases

Uganda has many policies on health, however, from a human rights perspective, health policies should be aimed at promoting the right to health. The right to health does not mean the right to be healthy. It means putting in place measures to ensure that the 4-As are in place namely: *Availability, Accessibility, Acceptability and Adaptability* of the health facilities and services for all the people of all walks of life. *Availability* in this case refers to sufficiency in quality quantity and quality of the health facilities and services including care; *Accessibility* relates to accessibility by everyone without discrimination; it also includes economic and physical accessibility – within safe reach and affordable to all; *Acceptability* relates to form and substance of medical care, methods have to be acceptable (e.g. relevant, culturally appropriate and of good quality); *Adaptability* in terms of flexibility so it can adapt to the needs of changing societies and communities and respond to the needs of beneficiaries within their diverse social and cultural settings. The issues of

availability, accessibility, acceptability and adaptability must be taken into account in the formulation of the programmes and policies in order to attain the highest attainable standards of health.

The Health Sector Strategic Plan II for the period 2005-2010 seeks to reduce morbidity and mortality from major causes of ill health through universal delivery of Uganda Minimum Health Care Package (UNMHCP). The overriding priority of HSSP II will be fulfillment of the health sector's contribution to meeting the goals of PEAP and MDGs, namely reducing fertility, malnutrition, maternal and child mortality, HIV/AIDS, tuberculosis and malaria, as well as disparities in health outcomes. In compliance with human rights based approach, the National Health Policy and Health Strategic Plans have been formulated within the context of the Constitution and Local Government Act, 1997, with decentralized governance and service delivery. In line with the principle of participation, the Government has engaged in a process of healthy-care decentralization in order to ensure that district leaders are directly involved in, and accountable for, health policies in communities they represent.

The gap, however, is that the Ugandan health sector is chronically under-funded. According to UN Special Rapporteur on the Right to Health²⁴, Prof Paul Hunt, who visited Uganda in March 2005, “only 30 percent of HSSPI funding requirements were met and, although attempts have been made to mobilize additional funds for health sector, these have been constrained by macroeconomic concerns and rigid sector ceiling”. Although the Health sector's share of total expenditure has grown from 6 to 8 percent, of the Government budget, only 3 percent of GDP is allocated to health. Furthermore, a very insignificant portion, if any, of this 3% goes to the “neglected diseases”²⁵ which affect most of the poor in our population, largely in North and North Eastern Uganda. Much attention is now given to HIV/AIDS, malaria and Tuberculosis; and most of the national and international funding is now in this area at the expense of neglected diseases. The neglected diseases include: dracunculiasis (Guinea



worm), filariasis (elephantiasis), onchocerciasis (river blindness), schistosomiasis (bilharzias), trypanosomiasis (sleeping sickness), trachoma, *buruli* ulcer, soil-transmitted helminthes, leishmaniasis, leprosy and Kazaal which mostly affects the Pokot and the Karamojong.

Another problem linked to policy failure in the country is the rigid sector financial ceilings by the Ministry of Finance, popularly known as “Medium Term Expenditure Framework” (MTEF) which in spite of insufficient funds allocated to Ministries still prohibits additional funding mobilization from other sources²⁰. From the health sector perspective, for example, health resources from overseas are rejected *prima facie* on the unjustifiable logic that it would destabilize the country’s macroeconomic stability. The Commission agrees with the UN Special Rapporteur on the right to Health that this position is in breach Ugandans’ international obligations “to use the maximum resources available for the implementation of the right to health”. It is therefore illogical to emphasize good health of citizens without correspondingly allocating sufficient resources to the health sector, as well as giving attention to neglected diseases suffered by the poor sections of the society or being flexible enough to allow the international community willing to assist to contribute resources to the health sector.

Conclusion

The UHRC through its Vulnerable Persons Unit²⁷, which has been in existence for close to a year now²⁸ will, among other things, ensure that the issue of vulnerability is mainstreamed in the planning and programming processes. Empowerment, non-discrimination of the vulnerable as well as encouraging their participation in the formulation of policies and programmes that affect them will remain the hallmark of the activities of the Commission. It is hoped that this will enhance their capabilities and provide opportunities for choices and demand for accountability that are at present lacking among the vulnerable populations. To do

this, we must have clear indicators and benchmarks - with the vulnerable participating in drawing the benchmarks. The monitoring can only be effective through establishing targets, indicators and national benchmarks. It is not just enough to rely on the rationality of economists to plan for the vulnerable, or the goodwill of government to give them handouts. A comprehensive legal and policy regime should be put in place so that respecting, protecting and assisting the vulnerable becomes an obligation on the part of the State and other duty-bearers. It is only in this way that the vulnerable shall feel empowered able to demand for the recognition of their rights as *human rights*, not privileges.

(Endnotes)

¹ Poverty Eradication Action Plan (PEAP) 2004/5 - 2007/8, p. xv.

² MoH - STD/ACP (2003)/ HIV/AIDS Surveillance Report, 2003, STD/AIDS Control Programme, Ministry of Health, Kampala.

³ Ministry of Education and Sports 2003, Education Sector Medium Term Budget Framework Paper for the Financial Years 2004/5 - 2006/7.

⁴ See www.epa.gov/rev/glossary.htm

⁵ See www.csc.noaa.gov/products/tsunamis/html/cascadia/terms.htm

⁶ Poverty Eradication Action Plan 2004/5-2007/8, Ministry of Finance, Planning and Economic Development) December 2004, p. 29.

⁷ UHRC 7th Annual Report 2004, p. 46

⁸ see Ibid, p.29

⁹ Ibid, p.29

¹⁰ Paper titled, “The NRM Economic Development Strategy and FY 2006/07 Budget and Medium Term Priorities” presented at the Public Expenditure review Workshop on 9th May 2006 at Speke Resort and Country Lodge Munyonyo.

¹¹ See Hon. Michael K Werikhe Presentation on “Strategy for Increased Power Generation and Utilization” presented at the public expenditure Review

Workshop held at Speke Resort and Country Lodge, Munyonyo, 9 May 2006

¹² Ibid

¹³ PEAP 2004/5 - 2007/8, p. 168

¹⁴ These include: Inter Ministerial Policy Committee, Inter Agency Technical Committee, National Human Rights Promotion and Protection Sub Committee, District Human Rights Promotion and Protection Sub Committees

¹⁵ Commissioner Veronica Eragu Bichetero is the Chairperson of the HRPP under the IDP Policy

¹⁶ UHRC's Regional Human Rights Officers double as Chairmen of the District Human Rights Promotion and Protection Sub Committees under the IDP Policy

¹⁷ The National IDP Policy chapter 3.6, paragraph 5.

¹⁸ See the same concerns raised by Fabius Okumu-Alya, Paper presented at a workshop on the implementation of Uganda's Policy for IDPs, July 3-4, 2006, Hotel Africana , Kampala

¹⁹ Chapter 3.6, paragraph 3.

²² See the letter titled "Distribution of Ox-Ploughs and Ox-Plough Chains" dated 14 April 2006 to all Sub county Chiefs.

²³ See Onesmus Mugenyi, Bashir Twesigye and Edwin Muhereza, **Balancing Nature Conservation and Livelihoods: A legal Analysis of the Forestry Evictions by the National Forestry Authority** ACODE Policy Briefing Paper No.13, 2005, p.9.

²⁴ Paul Hunt, Mission to Uganda: Economic, Social and Cultural Rights, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

²⁵ See Report (Ibid)

²⁷ The June 2, 2004 meeting between UHRC representatives and the HIV/AIDS Community precipitated this desk: i.e. Uganda AIDS Commission (UAC), People Living with HIV/AIDS (PHLAs) and UNAIDS conceived the idea. This meeting resolved that the UHRC was to establish a desk running by 30th June 2004. The office started its work effectively June 2005, led by Commissioner V.E. Bichetero and Mr. Arthur Beingana being the technical officer.

²⁸ July - November 2005

CHAPTER 5

RETURN, RESETTLEMENT AND REINTEGRATION OF INTERNALLY DISPLACED PERSONS (IDPs) IN NORTHERN UGANDA: NEED FOR A RIGHTS-BASED APPROACH

5.1 Background

The Acholi Region and parts of Lango (Northern Uganda) and Teso region (North-Eastern Uganda), have experienced insecurity for 20 years. This has caused great suffering to the populations in these regions. One of the unacceptable consequences of the absence of security has been the massive displacement of 1.6 million people, the majority of whom currently live in camps commonly referred in Uganda as Internally Displaced Persons Camps (IDPCs). The conditions in these camps have remained below expected standards for decent human living and survival - they are overcrowded, lack decent shelter, are squalid and lack adequate services. The situations in these camps have rightly been of worrying concerns nationally and, of late, internationally. This has led to constant demands for the improvement of the humanitarian situation of the people in these camps through better infrastructure, improved supply of provisions and services, reinforcement of security and access to justice. There have also been calls for the camps to be decongested by spreading them out or encouraging the IDPs to return to their original homes, on the understanding that they would have the opportunity to rebuild their lives in conditions of guaranteed safety and freedom.

The year 2005 saw a further weakening of the Lords Resistance Army (LRA) which is the major reason for the continued insecurity in these regions. As a result, the longer part of the year saw greatly improved security in the Acholi, Lango and Teso regions. Nevertheless, bands of rebels continued to move about in the bushes of these regions from time to time, killing civilians and greatly restricting their freedom of movement and

opportunity for them to earn a livelihood. Although the IDPs reported improved security in and around the camps, it is estimated that in the districts of Gulu, Kitgum and Pader, for example, 3971 people were killed and 1168 people were abducted between January and July 2005, which showed that the rebels were still active and targeting civilians especially those who ventured outside the camps¹.

The Commission visited many IDP camps in Northern Uganda in 2005 and early 2006 to document the people's concerns, assess conditions for the purpose of discussing the findings with the government and making a report with recommendations to Parliament in accordance with the requirement of the Constitution. Some of the assessments followed the Presidential directive in October 2005 that the Prime Minister's Office should prepare plans for the return and resettlement of the IDPs from Lango and Teso sub-regions by December 2005. This directive led to an action plan called the *National Internally Displaced Persons, Return, Resettlement and Reintegration Plan for Lango and Teso sub regions*².

This positive development notwithstanding, the Uganda Human Rights Commission, is always keen on ensuring that such a programme is conducted in line with human rights principles. The human rights principles require that such return is *voluntary* and it is also done with guaranteed safety and security of the IDPs. Furthermore, the programme of return, resettlement and reintegration should be carried out in consultation with and participation of the IDPs. It also has to put into consideration the recovery of the IDP's property and the rehabilitation of the social services for the affected population.



Part of the congested Pabbo IDP camp. Government is in the process of decongesting such camps.

5.2 Methodology

To ascertain whether these human rights principles were followed, the Commission visited areas of Teso and Lango sub-region to assess the extent to which the strategy complied with human rights principles. Furthermore, the Commission visited Western Uganda to learn from the experiences of former IDPs that had been displaced by ADF rebels in Bundibugyo, Kibaale and Kasese and borrow the best practices that could be applied in the resettlement of the IDPs in Teso, Lango and the Acholi sub-regions.

A number of Internally Displaced Persons' camps were visited in Teso and Lango sub-regions. In Soroti district, the camps visited were Soroti Central Senior Secondary School camp and Obuku Main Camp. In Amuria the camps visited were Acowa, Obalanga, Anyara and Orungo, while in Kaberamaido the camps visited were Kamidaka and Otuboi. In Katakwi district, Obuleyet, Ngarium, Magoro and Acanga were visited, while in Lira district the camps visited were Bara Stock Farm, Aloji IDP camp, Omoro IDP Camp and Amugo IDP camp. In Apac district, the camps visited were Adit, Acim, Alaga, Acokara, Abok and Ngai TC. In Western Uganda, the Commission Staff visited Kasese, Bundibugyo, Kibaale and Kabarole.

During these field visits, the Commission team talked to IDPs and former IDPs (in the case of Western Uganda) and their leaders, representatives of both local and international humanitarian agencies, and local leaders. The purpose of these visits was to find out the IDPs' views on the return programme; whether they were willing to return home and whether they felt safe to return; whether they had been consulted and what they considered essential for them to return in safety and with dignity. In the case of Western Uganda, the objective was to pick the best practices and also learn from the negative experiences so that the best would be adopted and the worst avoided in the return and the reintegration process in Northern and Eastern Uganda.

Furthermore, the Commission was guided by two major instruments on the question of IDP return, resettlement and reintegration namely:

- (i) The UN Guiding Principles on Internal Displacement (1998) particularly, Section V on the principles relating to return, resettlement and reintegration
- (ii) The National Policy for Internally Displaced Persons (2004)

5.3 The General Principle on return of IDPs and the Legal Framework

The fundamental principle built within the National Policy for IDPs and the UN Guiding Principles is that "competent authorities have a primary duty and responsibility to *establish conditions*, as well as *provide the means*, which allow internally displaced persons to *return voluntarily*, in *safety and dignity*, to their homes or places of habitual residence, *or to resettle voluntarily in another part of the country*. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons"³ The key components of these general principles are highlighted below.

5.3.1 Voluntary Return

Section 3.4.1 of Uganda's National Policy for Internally Displaced Persons and **Principle 28 of UN Guiding Principles** for Internally Displaced Persons state that internally displaced persons must be allowed to return "voluntarily, in safety and with dignity". Section 3.4.4 of The National Policy for Internally Displaced Persons states that the "*DDMCs together with other local authorities and representatives of the IDPs shall ensure that the return and resettlement of the internally displaced is voluntary.*" The key word in both provisions is *voluntary*. In addition, both the UN Guidelines and the National Policy for the Internally Displaced Persons emphasize that IDPs must be allowed to *actively participate* in all decisions affecting their welfare while planning their return, resettlement and reintegration.

5.3.2 Security and safety in return

Section 3.4.1 of Uganda's National Policy for Internally Displaced Persons states that IDPs must not be compelled to return home until their safety and security is ensured. "*Security*" in this context would entail legal security, physical security, and material security. IDPs cannot be forced to return, especially if the security situation in their villages is poor.

Legal safety in this context implies freedom from any kind of punishment or retribution upon return, potential amnesty to those implicated in the conflict, freedom from persecution of any kind, and full citizenship and enfranchisement rights. Section 3.4.6 of Uganda's IDP policy underlines this, stating, "*Local authorities shall ensure that IDPs who have returned... are not discriminated against as a result of their having been displaced*". **Physical security** means freedom from physical harm. This includes both conflict-induced violence and unexploded ordinances present as a result of previous conflict. Physical security also means that returning IDPs must have access to food subsidies, and potable or clean water as needed for survival until they can adequately provide for themselves.

Material security means that returned IDPs must

have access to adequate land, livelihood, clothing, and schools for children, health centres and other basic entitlements.

5.3.3 Assistance in Return, Resettlement and Reintegration

Section 3.14 of Uganda's National Policy for Internally Displaced Persons provides for this right, stating that returning IDPs will be provided with "*resettlement inputs and tools to returned and resettled families, as well as tool kits to support construction and self-employment.*"

5.3.4 Participation of IDPs in their Return

Principle 28 of the United Nations Guiding Principles for Internally Displaced Persons and section 3.4.2 of Uganda's National Policy for IDPs state that all actors must make "special efforts" to ensure the participation of internally displaced persons in all *aspects of planning and implementation of return, resettlement and reintegration*. The "right of participation" clause cannot be overemphasized. . What should be emphasized, however, is that the displaced people themselves must *participate* in all policy decisions and policy implementation. Many displaced people have been repeatedly traumatized and disempowered in almost every way. As they rebuild their lives, they must actively participate in the decisions that will determine their future.

5.3.5 Recovery of property

The UN Guiding Principles also emphasize that "competent authorities have the duty and responsibility to *assist* returned and or resettled internally displaced persons to *recover*, to the extent possible, their *property and* possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in *obtaining appropriate compensation* or another form of *just reparation*"⁴

Section 3.6.3 of Uganda's Policy for Internally Displaced Persons states that "Local governments shall endeavor to assist IDPs to return, resettle, and reintegrate, by *acquiring* or recovering their land in accordance with the provisions of the Land Act of 1998. Where the recovery of land is not possible, Local Government shall endeavor to *acquire* and *allocate* land to the displaced families." Government and other humanitarian actors have an obligation, as much as possible, to recover whatever property and possessions have been lost by IDPs during the time they were in displacement.

5.3.6 Rehabilitation of Social Services

Section 3.15 of Uganda's National Policy for Internally Displaced Persons states that "Government and Local Government shall *rehabilitate* social and economic infrastructure including health posts and health centers as well as market access roads and school in camps, return and resettlement areas in full consultation with and participation of Internally Displaced Persons". The Commission takes special interest in this provision in that it has a direct effect on the welfare of returning IDPs.

5.4 Compliance with the Human Rights Principles in Return of IDPs in Western Uganda

Policy compliance with human rights principles in the context of displacement in Uganda has to be seen at two levels. At the first level, in the case of Western Uganda, the conflict started and ended when the UN Guiding principles as well as the National Policy on Internal Displacement were not yet developed. Therefore in their return and resettlement neither the UN Guidelines nor the IDP Policy (2004) was followed. There are, however, both positive and negative practices that can be learnt from this resettlement process to inform the process in Northern and North Eastern Uganda.

At a second level, the displacement in Northern and North Eastern Uganda preceded the two major

human rights instruments but the aspect of return and resettlement has come at a time when the two documents are in place and firmly internalized by both government and non-state actors. There is therefore need to follow the UN guiding principles and the National IDP Policy.

5.5 Lessons from Western Uganda's ADF induced Internal Displacement and Return

From 1996, the Allied Democratic Forces (ADF) attacked parts of Kasese, Bundibugyo, Kibaale (which started in 1999) and parts of Kabarole resulting into extensive loss of lives and property.

These attacks prompted the forced migration of many thousands of citizens into internally displaced people's camps. For instance, in Kibaale the ADF launched their attacks from Muzizi forest on the people around Nyamarembo, Katalemwa, Kigata and Nyamirembe villages. In Bundibugyo, the people were displaced from Bwamba and Karugutu; and in Kasese most people in the mountains had to come into Kasese town. In Kabarole, the insurgency affected Kisomoro Sub-County forcing people to camp in Kyamukube⁵, Bihondo and Mitandi. Most of the internally displaced persons lived in the camps for at least four years. Although displaced people in Bundibugyo and Kasese attempted to return in 1998, the region was not secure enough for them to return en masse until 2001.

5.5.1 Findings/Lessons from Western Uganda

It was clear from the findings of the Commission that:

- (i) **Return and resettlement was a gradual process.** Some displaced people returned soon after the violence ended, while others stayed in the camps and even formed communities that exist to this day, going by the experience of Western Uganda. It would therefore be unwise to give deadlines by which people

should have returned to their original villages. People should be provided with adequate information and then left to return on their own volition and at their own pace.

- (ii) **Premature return without full security guarantee can be counterproductive:** During an apparent lull in the ADF conflict in 1998, government encouraged displaced people to return to their homes. People complied and returned. Unfortunately, because the area was still insecure, these people became easy targets when the ADF attacked the area again. As a result of this, many people lost their lives needlessly. It would be wiser therefore to ensure that even the “small pockets of marauding rebels” are no longer in the respective areas before people are encouraged to return in Northern Uganda. Even one rebel can cause a programme of return to fail.

- (iii) **The return was largely after consultations and provision of full information:** The process of returning to the villages involved displaced people, and hence their attitudes, feelings and fears were addressed. Displaced people must feel that they have considerable control over the important decisions that affect their lives. People explained that this consultation promoted collaboration between central government, local governments, displaced people and all other actors, which gave the displaced people a feeling of confidence about security and safety as they returned. All individuals interviewed emphasized the importance of this collaboration in bringing the ADF conflict to an end. For instance, in all areas visited, they agreed that there were extensive consultations on the return processes. Basing on the information that was provided and the particular circumstances of each individual and family, some people chose to return whereas others chose to remain in

the camps.

The former camps have consequently developed into trading centres, e.g. areas next to Akiteng Primary School, Bundibugyo Barracks, Kyamukube Trading Centre in Kabarole and just before Ntandi in Bundibugyo. In Kasese, some people chose to rent houses within and outside Kilembe Mines. Some people from Bundibugyo, after taking refuge in Fort Portal, resorted to engaging in petty trade within the trading centres.

- (iii) **Return of IDPs in Western Uganda was voluntary and not forceful:** According to those interviewed, people returned home voluntarily once the area was secure. We were told that the people had good information networks and knew when their home was safe to return to. *They did not rely solely on government pronouncements to guide their actions* return.

- (iv) **Those who did not want to return were left to stay in camps but it would have been better if assistance was provided so that camps don't turn into slums**

Roughly 10% of those displaced in the West remained in the camp areas for a number of reasons. Most did not own land previously and hoped to rebuild their lives in these camp areas. However, many of these camp areas are not well planned. Depending on the situation, it may be appropriate to give these individuals the option to stay in these areas, especially if they purchase the land and are also helped by government and humanitarian actors to ensure that the basic level of infrastructure is put in place to prevent disease outbreaks. People should be assisted with roads, boreholes and latrines so that these places do not turn into slums and breeding grounds for diseases. This is likely to be the case in Northern Uganda



promises between the IDPs and the Government: In the West, IDPs were promised

Government: In the West, IDPs were promised resettlement packages by government officials. The packages were to include hoes, pangas, tarpaulins, seeds and blankets. These were meant to assist such displaced people resettle back into their homes. However, government did not avail any of these items, but NGOs did. For instance, Give Me a Chance, an NGO in Kasese, provided sewing machines, mattresses and iron sheets to the returnees. Catholic Relief Services also availed pangas, hoes, seeds (maize and beans). It is important that such resettlement packages be availed to assist returning IDPs to resettle in dignity. Most interviewees noted that government had raised their hopes when they made such promises, but failed to deliver on almost all their promises. It is of paramount importance that such promises are fulfilled; otherwise they cast the image of the government in bad light and understandably, peoples' allegiance and confidence shifts from Government to NGOs

6.6 Findings on Teso and Lango on the IDP Return

When the Commission visited the IDPs in Teso and Lango sub-regions to establish the condition for and their attitude towards the prospect of returning to their original homes, it established the following:

(i) Willingness to return but concerned about Insecurity

When the Commission visited IDP camps in Teso and Lango sub-regions to assess the preparedness and willingness of the IDPs to return, it received mixed reactions from IDPs. However, almost 100% of them are willing to return to their villages of origin on condition that their security and safety is assured. All IDPs interviewed expressed a strong desire to return to their homesteads. Not a

single individual we interviewed said he or she was planning to stay in the camps if the security situation improved enough for him or her to return home.

However, in every camp the Commission visited, IDPs voiced their concern over the security situation in their villages. *IDPs in Katakwi and Amuria refused to even consider returning home until government fully disarms the Karamojong. In fact, most camp members interviewed expressed frustration and even anger at government for making the pronouncement without, in their view, making strong enough attempts to provide security in their areas.* One elderly woman in Acanga Primary School Camp in Ngariam Sub-County, Katakwi District said, *“You tell your President that we will not leave this camp until he builds a wall between us and the Karamojong.”* These expressions of anger were particularly disheartening in light of the subhuman conditions in many of these camps. Similar viewpoints were expressed at every camp we visited.

The IDPs in LRA-induced camps in Amuria district feared returning home because of the October 2005 attack in Amuria and because of recent sightings of small bands of rebels in the area. Many of them had returned home several times only to return to the camps after abductions or murder in the area by the rebels or Karimojong warriors. People in these camps stated that they were waiting for Joseph Kony to be either captured or killed before they returned home. In fact a middle aged woman in Orungo IDP Camp, Amuria District, put it bluntly when she stated: *“I will not return home unless I have heard that (Joseph) Kony or (Vincent) Otti have been captured or killed.”*

In certain camps in Lira and Apac, the IDPs were wondering as to why this return programme never started with IDPs in Acholi where the insecurity problem originates. They reasoned that as long as Kony and his men are still in Acholi, Lango still remains in their striking range and it would therefore be not only unsafe but also unwise to return home.

The Commission was also disheartened to learn that no government official consulted the IDPs before the pronouncement was made. Most people, including senior district officials, heard the pronouncement over the radio. Most camp leaders stated that they had never met or been consulted by any member of government about anything, much less any important decision that affected them.

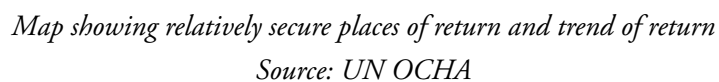
In fact, most IDP camp leaders had never spoken with a member of the Office of the Prime Minister or any other government department or agency. This failure on the part of government to consult IDPs on decisions that have major impact on their lives and welfare violates international and national protocols regarding IDPs and must be swiftly rectified.



An old lady contemplating on her future in Corner Kilak IDP Camp

(ii) Security and Safety of Returnees

President Museveni had in several pronouncements stated that Teso and Lango sub- regions are secure and that IDPs should return home. However, our findings suggest that large portions of the Teso and Lango sub-regions, especially the districts of Katakwi, parts of northern Apac, North of Lira District and Amuria, remain insecure and that IDPs should not, in fact return home before security guarantees are in place. There are some places, however, which the UN OCHA also categorizes as relatively secure. These are: Lira



The Commission also established that it was unsafe and insecure to return in places neighboring Karamoja due to insecurity posed by the Karimojong warriors. In addition, a number of Karimojong- induced IDP camps still remain very insecure and prone to raids and violence. Of particular concern to the Commission was the dire situation of IDPs in Karimojong- induced IDP camps. Some of these camps have existed for over twenty-five years. Work, school and other activities outside the boundaries of some of the Katakwi camps stop in the early afternoon, as the residents fear afternoon and evening Karimojong raids. People in these camps live in conditions so bad that they rival the conditions of the IDP camps in Pader and Kitgum. Yet, there is no equal attention paid to these camps by either the government or humanitarian agencies.

Most of the attention is paid to the IDPs in Acholi sub region.



Mr. Willy Agirembabazi of the Monitoring and Treaties Directorate, UHRC (in a blue suit) in Akwang IDP camp, Kitgum District with a group of UPDF soldiers during one of the monitoring visits. Returning IDPs need guaranteed security.

5.7 The Commission's Areas of Special Human Rights Concern

(a) The Vulnerable IDPs: Much as all IDPs are vulnerable due to the fact that they were all displaced from their original homes, it was discovered during the Commission visits that there are categories of IDPs that are most vulnerable. These include:

- The orphaned children who have lost both of their parents due to insecurity;
- The dependants mostly the elderly who have lost the bread winners due to insecurity;
- The sick- mainly from HIV/AIDS;
- IDPs who are also PWDs.

The Commission is concerned as to who will look after these vulnerable people in case they are to return home. These people are currently being supported by

humanitarian agencies. There is no long-term plan for them by government. The Action Plan for Teso and Lango sub-regions by the Office of the Prime Minister only stops at helping them to put up shelter.

The Commission invites government to seriously study this matter so as to come up with a concrete and long-term program for the most vulnerable of the vulnerable IDPs.



An elderly lady in Lira P7 IDP camp. Government is assisting such vulnerable persons with iron sheets for building houses upon return.



Displaced children in Koch Goma IDP camp in Gulu. Government needs to put in place concrete programmes for the most vulnerable under its IDP return programme.



An IDP child suffering from Kwashiorkor. Special needs of the most vulnerable IDPs need to be taken into account

- (a) **IDPs from Acholi:** The Presidential directive and Government's return, resettlement and return program of IDPs on the disbandment of IDP camps in Teso and Lango sub-regions some how is based on a wrong premise that all IDPs in Teso and Lango come from these sub-regions. Actually, there is a substantial number of IDPs in Lango and Teso that comes from Acholi. A major question should be: what will happen to these people when the camps in Teso and Lango are disbanded? Who will take care of them?

This scenario was not envisaged in the government return programme and therefore was not planned for. Government should address this issue before embarking on the return programme.

- (b) **Timing was unrealistic and poor.** The Presidential directive had directed that people should return to their homes by 31 December 2005. The Commission felt that the time given and timing for the return, resettlement and reintegration of IDPs in Teso and Lango was unrealistic and poor. Probably, that is why it did not take off at the time it was expected to; and by April 2006, the return of IDPs had not even reached the expectations of the December 2005.

The IDPs in Teso informed the Commission that the IDP return programme coincided with the peak of the dry season in Karamoja when the Karimojong raids are at their highest. Furthermore, the implementation of the programme coincided with the Christmas season and an impending election where the demand for security services was more pressing on government and therefore it would not provide sufficient security to the returning IDPs. In addition, return was also coinciding with the dry season when it is difficult for the people to plant seeds. Above all, the people viewed it as a campaign gimmick since it was announced slightly before the kick off of the presidential and parliamentary elections campaigns.

Recommendations:

1. *The return, resettlement and reintegration of IDPs should be done in phases with proper planning, putting into consideration human rights standards that should be followed when IDPs are returning. In fact IDPs should be left to return at their own volition.*

2. *Government should totally disarm the Karimojong before thinking of returning most IDPs in the Teso sub-region especially those neighbouring Karamoja.*

- (d) **Demining:** It is not clear if in these places where people are asked to return to do not need demining first, prior to return. The OPM strategy does not seem to address this aspect. It is therefore important to establish the presence or absence of land mines and other Unexploded Ordinances before any IDP return or resettlement arrangements are embarked on. IDPs have to find their places of original home villages safe from all these killer machines.

- (e) **Armed Paramilitary groups popularly known as auxiliary forces:** The Commission is interested in a comprehensive plan by government on how it is going to handle

the issue of these auxiliary forces that are likely to pose a security threat. At the time of writing this report, the Commission had information from the police in Soroti that some individuals in the auxiliary forces had started misusing the gun to create insecurity to returning populations. They were using guns to steal property, murder and at times were misused by local politicians and other individuals to settle their old scores. By the time of writing this report, the Commission had information to the effect that in Soroti District alone, an average of four people were losing their lives every month as a result of the guns in the hands of these auxiliary forces. Furthermore, by the time of writing this report it was reported in the newspapers that Amuka Boys killed 12 IDPs and injured 26 more in Ogwete IDP camps in Lira District allegedly “after picking a quarrel with drink-mates over a prostitute.”⁶

Recommendation:

UPDF and the UPF, should corporate with UHRC to sensitize the auxiliary forces about human rights protection of IDPs, and also put in place stringent measures to discipline members of these auxiliary forces who break the law or misuse the gun to achieve their selfish interests. Furthermore, if the auxiliary forces have to supplement police or UPDF work, they should be accordingly trained.

- (f) **The Land question:** The land question still remains the major potential source of conflict and possibly poses the major challenge to the IDP return programme. In the government’s strategic IDP return, resettlement and reintegration action plan, the issue of land wrangles was never envisaged. However, the Commission received reports of conflicts among IDPs over land. For example, during a monitoring visit to Abako IDP Camp in Lira

District, the Commission was informed that a number of returning IDPs were engaging in fights over land. Given the fact that many people have been displaced for a long time, some for as long as twenty years, there is a likelihood that conflicts over land may break out, and they could even lead to loss of lives.

Recommendation:

There is a need for government to recognize and strengthen the traditional conflict resolution mechanisms. The land tribunals in these areas should also be strengthened and well facilitated to handle emerging land conflicts.

- (g) **Assistance to returning IDPs (Resettlement Kit):** The Commission has noted with concern the issue of the resettlement package meant for the returning IDPs. By the time of writing this report, government had not made good of its promises as contained in its strategic plan on IDP return and the National IDP Policy to provide assistance to returning IDPs. What government had only provided were a few iron sheets, which are still awaiting distribution at the sub-county headquarters. For example by the time of writing this report, Katakwi District had received only 5,600 iron sheets which had been promised to child headed households, widows, households headed by the elderly and households headed by the disabled. Lira District had also received 16,000 iron sheets through the RDC’s office as part of the resettlement package and each IDP household is expected to receive 30 pieces of iron sheets. The Commission appreciates government efforts in trying to assist the returning IDPs but notes the following gaps:

(i) Priorities for IDPs not considered

There are several items that government promised the returning IDPs. They range

from iron sheets, food items, farming implements and so on. These items are not given at the same time. Certain items come earlier than others. In such a situation prioritization becomes important and that is where the problem lies. For example in terms of priority and according to IDPs: food farming implements, oxen, ox ploughs, seeds, establishment of social services in the areas of return, deployment of security personnel; are matters of first priority than iron sheets or radio programs on return or construction of security roads. There is therefore a need for government to prioritize the needs of IDPs after consultation with them so as to provide timely and appropriate assistance.



A latrine used by IDPs.

(ii) Establishment of clear procedures and criteria for the beneficiaries of the resettlement kit

The Office of the Prime Minister in consultation with Local Leaders and IDPs should work out a formula on how the resettlement package should be transported, managed and distributed to avoid abuse. The beneficiaries should be clearly spelt out so that it is not abused by local politicians to reward those who supported them during elections or punish those who never supported them. The Commission finds it inappropriate for the resettlement package to be channelled through

the RDCs office when there is an OPM official and the local district administration. District Disaster Management Coordinators who are part of the OPM staff should be given a chance to coordinate the IDP return programme for the obvious reason that unlike RDCs, OPM has clear structures and relevant mandates.

(iii) Under funding of Resettlement Plan

Much as government has attempted to meet part of its commitment under the action plan such as providing iron sheets, oxen and ox ploughs, glaring gaps still remain. For example, most of government commitments under the strategic plan on return have not been met. It has failed to deliver the assistance it promised under the plan to return IDPs. The Commission therefore urges government to seriously address this matter by allocating sufficient funds to the Office of the Prime Minister to execute the IDP Return Plan. According to the Former Minister of State for Northern Uganda Rehabilitation, Hon. Grace Akello, out of the proposed Ug. shs. 50 billion required for resettlement programme, OPM had by May 2006 only been given Ug. shs. 10.4 billion under the 2006/7 budget. This as she put it, “leaves a huge shortfall that undermines effective implementation of the return and resettlement program.”⁷

(h) Discrimination in the Treatment of Karamojong-induced IDPs

The Commission established that there was discrimination in the Treatment of IDPs in Teso compared to IDPs in other sub-regions. Much as IDPs in other sub-regions were receiving humanitarian assistance, the ones in Teso especially the Karimojong-induced IDPs were almost forgotten. Government and humanitarian actors are therefore urged to provide humanitarian assistance to these seemingly ignored, forgotten and vulnerable people.



L-R Marit Kohonen, Head of Office - UNOHCHR, in Uganda; Martin Mogwanja, Resident Representative - UNICEF Uganda; Hon. Musa Ecweru, Minister of State for Relief and Disaster Preparedness; Dr. Walter KÄLIN, UN Representative of the Secretary General on Human Rights of IDPs. At the Implementation of Uganda's National IDP Policy held between 3rd -4th July 2006 at Hotel Africana.

(Endnotes)

¹ See: The health and Mortality Survey among IDPs in Gulu, Kitgum, Pader under the Ministry of Health by WHO, WFP, UNFPA and IRC in 2005

² See: The National Internally Displaced Persons Return, Resettlement and Reintegration Strategic Plan for Lango and Teso sub-regions, OPM 2005

³ U.N Guiding Principles on Internal Displacement (1998)

⁴ UN Guiding principles on Internal Displacement (1998)

⁵ Most people here came from Nsura II, Kibate, Bujabara and Bagaya among others.

⁶ *The Daily Monitor*, May 23, 2006, p. 5

⁷ Paper by Grace Akello, given at the Public Expenditure Review Workshop titled "Strategy for Recovery and Reconstruction of Northern Uganda" at Speke Resort Country Lodge Munyonyo, 9 May 2006.

8.8 Conclusion

Internal displacement is now a widely discussed subject. Guidelines have been drawn at the level of the United Nations. Uganda has pioneered the struggle for policy on the IDPs. It is therefore important that we follow these guidelines and refrain from working as if they do not exist. They provide a useful framework at all levels and conditions of internal displacement. Needless to say, the return, resettlement and reintegration of IDPs should conform to the UN Guiding Principles and the IDP policy in Uganda. It is therefore imperative that the country follows the policy and the Guidelines for easy implementation of the Plan of Return, Resettlement and Reintegration. The guidelines were developed to ensure that the rights of returning IDPs are not violated. Issues to do with security, social services and assistance in respect of IDPs are therefore of paramount importance and need to be urgently addressed. Above all, sufficient resources have to be mobilized to finance the return, resettlement and reintegration programmes.

CHAPTER 6

GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

Since its inception in 1997, the Commission has made a number of recommendations to Government aimed at improving the human rights situation in the country. Some of these recommendations have been complied with, others have been partially met, or are progressively being implemented, while others seem to have been ignored. This chapter tracks progress on the recommendations made by the Commission to Government over the years.

6.1 Honouring UHRC Tribunal Awards

The Commission through its Tribunals has decided cases of Human Rights violation and awarded compensation to victims. However, Government, through the Attorney General's Chambers, has not expedited honouring such awards. Response to appeals of the Commission in the previous Annual Reports to pay victims has largely not been positive. By 2004, the Attorney General had paid Ug. Shs. 93,280,425/=, out of the Ug. Shs. 784,000,000/= as compensation awards representing approximately 11.9% of Awards paid by the Attorney General.

In 2005 alone, the Commission's Awards to complainants accumulated to Ug. Shs. 306,228,000¹, of which, Ug. Shs. 275,278,000/= (89%) is against the Attorney General who is vicariously liable to pay on behalf of the government violators of human rights. The Commission could not precisely ascertain the number of complainants paid by the Attorney General during 2005 because this information was not availed by the Attorney General's office even when repeatedly contacted. Nevertheless, the Commission is convinced that there is no significant progress in this direction yet. According to JLOS, the government already has an accumulated bill amounting to Ug. Shs. 32,836,196,819/= ² in arrears in compensation from

court awards including those of UHRC.

The argument of the government is that compensations delay because they are not budgeted for initially and even if they are budgeted for, budget ceilings under MTEF limit how much money should be allocated to Ministry of Justice and Constitutional Affairs. The Commission is convinced that setting up a Victims Compensation Fund and decentralizing liability to concerned Ministries, will relieve the Attorney General Chambers of the burden of relying on the budgetary allocations from the Ministry of Finance, Planning and Economic Development hinged on MTEF ceilings. If liability is decentralized to Ministries, such as Defence and Internal Affairs where most violators belong, it would enhance self accountability and discipline on the perpetrators. This would also require amending the Law on the Government Proceeding Act, CAP 77.

Furthermore, the Commission's position is that continued delay in compensating victims of human rights violations is a further violation of their rights and defeats the purpose of such awards. We continue to appeal to Government, to expedite payment of these Awards, and priority should be given to compensating the victims of human rights violations when money for compensation is available. Government is reminded that some of the victims were so badly tortured that they lost their capacity to survive on their own and such monies would be used to afford them some minimum livelihood.

6.2 Unrestricted access to Army Detention facilities

The Commission has a constitutional right to visit any place of detention at any time without notice and monitor conditions of inmates. However, the Army leadership required the Commission to notify it before

visiting its detention facilities. The Commission was opposed to this because of the likelihood of being stage-managed, which would defeat the whole intention of impromptu visits for an objective assessment of the conditions of inmates. Following a meeting between the Commission and the Army Commander, Gen. Aronda Nyakairima on 6 May 2004, it was agreed that these restrictions be waived over time. The Commission welcomed this new development but it looked like this directive was not communicated down to all officers and men of UPDF to give the Commission free access. The Army officers who attended the Commission Annual Report consultative meeting on April 2006 at Imperial Resort Beach Hotel further committed themselves to cooperate with the Commission in effecting its visits to military detention facilities. It is hoped that in the coming years, the bottlenecks to free inspection of the military detention centres will be completely removed.

6.3 Establishment of District Human Rights Committees in all Districts

In its January 2001 – September 2002 Annual Report, the Commission recommended for the establishment of District Human Rights Committees to act as a link between the Commission and the grassroots. By 2004 a number of districts had established District Human Rights Committees. These districts included Kampala, Busia, Rukungiri, Kabale, Mubende, Masaka, Kalangala, Rakai and Kisoro. However, many other districts have not established these committees. The Commission urges those Districts that have not set up District Human Rights Committees to set them up so as to help in promotion and protection of human rights.

6.4 Increased Funding to the Commission

The Commission recommended for increased funding from Government for its wage, non-wage and capital development budgets to facilitate its national Constitutional mandate, including funds for running the Commission's Regional Offices. This recommendation

followed consistent Government under-funding to the Commission, partially on the pretext that Donors were over-funding the Commission, which was clarified as a misconception in the 2004 Annual Report. In the financial year 2003/2004, the Commission's budget estimates presented to Government amounted to Ug. Shs 10,077,349,666 bn. though the actual release was Ug. Shs. 2,630,869,000 bn., reflecting a deficit of Ug. Shs. 7, 446,480,666 bn. In the financial year 2004/2005, the Commission's budget estimates were Ug. Shs. 3,491,038,856 bn. but the actual release was Ug. Shs 2,524,465,944 bn, reflecting a deficit of Ug. Shs. 966, 572, 912 bn. In the financial year 2005/2006, the Commission's budget estimates were Ug. Shs. 3,192,002,869 bn. but the actual release was Ug. Shs 2,670,000,000 bn, reflecting a deficit of Ug. Shs. 522,002,869 mn.

The effect of such under-funding with regard to the wage bill has inevitably meant reallocation of funds meant for other activities to pay salaries or wages, and thereby leaving insufficient funds to conduct non-wage activities such as outreach activities and programmes, which are essential for the effectiveness of the Commission.

UHRC remained under-funded, in the FY 2005/2006, with only Ug. Shs. 43,000,000/=, as Capital Development Expenditure, slightly above the Ug. Shs. 40,000,000/= allocated in the FY 2004/2005. Thus, with funding gaps in 2005, urgent needs such as: purchase of vehicles, capacity building including training of staff and purchase of basic equipments such as computers and other stationery were not addressed, especially in the light of the increasing number of staff at the Headquarters and at the Regional Offices. The Commission would require Ug. Shs. 757,130,920/= to replace its old dilapidated fleet of vehicles. According to MTEF, the Commission has been allocated capital development provision of only Ug. Shs. 190,000,000/= for FY 2006/2007 instead of Ug. Shs 263,000,000/= required.

The effect of under-funding the Commission has dire consequences on the role the Commission is expected to play. In the last three years 14 out of 17 persons in the management level positions, representing 82%, resigned to look for greener pastures because of inadequate pay at the Commission. Almost all the vehicles at the Commission have lived for more than seven years yet only Ug. Shs. 43, million is provided for capital development. This has meant shortage of vehicles for staff, which, means that the activities of the Commission are negatively affected.

If it were not for donor funding, implementation of the Commission's mandate and activities would have been severely affected. Donor funding has assisted the running of many of the Commission's activities, including operation of the Commission's six Regional Offices. Nevertheless, Ministry of Finance and Economic Development has repeatedly quoted wrong figures as being donor contribution to UHRC despite repeated corrections. In FY 2005/6, MOFED quoted Ug. Shs. 7.28 billion as being donor contribution to UHRC while in FY 2006/7 it quoted Ug. Shs. 5.45 billion as donor contribution when in actual fact in FY 2004/5 it was only Ug. Shs 2,311,971,398 and Ug. Shs. 2,89,000,000 respectively. This misrepresentation has had the negative effect of creating a wrong impression that the Commission gets more funds from donors and therefore there is no need for GOU to add more resources. Parliament is urged to sort out this misconception.

6.5 Enactment of a Law on Torture

Torture has remained a problem in Uganda. It was recommended that an enabling law on torture be enacted to operationalise Article 44 of the Constitution of Uganda, 1995, as well as bringing it in conformity with CAT. The UN Committee on Torture also recommended to Uganda to put in place an enabling law on torture. At the end of 2005, no law on torture had been enacted and no efforts at drafting the Bill on torture had been initiated by Government. The

Commission at its own initiative drafted a proposal with guidelines of what the law on torture should entail. The principles would include, *inter alia*, the definition of torture, liability, nature of remedies and accountability measures, and the structures in place to curb torture, among others. This was presented on 4 December 2005, at a stake-holder's workshop advocating for enactment of a law on torture. The Commission still appeals to Government to come up with a law on torture so that there is a legal framework through which the perpetrators can be identified and punished as well as victims protected.

6.6 Eliminating impunity for alleged perpetrators of torture in security agencies, including the Army

In its previous Annual Reports, the Commission recommended for the elimination of impunity among perpetrators of torture, particularly among security agencies. In 2003, the UHRC cited the highest perpetrators of torture as being the Police and the Army, and recommended to Government to show strong commitment and practice to deal with perpetrators of torture within the security organs. The UN Committee on CAT, in its Concluding Observations to Uganda's initial report on CAT in June 2005 (see Appendix D), cited among the impeding factors to the implementation of CAT, the continued allegations of widespread torture and ill treatment by security agencies, together with the apparent impunity enjoyed by its perpetrators. The Committee thus recommended to Uganda to take vigorous steps to eliminate impunity for the alleged perpetrators of acts of torture and ill treatment and try and convict perpetrators.

When these issues were put before the UPDF, it justified its compliance by explaining that a Compensation Committee had been established in the Ministry of Defense, which investigates violations by soldiers for action, and implement salary reductions to those who violate the rights of others. They also explained that in 2005, a number of soldiers who violated the rights

of others were subjected to disciplinary measures. A list was provided by the UPDF to demonstrate the Institution's commitment to fight impunity against

human rights violators within its ranks (See table 6.1 below).

Table 6.1 Actions taken by UPDF against human Rights Violators

S/no	Rank	Full Names	Unit	Date of Arrest	Offence	Action Taken
1.	Lt	Fred Sozi	47 Bn	Dec 2004	Shelling of a bomb that landed in Ariak IDPC killing 06 civilians	Tried convicted and sentenced to death by 4 Div Court martial
2.	Pte	Etiang Patrick (Amuka)	403 Bde	Dec 2004	Robbery	Handed over to police and convicted in Lira Chief Magistrate Court
3.	Pte	Wani Richard	'L' Bn	Jul 2004	Torture and causing grievous harm	Convicted by 4 Div Court martial and sentenced to 07 years imprisonment
4.	Pte	Ogwang Robert (Amuka)	403 Bde	Jan 2005	Defilement of Apio Anna of Adwari IDPC	Handed over to Police tried and convicted in Civil Court
5.	Pte	Alele Sam (Amuka)	403 Bde	Jan 2005	Defilement of Achan Lilian of Adyel Division Lira Municipality	Handed over to Police and sentenced in Civil Court
6.	Lt.	Julius Muhumuza	107 Bn	Mar 2005	Assault of Sarah Naigaat Omot IDPC	Tried and sentenced to 06 year imprisonment
7.	Pte	Oryem Tonny	4 Div GARR	Apr 2005	Murder of a civilian at Kapedopong in Gulu	Arrested and handed over to Gulu Police
8.	Pte	Okello Santo	'C' Bn	Sept 2005	Murder of his wife by shooting in Lallogi IDPC	Arrested and handed over to Gulu Police
9.	Lt	Sulaiman Wafula	75 Bn	Aug 2005	Assault of a civilian	Tried and sentenced to 1 year imprisonment
10.	Lt.	Johnson Oburin & 9 Others	5 Div Hqs	Nov 2005	Assaulting M.P at Acholi Bur, Pader District	Arrested tried and sentenced to 01 year imprisonment
11.	Pte	Oyulu Kamoni George	'C' Bn	May 2005	Murder of a child at Acet IDPC	Handed over to Gulu Police
12.	Pte	Omalinda David	'B' Bn	Aug 2005	Robbery of money and property in Minakulu	Arrested and handed over to Police
13. 14.	Pte Pte	Mawa Majid Chandiga Paul	4 Div Hqs	Apr 2005	Joint Rape	Tried and sentenced to 07 years imprisonment
15. 16.	Pte Pte	Okot Samuel Odur Okello-Okello	Indian Bn	Nov 2005	Jointly tortured civilian and forcefully took his property	Sentenced to 04 years and 01 year imprisonment respectively and dismissed from Army
17.	Pte	Lubangakene Joel	'C' Bn	Dec 2005	Murder of civilian Ojok Ojara at Laloli IDPC in Gulu	Tried and sentenced to death by 4 Div Court Martial
18. 19.	Pte Pte	Kahigwa Charles Mande Kalilana	45 Bn	Nov 2005	Joint murder of child and injury of another	Arrested and committed to 5 Div Court Martial
20.	Pte	Egama Stephen	4 Div Hqs		Unlawful wounding one Avrill Evelyn	Sentenced to 7 years imprisonment

While the Commission commends the progress within the UPDF, it remains concerned that action is largely taken against those proved by the internal mechanism of UPDF, not those proved by the Commission. The UPDF Policy of punishment should extend to include those officers proved by the Commission to have violated human rights by punishing them too. Compensation by government on behalf of soldiers and other State agencies alone for the crimes is neither punishment nor deterrent.

6.7 Ratification of the OPCAT

The Commission in its 7th Annual Report, as well as the UN Committee Against Torture under Concluding Observations No. 11(d), recommended for the ratification of the Optional Protocol on the Convention against Torture and other cruel inhuman degrading treatment (OPCAT). Unlike CAT, the (OPCAT) is more proactive in approach, focusing on prevention through a mandatory system of regular and follow-up visits to any place of detention, and provides fairly sufficient mechanisms to implement its recommendations. The OPCAT provides for a fund to help in the implementation of its recommendations after it has agreed with the Government on the recommendations as well as undertaken the visits with the Government knowledge.

Despite the advantages associated with ratification of OPCAT and the Commission's stakeholders' workshops to persuade Government to ratify the OPCAT, Uganda had not ratified the OPCAT by the time of writing this report. The Commission continues to appeal to Government to ratify the OPCAT.

6.8 Elimination of torture in Central Government Prisons

To a great extent, the Commission's recommendation to ensure that torture is eliminated in Ugandan prisons has been met. In its previous reports, the Commission always recommended for the elimination of torture in

prisons, including prisoner-to-prisoner torture. Torture predominantly occurred in Local Government Prisons, but also to a limited extent, Central Government Farm Prisons. Such cases of torture were not perpetrated by Officers in Charge, but mostly by warders and 'Prefects' on the orders of warders. During the reporting period, the Commission noted a significant decline of torture by prison officials and prefects/*Katikilos* in most Central Government Prisons.

6.9 Adequate facilitation of the Police

The Commission recommended to Government through the Ministries of Finance, Planning and Economic Development and that of Internal Affairs to adequately facilitate the Police. This followed consistent Police failure to meet its mandate, including failure to observe the 48-hour rule, keeping law and order, failure to investigate cases in time, thus delaying justice. Police has been attributing its failure to perform its duties to inadequate facilitation and lack of equipment, adequate staffing as well as failure to gather evidence in time.

Problems of under-funding continue to stifle the work of the Police. In the year 2005, the only major achievement was the JLOS provision of vital DNA machine, now with the Government Chemist in Wandegaya, to ensure production of required evidence faster and cheaper in criminal cases. The inadequacies in human and material resources still remain.

6.10 Decongestion of Prisons through elimination of long remands

The Commission had recommended for the decongestion of prisons by reducing the number of prisoners on remand as well as constructing more prison buildings to accommodate the increasing number of prisoners. By 2004, the prisoners on remand were 12,070 (65%) out of the total of 18,569. By January 2005, the prison population stood at 18,831. Those on remand were 11,569. Those convicted were only

7,191. Furthermore, there excess capacity of prisons 8,229. At the end of 2005, Prisons remand population remained high, at 12,348 (approximately 63%) out of the total of 19,600. Forty-eight per cent (48%) of these were defilement suspects triable by the High Court, which is already overstretched by an enormous case backlog (⁴ Evelyn Edroma, a paper presented at the Annual Report Consultative Meeting at Entebbe, Imperial Resort Beach Hotel, 11 April 2005, p.2.). The Commission thus continues to recommend that the key solution to this lies in law reform on defilement so that, among other things, the Chief Magistrates be mandated to handle these cases, especially those involving under-aged adolescents of both sexes.

6.11 Construction of more Courts

The Commission in its previous Annual Reports, recommended for construction of more Courts, having cited it among the major impediments of access to justice. This was attributed, *inter alia*, to insufficient number of courts and/or insufficient courtrooms. The construction of the Chief Magistrates Courts at Mukono, Nabweru, Pallisa and Kapchorwa (that was completed in 2005), has helped to increase space for judicial officers and to extend services nearer to the people. However, construction of more Courts is still required in other parts of the country to address the backlog, and ensure access to justice.

6.12 Recruitment of more judicial Officers

The Commission has in the past noted the need for more Judicial Officers, especially Magistrates and Judges. Among the major problems cited in the administration of Justice in the past, has been the backlog of cases. This was attributed to the usual problems of staffing.

During the year 2005, two retired Justices of the Appellant Court were replaced, three Chief Magistrates and nine Magistrates Grade I appointed. However, with these appointments having been effected, the

staffing gaps in the Judiciary remain. For example, there are only 26 Judges, 30 Chief Magistrates and 100 Grade I Magistrates, serving a population of close to 28 million people. Every financial year (since 2003), the Judiciary had planned to appoint 5 Judges of the High Court, totaling to 15 by end of 2005. However, due to financial constraints, only four judges have since been appointed. Government therefore should extend more financial resources to the Judiciary enable it realize its recruitment targets.

6.13 Construction of more houses for Prison staff

The Commission has in the past noted with concern the need to have conditions in detention facilities improved, including accommodation facilities for Prisons staff to address their appalling housing conditions. While there was a remarkable improvement in Prisons in 2004, improvements in the living conditions of Prisons staff were still necessary.

In 2005 three blocks of staff houses in Kiggo Prisons was completed, with each house to be occupied by 10 staff, thus accommodating 30 staff. Housing shortage in respect of about 600 Units remains, a gap being addressed through ensuring that each Unit makes its own bricks, and Prisons Service completes the roofing of the units. Prisons are yet to roof Masindi and Arua Prisons houses under this arrangement and many more remain unattended.

6.14 Improvement of the ratio of the Police to civilians

The Commission consistently recommended for the increase in the Police-to-population ratio by recruiting more Police Constables and Cadets to adequately execute the duties of the Police Force. The Commission has since its inception noted that there are limited numbers of Police personnel to handle a large population with increasing crime rates. In 2004, the personnel of the Uganda Police Force was

noticeably low, at the ratio of 1:1800 (Police personnel to Population), impeding the administration of justice and the maintenance of law and order.

In 2005, 1,283 probationary Police constables were trained and deployed in various parts of the country. In addition, a total of 1,796³ out of 4,000 targeted Police Constables were recruited from the Teso and Lango sub-Regions (from Arrow and Amuka Boys respectively) and 1,080 of these received training and were due for deployment by the end of 2005. A total of 716 personnel were reportedly undergoing training. The Commission was informed that the balance of 2,204 is to be recruited from the militia who fought ADF in the Western region. These will form part of the Anti Stock Theft Unit of Police to check cattle rustling in and around Karamoja. The challenge, however, remains to fill the remaining staffing gaps. For instance, much as the ratio of regular Police personnel to population reduced from 1:1,800 in 2004, to 1: 1600⁴ in 2005, it is still far below the required international ratio of 1:500. According to the Police authorities, however, the recruitment of 4,000 auxiliary forces into the Uganda Police Force is expected to lower the ratio to about 1:1,400. Overall, the ratio comes to 1:1,125⁵ when UPF, SPCs and Local Administration Police are put together.

Continued annual recruitment of Police Personnel is still necessary to manage the ever-increasing crime rates. There is also a need for increased funding to the Police Force, especially to enable it acquire better equipment for investigation.

6.15 Strengthening Police presence in IDP protection

The Commission recommended for strengthening of Police capacity in conflict areas to compliment efforts by the Army in maintaining peace, law and order. This recommendation followed prior observation in its 2004 Annual Report that protection of the rights in camps should cover all aspects of Economic, Social

and Cultural nature. The UHRC cited access to Justice for the resolution of conflicts in IDP camps as one of the rights neglected since the Army and Local Militia dominate Policy and other arrangements within the camps. The Police remained absent to receive and investigate complaints of criminal offences. Increased presence of the Police in conflict areas is paramount, especially in helping to control crime, keep law and order. This is particularly important to the protection of the rights of the vulnerable such as women, children and the disabled. Yet it is still below the national average.

According to the Ministry of Internal Affairs, there is still urgent need to improve the Police /Population ratio in areas of insecurity. The average ratio in these areas is 1:5,004. To be specific, in North West (Arua, Adjuman, Moyo, Nebbi, Yumbe) the police population ratio is estimated at 1:5,129. In North-Central (i.e. Pader, Kitgum, Gulu, Lira and Apac) the police/population ratio was 1:4,803. In the North-East (i.e. Amuria, Katakwi, Kaberamaido, Soroti, Kumi, Pallisa, Sironko and Kapchorwa, the ratio is 1: 2,884. In Karamoja (i.e. Moroto, Nakapiripirit nd Kotido) the ratio is 1:7202.

Without underestimating the progress in the area of establishing some Police stations and Police posts in these areas and Police membership of the Human Rights Promotion and Protection sub-committee (HRPP) under the IDP Policy, the Commission reiterates that priority should be given to the areas under conflict in police deployment simply because these are the areas prone to crime and need police Protection.

6.16 Increasing the number of Prison staff

Having consistently observed that there were fewer prison personnel to adequately manage a bigger number of inmates, the Commission has always reiterated a call for recruitment of more prisons staff. There has been some progress in this direction. In 2004, 600 Prisons warders/wardresses and eleven Cadet ASPs and

Welfare Officers were recruited and trained. In 2005, 658 Prisons warders/wardresses and 11 Prisons Cadets were recruited.⁶ This brought the Staff to Prisoner ratio to 1:5 in 2005, down from 1:10 as was of the period 1999 – 2000. The Commission applauds the Prisons Administration for this progress and hopes the gap will be narrowed in the next years to reach the ideal international standard ratio of 1:3

6.17 Passing the Refugee Bill

The Commission has since 2002 been recommending for the enactment of an exhaustive law on refugees as a redress to the loopholes in the Control of Alien Refugees Act 1960. Due to external conflicts in the region, Uganda, with its open-door policy, was serving as a place of abode for over 210,000 refugees from Congo, Sudan, Rwanda, Ethiopia, Kenya, Somalia, Sierra Leone, Eritrea, Senegal and Burundi as of 2004. A domestic legislation embedding international human rights standards was therefore necessary to determine the level of protection accorded to these Refugees. The premier legislation in Uganda - the Control of Alien Refugees Act 1960 - left out basic Refugee rights such as the Principles of *non-refoulement*, the vulnerable groups such as women, children and the aged were not taken into account, and no clear and independent appeals procedure on rejected cases was provided for. It is against this spirit that the Refugee Bill 2003 was drafted. At the time of writing this report, the Refugee Bill, 2003 had been passed by Parliament and was awaiting assent by the President.

6.18 Elimination of Xenophobia

The Commission recommended that some politicians, who were inflaming xenophobia among communities, refrain from doing so. Some xenophobic tendencies had been exhibited in some communities in Uganda. Inflaming tribal conflicts had led to loss of lives and was threatening the basic foundation of human rights. The Constitution of Uganda allows Ugandans to move freely throughout Uganda and to reside and

settle in any part of Uganda. Cases of xenophobia were witnessed between the Bagungu and the Alur in Kigoroby Sub-county, Masindi and the Butiaba landing site in Masindi; the Iteso and Banyankole herdsmen (Balaalo) in Teso; and, the Banyoro and Bakiga in Kibale District as well as the Langi and Banyankole herdsmen in Apac.

The year 2005 witnessed continued fueling of xenophobia by key politicians especially in the Teso region against the Banyankole herdsmen. Xenophobic tendencies were also reported in Kibale between the Banyoro and Bakiga, especially during the nomination of the NRM candidates in the party's primary elections. The Commission continues to appeal to politicians to use their good offices as forces of reconciliation rather than fuel conflict and should also refrain from engaging in illegal acts against the perceived Ugandan "foreigners".

6.19 Eliminating Safe Houses

During the Commission's review in its January 2001 - September 2002 Report, a recommendation made for the immediate closure of "safe houses". Safe houses had emerged in 1998 at the height of terrorist attacks. While under detention, the suspects in safe houses would be tortured by security personnel to obtain evidence. These "safe houses" were initially operated by CMI, where suspects were detained and kept incognito contrary to the law. By 2003, through to 2004 and 2005, reports of existence of "safe houses" were gradually receded. However, unauthenticated reports continued to circulate in the media about the existence of "safe houses" and torture in these "safe-houses". At the beginning of April 2006, the local press reported the existence of a "safe-house" at Kololo in Kampala, near the residence of the Danish Ambassador, where suspects are detained and allegedly tortured. The Commission investigated the matter and established that there was *prima facie* evidence of some suspects being detained and tortured in that place. The person detained there, a one Mr. Kasekende, has since lodged

a complaint at the Commission about allegations of torture, which the Commission is still investigating.

Regarding the absence or presence of safe houses, it was clarified by the Army delegation at the Commission's Annual Report consultative meeting on 12 April 2006 at Entebbe, that "safe houses" actually exist; though they denied they were being used for torture. They also indicated that there are no permanent "safe houses" but they emerge as need and threats emerge. So according to them, they are temporary, transitory and mobile phenomena aimed at containing suspected hard-core criminals involved in terrorism before they are taken to gazetted areas and later to the courts of law.⁷ They claimed that the purpose of "safe houses" is to isolate the hard-core suspected terrorists and prevent them from alerting their "friends in crime" still at large so as to deter their possible escape.

The Commission emphasizes that in line with the law, all places of detention must be gazetted to enable oversight bodies such as the Commission to visit the inmates to ensure that the detainees rights are not violated by their captors. The Commission also reiterates the recommendation of the UN Committee on torture, to abolish the use of ungazetted or unauthorized places of detention or safe houses and to immediately provide information of their whereabouts wherever and whenever they exist. The Commission therefore, cannot be convinced by the justification by the security organs about the presence of "safe houses".

6.20 Non-involvement of other security agencies in Police work

Instead of the police being a lead agency in arresting and prosecution, several groups under different names have been formed e.g. Joint Ant Terrorism (JAT), Operation Wembley, Violent Crime Crack Unit, Arrow Boys and Amuka Boys. The Commission had been concerned about the involvement of multiple security agencies other than the police in the arrest

and detention of suspects. The problem of safe houses is partly attributed to this practice. The terms of "Operation Wembley", and Violent Crime Crack Unit (VCCU) all signal multiple usage of security organs. Added to this was the hitherto unknown, "Black Mambas"⁸ operation, which on 16 November 2005, paralyzed High Court proceedings in Kampala during the trial of Dr. Kizza Besigye. This was an operation that drew condemnation from all quarters, including the Judiciary itself. The Commission viewed this as an attempt on the part of the State, to infringe on the rule of law and on the independence of the Judiciary. The explanation on the part of the State that the deployment of the "Black Mambas" was to subvert the "impending terrorist attack on the Court" was incredible.

However the Commission has learnt that these groups have components of police (CID and Special Branch), CMI and ISO. In Uganda, intelligence organs are merged with the police as well as the army. The problem in this kind of arrangement is that it is very difficult to hold these "new" groups accountable. Furthermore, if any person is arrested by any of these new groups other than the mainstream police, it can be predicted with utmost certainty that the victim will be tortured or subjected to cruel, inhuman and degrading treatment or punishment. He/she will most likely not appear in court and could spend close to a year or more in detention without trial.

The Commission recommends that whenever a security group is established, it should be done in accordance with the law and it must respect the rule of law. The practice of using multiple security agencies to do police work should be completely phased out and the capacity of the police enhanced. Furthermore, for purposes of accountability, the government should declare to Ugandans where different paramilitary organs belong so that in case of any human rights violation it is clear on who is accountable.

6.21 Resolving the LRA conflict peacefully

The Commission has been persistent in its recommendation that LRA rebels and Government should continue to pursue the peace option for a negotiated settlement of the Northern war. Despite the weakening of the LRA by Operation Iron Fist as a result of the normalization of relations between Uganda and Sudan, the year 2004, witnessed persistent insecurity in Northern Uganda. There was hope for peaceful resolution of the armed conflict following the resumption of peace negotiations between Government and the LRA, mediated by the Betty Bigombe Group. This effort, however, collapsed at the close of December 2004 when rebels asked for time to consult within their group, something Government took to mean that they were buying time to re-arm and declared fresh military operations. While the option for peace remained open, war proceeded.

In 2005, the Bigombe peace initiative remained at a standstill as the International Criminal Court Warrant of Arrest was also issued. The UPDF military offensive continued to weaken the rebels, but without completely defeating them, until they finally fled the Sudan into the Democratic Republic Congo. The LRA has lately been reported to be in Garamba National Park in the DRC. Furthermore, there have been reports of the leadership of the SPLA trying to mediate between the rebels and the Uganda government. It was reported that on May 2, 2006 Hon. Reik Machar, the Southern Sudanese Vice President, met Joseph Kony at Nabanga in Western Equatorial province near the Sudan-Democratic Republic of Congo border, wherein among other things, Kony was asking the ICC to drop the case against him as a condition to stop fighting⁹. Consequently, Peace Talks were set to begin in Juba between LRA and the Uganda Government, mediated by the Government of Southern Sudan. Ugandans are hopeful that this time round peace will prevail.

Nevertheless, more rebels continued to respond peacefully to the Amnesty in 2005, manifesting

commitment to a peaceful settlement of the armed conflict in the North. Prominent among these include Brigadier Sam Kolo, former spokesperson of the LRA. In total, 9,555 LRA rebels had responded to the amnesty by the end of 2005, out of a total of 17,876 reporters from 27 rebel groups, representing 53.45% of the total number of reporters.¹⁰ About 8953¹¹ amnesty reporters have received their resettlement package from the \$4.2 million grant provided by the World Bank under the Multi – Country Demobilization and Reintegration Programme. One thousand one hundred and twenty (1,120)¹² ex-LRA rebels who either defected or were captured have since been retrained and reintegrated into the UPDF and deployed in various Units.

6.22 Disarmament of Karimojong Warriors

In 2004, stakeholders in workshops organized by the Office of the Prime Minister in March and April 2005 raised a number of recommendations. These recommendations ranged from, *inter alia*, giving a token of appreciation to those disarmed; to facilitating Disarmament Committees; ensuring collaboration of all stakeholders in disarmament; ensuring support of the vulnerable including widow-headed families; and extension of water facilities and avoiding violence during disarmament. In September 2004, the President announced the re-launch of disarmament, which takes the voluntary and forceful approaches to collect illegal guns in the hands of Karimojong under the command of Col. Kayemba.

The first phase of disarmament between 2001 - 2002 witnessed over 10,000 guns collected, compared to the estimated 30,000 - 40,000 guns in possession of the Karimojong. This limited success was due to inadequate planning, ineffective coordination, insufficient Government funding and failure to protect the disarmed Karimojong, all of which led to the unofficial halt of the disarmament. Thus, the Karimojong lost confidence in Government and rearmament drives followed suit, intensifying insecurity in the sub-region in 2004.

By 2005, peaceful disarmament had ceased and had been substituted with forceful disarmament. Nevertheless, the new disarmament exercise has not registered the same positive results as the first one. The current phase involves both the governments of Uganda and Kenya to deter cross-border raiding witnessed in the past. The exercise has now moved to lower levels where by both governments have appointed Liaison Officers in Kitale - Kenya - and Moroto to enhance the level of coordination during operations. The Commission continues to recommend to government to use convincing and peaceful options to recover the illegal guns from Karamoja.

At the time of writing this report, the government was still continuing the disarmament process. This process was a combination of voluntary/peaceful as well as forceful disarmament. By the end of December 2005, after working for 15 months, only 1,070 guns had been collected. This compares unfavorably, with the more than 10,000 guns, which had been recovered in 7 months, out of which 8,000 guns were surrendered voluntarily. This implies that voluntary disarmament can deliver better results as opposed to forceful disarmament.

There is no doubt that the criminal elements (*Karachunas*) within the Karimojong are very provocative to the UPDF and has led to loss of life of the many UPDF officers and has times provoked retaliation that generated excessive use of force against the Karimojong in almost an indiscriminate manner and also leading to loss of lives on both the armed and unarmed Karamojong civilians. This notwithstanding, it is incumbent upon government to enhance the capacity of the UPDF as well as increased sensitization of both UPDF and policemen and the *Karachunas* to respect unarmed civilians in the conflict as well as sensitize them against the gun while assuring them of full protection from vulnerability of their armed neighbors – internal or external.

6.23 Providing security in and around Karamoja

The Commission recommended to Government to provide security in and around Karamoja so as to restore confidence of the Karimojong in the disarmament exercise. Following the 2001 - 2002 disarmament exercise, which yielded over 10,000 rifles, it was hoped Government would provide security to those disarmed, especially to herdsmen during the dry season, when moving to neighbouring districts. This was never realized and, consequently, people on disarmament committees became targets of those who surrendered their arms. In addition, raids continued to the neighbouring districts especially during dry seasons.

The training and deployment of Local Militias - the Arrow Boys and the Amuka Boys - in the Teso and Lango sub-regions respectively is indicative of a move to secure the border areas with Karamoja and contain raids, though the aim was largely to address the LRA. By the end of 2005, a total of 1,796 out of a targeted 4,000 auxiliary forces had been recruited from Teso and Lango into Police and underwent training. These are to be deployed under the Anti Stock Safety Unit –(ASTU) to check cattle rustling in and around Karamoja.

6.24 Reducing the high Cost of ARVs

By 2002, the major concern was the high cost of the ARVs and the need to account for the free ARVs to ensure they reach the intended targets. The concern was also on media reports that some individuals were diverting free ARVs donated to Government for sale. In 2003, there was much concern that too much attention paid to ARVs and HIV/AIDS in financing and other resources in the context of MTEF would jeopardize Primary Health Care by neglecting other killer diseases such as malaria. The period 2003 through to 2004 witnessed increased accessibility to the ARVs, with the Global Fund assistance to Uganda. By 2003, 3,000 out of the targeted 62,000 people accessed ARVs. In 2004,

close to 55,000 were believed to be on ARVs, accessed through, *inter alia*, out of pocket financing, Employer's scheme, Government's free ARVs Programme.

Equitable access for vulnerable communities and individuals was accomplished through equitable priority to Primary Health Care (PHC) by increasing funding to PHC services; Abolition of user fees in government units; and, increased subsidies and Targeted use of the Primary Health Care Conditional Grant.

At the close of 2005, the Global Fund Project was hit by fraud, which threatened donor funding of the project. A Commission of Inquiry was set up, headed by the Principal Judge, Justice Ogoola, and it concluded its inquiries as we put finishing touches to this report. It should be noted, however, that these funds were mostly used for administrative costs and very little was put in the provision of ARVs. People seem to be tired with the workshops about information on HIV/AIDS and now want real impact in terms of assistance to access ARVs. The Commission recommends that next disbursements of Global funds must prioritize provisioning of ARVs to those who need them most.

6.25 Enactment of a law on minimum wage

By 2002, considering the concerns about exploitation of employees by employers, especially domestic workers, and the appalling wages of Police, Prisons and UPDF personnel, the Commission recommended to Government and reiterated this recommendation in the proceeding reports, to pass a law on Minimum Wage with the view to guarantee a minimum acceptable living standard for all workers. The minimum wage in Uganda was last revised in 1984, at Ug. Shs. 6000/= under Statutory Instrument No. 38. The Minimum wage is a requirement under ILO Convention No. 26 on the Minimum Wage Fixing Machinery (1963) ratified by Uganda. By 2005, with the exception of Parliamentary approval of the Labour Bill in March 2006, Uganda had not approved any written Labour policy or a minimum wage in spite of the constant

demands and reminders to government by the workers through their labour unions.

6.26 Passing the Domestic Relations Bill with amendments

The Commission in its 6th Annual Report 2003, recommended to Parliament to pass with amendments, the Domestic Relations Bill (DRB) 2003. The object of the DRB is to reform and consolidate the law relating to marriage, separation and divorce, to provide for the types of recognized marriages in Uganda, marital rights and duties, grounds for breakdown of marriage, rights of parties on dissolution of marriage and for other connected purposes. The Commission having observed the persistent increase in the number of cases of domestic violence in Uganda and its adverse effects to members in families, especially women and children, supported the enactment of the law to protect the rights in marriage. Whilst relative consultations characterized the process that brought the DRB, there are sections in the Bill that cause controversy, including chapter 11, section 11.7). The Bill has sections that contradict the cultural beliefs and rights of the Moslems, Christians, women and human rights activities and principles.

By 2005, Parliament had not passed the DRB. At the time of writing this report, Parliament had had several debates on the Bill but failed to reach compromise over controversies therein. The DRB remains in the shelves of Parliament.

6.27 Reporting under international instruments

Uganda's reporting record to the UN Treaty bodies as required by respective human rights instruments has been improving in the last three years. Since 2004, Uganda has submitted reports on ICCPR, ICERD, CEDAW, CRC and CAT. There is, however, one major report that has been unacceptably overdue namely, a Report on the International Covenant on Economic, Social and Cultural Rights (ICESCR). This report was five years overdue by end of 2004. The fourth periodic

Report was due by 30 June 2005 and there had not been significant progress to submit even the Initial Report by May 2006. By the time of writing this report, only a Committee composed of representatives from government and NGOs, coordinated by the Ministry of Foreign Affairs and Regional Cooperation, to prepare a draft periodic report was in the process of being formed. Furthermore, more reports were overdue, namely: a report on the Optional Protocol to the Convention on the Rights of The Child, on the Sale of Children, Child Prostitution and Child Pornography (was expected by 18th January 2004); an initial Report on the Convention on the Right of Migrant Workers and Members of their Families (MWC), as well as the Ottawa Treaty report on Landmines, were overdue since July 2005 and April 2005 respectively. The Convention on the Rights of Children in armed Conflict had also been overdue since 6 June 2004.

The Ministry of Foreign Affairs should prioritize treaty reports, and also plan, budget and mobilize resources for meeting its international obligations under several international human rights instruments, for timely submission of reports to respective treaty bodies.

6.28 Follow-up issues on Treaty Bodies' Conclusions and Recommendations

- ***Convention on the Rights of the Child, 1989***

Uganda's second Country Periodic Report on Convention on the Rights of the Child was submitted for examination in September 2005. After the Government of Uganda had submitted its second periodic report to the UN Committee on the Rights of the Child, the Committee in its 1058 and 1059 meetings made several observations and recommendations. Though it commended Uganda for the various steps taken in the realization of the children's rights, it also made several recommendations. Below are some of the recommendations made by the Committee;¹³

- (a) Data collection by the Uganda Bureau of Statistics (UBOS) especially as relates to children, should be disaggregated and collected at both village and sub-county levels. Such data should then be forwarded to the district for consolidation and analysis.
- (b) Government should take legislative measures to ensure that there is no further child sacrifice and offenders should be prosecuted.
- (c) Legislative measures are taken to outlaw corporal punishment in both the family and schools settings.
- (d) Strengthen and effectively implement its National Strategic Plan of Interventions for Orphans and Other Vulnerable Children for the years 2005/06-2009/10.
- (e) Strengthen the current mechanism of monitoring of child abuse and neglect, ensuring the offenders are prosecuted.
- (f) Prevent and prohibit all forms of discrimination against children with disabilities and ensure that they have equal opportunities to participate fully in all spheres of life.
- (g) Undertake legislative measures prohibiting FGM and conduct awareness-raising campaigns against other harmful traditional practices.
- (h) Increase public expenditure for both primary and secondary education ensuring that enrolment takes into consideration socio-economic disparities.
- (i) Enhance the security in IDP camps and take all necessary measures to protect children, especially girls, against sexual exploitation and to investigate cases of abuse fully, and prosecute and sentence the perpetrators of these crimes.
- (j) Undertake measures to bring an end to child abduction and night commuters in the war-affected districts in northern Uganda.
- (k) Develop and implement an effective policy to deal with the phenomenon of street

children.

- (l) Develop a comprehensive policy to deal with child sexual exploitation.
- (m) Strengthen the juvenile justice system through among others increased financial, human and technical resources.
- (n) Undertake measures to ensure access to basic social services to minority groups e.g. the Batwa.
- (o) Submit reports on the Optional protocols to the Convention on the Rights of Child.
- (p) Establish within the Uganda Human Rights Commission a separate department or mechanism with the necessary expertise to independently monitor the implementation of the Convention on the Rights of the Child.

Treaty Body Concerns on Uganda's Report on the Convention on the Rights of Children (CRC) 1997

1. Harmonize national legislation with the CRC – different definitions in several laws (Marriage Act, Reformatory Schools Act, Affiliation Act, Divorce Act ...)
2. Provide allocations to children education and health
3. Measures against girls, orphans, disabled children, those born out of wedlock and prevent their exploitation
4. Effective system of birth registration
5. Prevent HIV transmission to children
6. Training teachers and improve learning environment
7. Curb sexual abuse and corporal punishment in family and schools
8. Special attention for refugee and IDP children, street children,
9. Express legislation regarding children as domestic servants
10. The Commission to put in place a separate department or mechanism to monitor the implementation of the CRC

- ***Convention Against Torture and other Inhuman, and Degrading Treatment or Punishment (CAT), 1989***

In the 2004 Annual Report, it was reported that Uganda's initial report was presented to the UN Human Rights Committee on CAT in May 2004, and examined in May 2005. In its concluding observations, the Committee noted that Uganda had neither incorporated the Convention into its legislation, nor introduced corresponding provisions to implement several articles. The Committee in particular, was concerned about the lack of a comprehensive definition of torture, non-compliance with other articles of the CAT, including articles 6 – 9, and the lack of an absolute prohibition of torture. Thus, the recommendation for total elimination of torture through adopting a definition of torture, setting up of a Law Commission to ensure compliance with articles of the Convention not complied with, including articles 6 – 9, eliminate impunity among perpetrators of torture and properly compensate victims. The Committee further recommended for minimization of security agencies with power to arrest and detain, and to leave this power to the Police as the primary law enforcement agency, eliminate Safe Houses, prevent abduction by the LRA and facilitate reintegration of former child soldiers, and ensure protection of IDPs.

The Committee was further concerned about failure by Police to observe the 48 hours rule and the possibility of detaining treason and terrorist suspects for 360 days without bail. It recommended for conclusion on the enactment of the Refugee Bill into law; enactment of the Prison Bill 2003 into law to do away with the widespread torture in Local Government Prisons; and continuation of debate on the OPCAT and consider Uganda becoming a Party. The Refugee Bill and the Prisons Bill¹⁴ had by the time of writing this report been passed by Parliament and were awaiting Presidential assent.

Treaty Body Concerns on Uganda's Report on the Convention Against Torture, Cruel Inhuman Degrading Treatment or Punishment (CAT) 2005

1. Judicial measures to combat torture
2. Adopt a definition of torture
3. Adopt national legislation on non-refoulement
4. Ensure that acts of torture become subject of universal jurisdiction in Ugandan law in accordance with article 5 of the Convention;
5. Reduce the length of pre-trial detention;
6. Enhance the effectiveness and accessibility of habeas corpus;
7. Take vigorous steps to eliminate the impunity of the alleged perpetrators of acts of torture and ill-treatment, carry out prompt, impartial and exhaustive investigations
8. Minimize the number of security forces and agencies with the power to arrest, detain and investigate and ensure that the police remains the primary law enforcement agency;
9. Minimize the number of security forces and agencies with the power to arrest, detain and investigate
10. Establish mechanisms in prisons to deal with sexual violence
11. Prevent atrocity in N. Uganda
12. Effectively deal with customary torture in karamoja
13. Effective national legal aid scheme
14. Enact the Refugee Bill, Prisons Bill
15. Consider becoming a party to OP CAT
16. Consider making a declaration under Art 22

• The International Covenant on Civil and Political Rights (ICCPR)

The UN Human Rights Committee on the ICCPR made a number of concluding observations and recommendations after considering Uganda's initial report on 31 March 2004. The Committee required Uganda to provide within one year after the recommendations, the status on Paragraphs 10, 12 and 17 of the recommendations. Paragraph 10 requires Uganda to outlaw Polygamy. Uganda has not outlawed Polygamy, and the practice remains. According to the UN Committee, sections 3 and 26 of the Domestic Relations Bill 2003, which would have addressed this problem, are insufficient to outlaw polygamy and the Bill has never been passed by Parliament.

Paragraph 12 of the concluding recommendations requires Uganda to outlaw and penalize acts of Female Genital Mutilation (FGM) and to effectively eradicate it in practice. At the close of 2005, Uganda had neither outlawed FGM nor effectively eradicated it. The practice continues, especially, among the Sebei of Eastern Uganda.

Treaty Body Concerns on Uganda's Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 2002

1. Enactment of Land Act, domestic Relations Bill and Sexual Offences Bill
2. Accessible complaints procedure for women to enforce constitutional guarantees
3. Measures to address stereo typical roles and responsibilities of Women
4. Measures to address violence against women
5. Enhance measures to address Female genital mutilation
6. Measures to encourage women to take up leadership positions
7. Encourage women to enter diplomatic service and International Organisations
8. Measures to reconcile Passport Regulations and Constitution (regulations that discriminate against women in terms of nationality and citizenship)
9. Measures related to prostitution and protection of prostitutes from sexual exploitation
10. Reproductive health programmes
11. Safe and affordable contraceptives
12. Gender sensitive poverty reduction programs especially in rural areas
13. Discrimination in inheritance, property sharing, land ownership
14. Polygamy, wife inheritance, definition of adultery that discriminates against women
15. Involve women in peace building efforts esp in North
16. Gender mainstreaming in all ministries
17. Uganda should consider ratifying the Optional Protocol to CEDAW

Paragraph 17 of the recommendations requires Uganda to take effective measures to prevent arbitrary detention and torture, and prosecute those responsible and compensate the victims effectively. Safe Houses, although still in existence, exist on a small scale and are no longer widely used compared to the period between 1998 and 2002. Mechanisms to check illegal detention and torture are in place, including the UHRC and Courts of Law, but the practice continues as seen from the continued cases reported to the Commission. While the law provides for compensation to victims, the Attorney General's Chambers takes longer to effect payment of the awards against Government, whose institutions remain the biggest violators.

Uganda is required to provide information on the status of the other recommendations at the presentation of its next periodic report due 1 April 2008. Among these recommendations is the one requiring Uganda to implement the UHRC decisions, including prosecution of human rights offenders and full independence of the Commission; limit the number of offences for which the death penalty is provided and ensure it applies only for the most serious offences; Abolish imprisonment for debt; Ensure full enjoyment of Freedom of Association, particularly in the Political dimension; and, widely publicize the examination of the report and the concluding observations of the UN Committee.

The Uganda Government abandoned its proposal of abolishing UHRC during the Constitutional amendment process. However, the Commission's efficacy continues to be constrained by the meager annual financial allocations from the Ministry of Finance, Planning and Economic Development, as well as failure of the Office of the Attorney General to honour its awards to victims of human rights violation in time. Furthermore, people continue to get imprisoned for debt in clear violation of the ICCPR.

Regarding the enjoyment of Freedom of assembly and association, Uganda has reinstated the full practice of

multiparty politics following the July 2005 Referendum, and the multiparty Presidential and Parliamentary elections of 23 February 2006.

Treaty Body Concerns on Uganda's Report on the International Convention on Civil and Political Rights (ICCPR) May 2004

1. Implement decisions of UHRC and provide it with resources; ensure its independence.
2. Review Anti-Terrorism Act
3. Outlaw polygamy
4. Outlaw and penalize FGM
5. Effectively prevent domestic violence
6. Abolish mandatory death sentence
7. Measures to enable access to ARVs
8. Prevent child abduction and reintegrate those rescued
9. Punish misuse of arms
10. Effective measures to prevent arbitrary detention
11. Deal with cases of corporal punishment, deprivation of food and solitary confinement as punishments in prisons
12. Reduce percentage of remand prisoners
13. Abolish imprisonment for debt
14. Put measures to combat child exploitation and labour including child domestic workers
15. Address delay in admin of justice, pre-trial detention
16. Respect freedom of association (ref. dispersing peaceful demonstrations by opposition)
17. Combat early and forced marriage

Conclusion

Uganda has made some progress in implementing the recommendations of the Commission, but a lot remains to be done. The remaining challenges form a basis for the Commission, the Human Rights NGOs and Parliament of Uganda to focus on, lobby, advocate, negotiate and improve as the case may be in order to make Uganda a better place for all guided by the Constitution and the Rule of Law.

(Endnotes)

¹ See Justice Law and Order Sector GOU/Donor 10th Semi annual Review Report, January 30-31, 2006

² Ibid

³ JLOS, GoU - Donor 10th Review, 30 - 31 January 2005, Presentation by the DPR, p. 9

⁴ Evelyn Edroma, a paper presented at the Annual Report Consultative Meeting at Entebbe, Imperial Resort Beach Hotel, 11 April 2005, p.2.

⁵ Julius P.O. Odwe: Police and Human Rights protection in Uganda 2005: A paper presented at the 2005 Annual Report Consultative workshop, 12 April 2006 at Imperial Resort Beach Hotel.

⁶ Interview by the Commission team with the Commissioner of Prisons on 28 March 2006.

⁷ Mr. Nathan Byamukama's Interview with Lt.Col. Kyanda, Chieftaincy of military intelligence (CMI) on 20th May 2006 at his CMI office.

⁸ This group was not known before. It only surfaced as a heavily armed state security dressed in black T-Shirts storming a Courtyard at the High Court after the High Court had granted bail to Dr Kiiza Besigye together with 14 of the co-accused. *Black Mamba* as the Press later called it was supposed to re-arrest the suspects who had been granted bail. As it came out later in newspapers, however, this group could have doubled as policemen because two pictures were published which showed one gentleman in Black T-shirt appearing on duty at the same High Court the next day dressed as a police man. This confirmed the observation that these multiple security organizations comprise elements from different security organs.

⁹ See "Drop cases against me, Kony tells World Court", *The Daily Monitor*, May 25, 2006

¹⁰ The Amnesty Commission Report, 2004 - 2005, pp 16

¹¹ Mr. Moses Draku, Public Relations Officer, Amnesty Commission.

¹² A paper presented by Col. Leo Kyanda, 12 April 2006 at the Annual Report retreat, Entebbe.

¹³ *Refer to Appendix A for the full report*

¹⁴ The major contribution of this law is that it integrates the Local administration Prisons into Central government Prisons.

CHAPTER 7

FINANCE AND ADMINISTRATION

7.0 Introduction

The Directorate of Finance and Administration is a service directorate for other Commission Directorates, Units and Regional Offices. Its core function is to ensure prudent resource planning and management, and facilitation of staff to carry out Commission functions. The Directorate comprises of the Finance and Accounts Unit, Human Resource Management Unit, Public Relations Unit, and Information Technology and Office Administration Unit.

The major problem has been under-funding of the Commission. This problem has permeated all activities and affected the Commission's effectiveness and efficiency as discussed below.

To carry out its functions, the Commission draws its funds from the Consolidated Fund as stipulated under Article 55 (1) of the Constitution. As a self-accounting body, the Commission, under Article 155 (1), (2) and particularly, 155(3), requires that the budget estimates prepared by the Commission be laid before Parliament "without revision but with any recommendations that the Government may have on them".

While the law has been strictly followed, the recommendation has been largely unfair to the Commission in all its years of operation. The end result is that the Commission in the Financial Year (FY) 2006/2007 will be receiving from the Government, only 58% of its budget requirement. The Commission is mindful of the fact that Government resources are limited, but the Commission strongly believes that a reduction of 42% of its budget requirement will continue to compromise the Commission's ability to carry out its national mandate. Such limited funding has restricted the Commission's capacity to serve all Ugandans in every part of the country.

7.1 Financing the Administration of the Commission's functions

The Commission has a national mandate but it has offices in only seven of the seventy districts: Gulu, Moroto, Soroti, Jinja, Kampala, Mbarara and Fort Portal

For several years, the Commission has been requesting for funds to establish Regional offices in Arua and Masaka, but the Commission's requests have not been heeded to. At the present, the Commission cannot effectively serve the people of West Nile and the Central region and for that matter, the Commission is unable to effectively serve most of the other regions, because of distances that people (in the regions where the Commission has no presence), have to cover to come to any of the Commission's regional offices or for the distance the Commission has to cover to visit them.

7.1.1 Visits /inspection to places of detention

Out of approximately 2,063 detention places across the country, the Commission was only able to visit a total of 291 places of detention in 2005; 103 Local Administration Prisons; 27 Central Government Prisons; 128 Police stations/outposts and 33 Local Administration Police Posts. At the present rate, it will take 7 years for the Commission to visit each facility at least once unless the problem of finance is resolved.

7.1.2 Complaints received and complaints handled in 2005

In 2005, the Commission received and registered 1,208 complaints of alleged human rights violations and 748 lodgments. This number may seem small, and it is small for the simple fact that out of the 28

million people, only those Ugandans who live near one of the Commission's regional offices were able to file their complaint with the Commission. In order to bring the Commission's services closer to the people, more funds than currently provided, will have to be availed to the Commission.

7.1.3 Investigations of complaints at UHRC

In 2005, the Commission investigated a total of 974 complaints. We had projected to investigate 1,100 cases in the year. The Commission could not reach its target because many of our staff relinquished Commission duties for better paying jobs. And for those who remained at the Commission, the investigation of complaints has been a hardship because the Commission's vehicles, as reported in the Policy Statement, are too old and demand constant costly repairs to keep them on the road. Using them to travel long distances is unsafe. The Commission is constrained by finances to recruit an assistant.

7.1.4 Counseling

People who come to seek assistance of the Commission are victims. They are in need of counseling. In 2005, the Commission offered counseling services to 102 complainants: 65 men and 37 women. Their condition ranges from depression to stress, trauma, anxiety and acute poverty. We could have helped many more people but we have only one counselor who is overworked and when he goes on leave nobody is left to assist clients.

7.1.5 Resolving Cases

Hearing cases in a Human Rights Tribunal is a mandate of the Commission and is carried by Commission Members. There are seven of them including the Chairperson. They hear these cases at the Commission's Headquarters as well as in the six regional offices.

During 2005, there were 119 new cases allocated to the Tribunal. The Commission heard 205 cases, which

included some of the 194 cases carried over from previous years. In 2005, the Commission Tribunal concluded 60 cases, 34 of which were concluded at Headquarters. Many more cases could have been concluded in the Regional Tribunals but the Commission Members' vehicles are so old that they break down and take time to be repaired for lack of proper funding. In addition, the legal personnel that handles Tribunal hearings, is limited to 3 persons which limits the number of hearings that can be heard at any one time. Some cases in the backlog of Tribunal cases are more than seven years old. One need not be reminded that: "Justice delayed is justice denied".

7.1.6 Mediated cases

For several years, the Commission has adopted alternative dispute resolution processes to settle complaints that would, otherwise, have to be investigated. This has proved a useful tool: it saves time, money and provides for parties with the means to achieve quick results. The purpose of mediation is to ensure that parties reach an amicable understanding. This saves time and resources, not only to the Commission but also to both parties. A total of 81 cases were successfully mediated in 2005. If funding were available to recruit additional staff for mediation, more people would benefit from this process.

7.1.7 Civic Education

Civic education is the Commission's mandate. The Commission was criticised during the referendum and the recent elections for having not carried out civic education activities. There were simply no funds available for the Commission to do conduct this activity. The Commission had relied on limited funding from donors, which came too late to make a significant impact.

The reliance on donors on such a crucial issue, such as civic education for election, is dangerous and government should view it as a continuous process

to be undertaken by the Commission. It should not be treated as a simple event. Government should take responsibility of funding civic education.

The minimal budget that the Commission had in 2005, enabled us to carry out human rights awareness programmes to 858 Local Council Leaders, 787 Special Police Constables, 363 students, 336 Youth Leaders and 54 UPDF Trainers. The Commission also developed one UPDF Human Rights Training manuals, produced a booklet of the summary of Human Rights Instruments and a Training of a Trainers (TOT) Manual for UPDF. We also started the process of reviewing the Police Human Rights Manual and developed a Human Rights Readers for P. 1-4. The Commission continued to produce other materials such as *Your Rights* magazines. It should be noted that outside of salaries, donors provided more than 90% of the funds for the education and training activities of the Commission.

7.2 Funding of the Commission

The Commission is funded by both the Government of Uganda and by a group of donor agencies.

The donors made it clear to the Commission that they will provide funds to the Commission, up to the contribution the Commission receives from GoU. This means that if the Government gives the Commission 100 USHS, the donors will also give the Commission 100 USHS. In addition, funding from donor agencies cannot be used to pay the salary of staff of the Commission and they reserve the right to decide what activities and programmes they will fund, which limits the Commission greatly. There is an over reliance on funding from donor agencies to carry over the Commission core functions. It is right to say that donors have become a “substitute” for the Government funding.

In FY 2005/2006, the basket fund of donors provided funding amounting to Ug. shs. 2,268,263,749 bn. and the UNDP provided assistance for the Country Cooperation Framework amounting to Ug. Shs. 43,607,649 mn, (See table 7.1 below).

Table 7.1 Donor support to UHRC FYs 2004/2005 and 2005/2006

Donor	Area of assistance	FY 2004/05 – Shs.	2005/06 – Shs.
Basket Fund	Human Rights and Democratization Project (HRDP)	1,295,410,000=	2,268,263,749=
UNDP	Capacity Building (CCF II – Country Cooperation Framework)	87,500,000=	43,607,649=
UNDP	Promoting a Rights Based Approach to Development (RBA)	43,398,809=	-
Total		1,436,308,809=	2,311,971,398=

7.2.1 Misrepresentation and exaggeration of donor support to UHRC

There have been interventions by a number of Donors grouped under an arrangement called The Basket Fund. Donors under this umbrella are: Denmark, Ireland and Sweden. The Government of Norway has signed a memorandum to support the Commission,

and the Netherlands Government is expected to formally join the Basket Fund in the near future. The Government of Austria and the United Nations Development Fund are bilateral donors to UHRC by providing funds for *Your Rights Magazine*, and Capacity building in the development of the Concept of a Rights Based Approach respectively. The support from the Government Austria ended during financial

year 2004/05. The Commission appreciates the intervention of these donors.

In its letter of June 14 to the Speaker of Parliament, the Minister of Finance, Planning and Economic Development reported incorrectly that in the FY 2006/2007, “the Commission would receive Ug. shs. 5,710,000,000 bn, from donor agencies”. On numerous occasions, the MTEF tables have misrepresented the support the Commission receives yearly from donors. The Commission has in writing, confirmation from donor agencies, that Donor committed contribution for 2006/2007 is Ug. shs. 1,600,000,000 bn, which is a far cry from the amount mentioned by the Minister and which is not the equivalent of the Government of Uganda allocation.

7.2.2 The Commission's budget remains acutely under funded

Since 2001-2002, the MTEF ceilings have severely constrained the Commission. Every year, the Commission's budget proposals are not met and the discrepancy between our demands and the Government allocation keeps increasing.

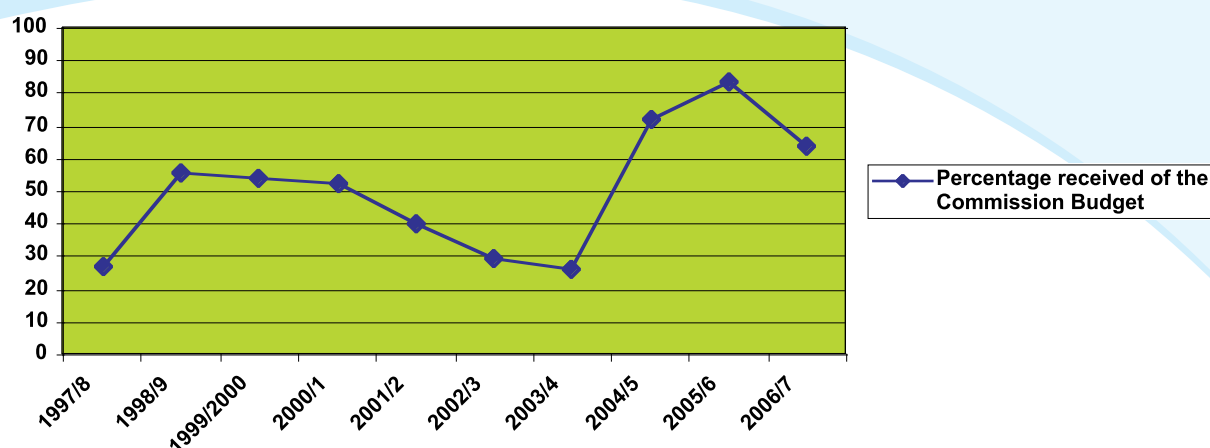
For example:

- In the financial year **2004/2005**, the first year of the Commission's Corporate Plan, which is amply described in the Policy Statement, the Commission's budget requirement to the Government was for Ug. Shs. 3,491,038,856 bn. while the actual release was Ug. Shs. 2,524,465,944 bn, reflecting an under funding Ug. Shs. 966, 572, 912 mn.
- In the financial year **2005/2006**, the Commission's budget requirements were for Ug. Shs. 3,192,002,869 bn, while the actual release was Ug. shs. 2,670,000,000 bn., reflecting an under funding of Ug. shs. 522,002,869 mn.
- In the financial Year **2006/2007**, the Commission's budget requirement was Ug. Shs. 4,514,175,000 bn. and the allocation the Commission will receive will amount to Ug. Shs. 2,890,000,000 bn, reflecting an under funding of Ug. shs. 1,624,175,000 bn. The confirmation of our budget for FY 2006/2007 is doubly distressing due to the fact the Wage Release in the MTEF has been reduced by Ug. Shs. 60 million.

7.2.3 Summary of the Commissions Government of Uganda Funding for the Financial Years 1997/1998 to 2006/2007

Table 7.2

Year	Commission's Budget	Government of Uganda Releases	Variance	Percentage received of the Commission Budget
1997/1998	5,367,000,000=	1,455,634,000=	(3,911,366,000=)	27.1%
1998/1999	2,698,000,000=	1,500,000,000=	(1,198,000,000=)	55.5%
1999/2000	2,646,000,000=	1,430,000,000=	(1,216,000,000=)	54.04%
2000/2001	2,845,000,000=	1,500,000,000=	(1,345,000,000=)	52.7%
2001/2002	6,691,891,276=	2,703,008,000 =	(3,988,883,276=)	40.3%
2002/2003	8,984,000,000=	2,670,000,000=	(6,314,000,000=)	29.7%
2003/2004	10,077,349,666=	2,630,869,000=	(7,446,480,666=)	26.1%
2004/2005	3,491,038,856=	2,524,465,944=	(966,572,912=)	72.3%
2005/2006	3,192,002,869=	2,670,000,000=	(522,002,869=)	83.6%
2006/2007	4,514,175,000=	2,890,000,000=	(1,624,175,000=)	64.02%



According to the above statistics, it is clear that the Commission has been receiving fluctuating and in some cases extremely insufficient funds from GoU in the last ten years. On average, since its inception, the Commission has received only 43.7% of its budget and this is disproportionate to the Commission's expansion and requirements. (See Table 7.2 above). The Commission would like to deliver more and is capable of doing so, but is inhibited by the hopelessly inadequate financial provision.

7.2.4 Consequences of under funding

This constant under funding has several implications that hamper the Commission's ability to do its work:

i. Encroaching on Non-Wage: In order to maintain an adequate staff complement, and counter the shortfall in the wage releases, the Commission resorts to re-allocations from the non-wage budget, which in the end, limit the availability of funds for the operations of the Commission. The reallocations are only sufficient to meet the shortfall for minimum wage obligations. During FY 2004/2005, the Commission required a total of Ug. Shs. 1.764 billion to meet all wage-related expenses, compared to an MTEF of Ug. Shs. 1.32 billion. The balance of Shs. 444 million was covered from the non-wage release. This re-allocation meant that our operational activities were negatively affected and led to accumulation of domestic arrears.

ii. High rate of staff turn over: This is due to the inability of the Commission to pay competitive wages and offer benefits. Among professional human rights employees, in the last three years, the Commission has experienced a turn over of more than 40%.

iii. High cost of vehicles maintenance: The incapacity to purchase new vehicles to transport staff and Commission Members has impacted not only on the inability to carry the activities of the Commission, but it has had severe financial implications on the repair and maintenance budget for vehicles, which in turn impacts on the other non wage components of our budget.

iv. Increase in domestic arrears: As a result of the government under-funding, at the end of FY 2003/04, the Commission owed Ug. Shs. 216,176,798/= mn to suppliers and service providers in domestic arrears. By the end of the following financial year 2004/05, arrears due to suppliers and service providers had accumulated to Ug. Shs. 254,304,080=.

v. Gratuity owed to staff: As a result of the under-funding, the past and present budget of the Commission does not allow the Commission to pay gratuity to its staff. In FY 2004/2005, discussions were held with MFPED to find a solution for these arrears and as a result, the GOU released Ug. Shs. 350,000,000 mn, which was distributed to staff. However, the amount still owed as of the end of June of this year is over Ug. Shs. 900,000,000 mn. The

Commission appeals to MFPED that the balance still owing be released to ease the Commission's financial constraints.

vi. Inability to expand Commission presence:

The budgetary deficits experienced mean that the Commission is unable to achieve its objectives and this impacts negatively on the overall Commission goals. For instance, during the FY 2005/06 the Commission planned to expand regional coverage and open offices in Masaka and Arua. The expansion required an increase in Capital Expenditure for logistics such as vehicles, office equipment and furniture. The Commission's Capital budget for the financial year was Ug. Shs.242,483,021mn. from which the necessary

logistics for the two offices would have been procured. Only Ug. Shs.40,000,000 mn. was approved for the year.

7.3 Capital Development Budget and Approval

The lack of capital development funds is manifest in the Commission's failure to procure vehicles and continued use of old ones, on which the Commission spent Ug. Shs.128,457,387= in repair costs during FY 2004/2005. It has also meant inability to expand and failure to maintain Commission premises resulting in inadequate office space (see table 7.3 below). In the last five years, the Commission only got an average of 8% of its Capital Development Budget requirement.

Table 7.3 Capital Development Funds

Fiscal Year	UHRC Budget - Shs	MTEF Ceilings - Shs	Deficit – Shs	%age Recieved
2001/2002	418,157,980=	40,000,000=	378,157,980=	9.5%
2002/2003	401,477,980=	40,000,000=	361,477,980=	10%
2003/2004	757,130,920=	40,000,000=	717,130,920=	5%
2004/2005	671,105,862=	40,000,000=	631,105,862=	6%
2005/2006	243,483,021=	40,000,000=	203,483,021=	16%

7.4 Budget Comparison with other Government entities and sectors

A review of the MTEF tables for the period from 2001/2002 to 2008/2009 has been undertaken to illustrate the discrepancies, which exists in budget allocations to the Commission and to other similar agencies.

The Commission is part of the Public Administration Sector and for the period mentioned above the budget of the sector has increased by 43% while the budget of the Commission has increased, during the same period, by only 21%. If the rate of growth of the Commission had been equivalent to the sector, in 2006/2007, the Commission would receive Ug. Shs. 3,870,000 mn. During that period, the budget of the Justice, Law and Order Sector increased by 71%.

7.5 Membership to the Justice Law and Order Sector

The process of being part of JLOS has become lengthy and cumbersome. The Commission has together with JLOS decided to develop a framework that will identify areas of cooperation. These areas will include, among other things,

- Capacity building, (through training) within JLOS in human rights and on the rights based approach;
- Civic Education through the Judicial Service Commission.
- Advocacy
- Policy and priority setting
- Collaboration with JLOS through UHRC participation in law reform and revision process.
- Collaboration in the monitoring and

evaluation as the Commission fulfills its oversight and monitoring function of the JLOS institutions and through feed back in the Commission Annual report to Parliament.

7.6 The Way forward

The under funding has had impact on the Commission's ability to meet its constitutional mandate. In order to reduce its expenditures, the Commission cannot close its door and reduce the level of activity. The Commission cannot refuse to receive complainants, it cannot stop to visit detention facilities where problems have been identified, and it cannot stop to comment on a particular situation, which violates people's human rights. Notwithstanding the financial difficulties it faces, the Commission continues to be responsible for the promotion and protection of human rights with limited resources and the Government should adequately fund the Commission for it to be able to deliver efficiently and effectively to the full expectations of Ugandans.



Concluding Observations of the UN Committee on the Rights of the Child, Uganda, U.N. Doc. CRC/C/UGA/CO/2 (2005)

Appendix A

COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Uganda

A. Introduction

1. The Committee considered the second periodic report of Uganda (CRC/C/65/Add.33) at its 1058th and 1059th meetings (see CRC/C/SR.1058 and 1059), held on 15 September 2005, and adopted, at the 1080th meeting (CRC/C/SR.1080), held on 30 September 2005, the following concluding observations.

2. The Committee welcomes the submission of the second periodic report as well as the detailed written replies to its list of issues (CRC/C/Q/UGA/2). It commends their self-critical and analytical nature, which gave a clear understanding of the situation of children in the State party.

3. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level and multisectoral delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes a number of positive developments in the reporting period, inter alia:

(a) The adoption of the Children Act in 2000 (previously the Children Statute), which is in compliance with the Convention on the Rights of the Child;

(b) The adoption of the Uganda People's Defense Force (UPDF) Act, which sets at 18 years the minimum age for the recruitment of persons into the Armed Forces; and

(c) The National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children (2005/06-2009/10).

5. The Committee notes with appreciation the near completion of the establishment of the field presence of the Office of the High Commissioner for Human Rights aimed at strengthening the capacity of the State party to respond to its human rights needs, particularly in northern Uganda.

6. The Committee also welcomes the ratification of the following international human rights instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in January 2002 and on the involvement of children in armed conflict, in June 2002;

(b) ILO Conventions No. 138 concerning Minimum

Age for Admission to Employment, in March 2003 and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in June 2001;

(c) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction, in 1999;

(d) The Rome Statue of the International Criminal Court, in 2002;

(e) The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights, in 2001; and

(f) The Convention on the Protection of The Rights of All Migrant Workers and Members of Their Families, in July 2003.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the long-standing conflict in northern Uganda has negatively affected the implementation of the rights guaranteed in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

General observation

8. The Committee recognizes the current efforts towards pursuing a peaceful resolution of the conflict in northern Uganda. However, it notes the extremely negative impact of the conflict on the children of Uganda as a result of, inter alia, the abduction of children for use as child soldiers and also their displacement.

9. The Committee urges the State party to continue to strengthen and expedite its efforts to end the long-standing conflict, including by seeking assistance from the United Nations, and to strengthen the provision of necessary humanitarian assistance and security to children in camps for internally displaced persons (IDPs).

The Committee's previous recommendations

10. The Committee notes with satisfaction that some concerns and recommendations (see CRC/C/15/Add.80) made upon the consideration of the State party's initial report have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, resources allocation, birth registration, child labour, child soldiers, refugee children and juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

11. The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.

Legislation

12. The Committee takes note that some progress has been made by the State party in the effort to bring domestic laws into compliance with the Convention, e.g. in the area of juvenile justice, but remains concerned at the lack of a systematic and comprehensive legislative review.

13. The Committee recommends that the State party strengthen its efforts to bring domestic laws into full compliance with the Convention. In this regard, the State party should provide the Law Reform Commission with concrete directions and with the necessary resources to perform its task. The Committee further recommends that the State party take the necessary measures to ensure that laws and regulations in the area of children's rights are effectively implemented.

Coordination

14. The Committee notes that the restructuring of the National Council for Children (NCC) has been included in the White Paper on Constitutional Amendment, with the intention of replacing NCC with the Ugandan National Children Authority (UNCA). However, the Committee is concerned at the

delay in this restructuring process, which may hamper the efforts to implement the rights enshrined in the Convention in a well-coordinated manner.

15. The Committee recommends that the State party expedite the process of restructuring NCC in order to ensure full implementation of the Convention. In this regard, the Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child. The Committee further recommends that the State party provide NCC and, as soon as it is established, UNCA with adequate human and financial resources to execute its mandate, including the effective coordination of the activities at the national and district levels for the implementation of the Convention.

National Plan of Action

16. The Committee welcomes the information that significant progress has been made to achieve the goals of the Uganda National Programme of Action for Children (UNPAC). However, the Committee is concerned at the lack of a systematic review and update of UNPAC with the view to incorporating the goals of the outcome document entitled “A world fit for children” of the General Assembly special session on children (2002). It is further concerned that insufficient allocation of resources has resulted in a lack of sustainable results and that problems related to HIV/AIDS and prolonged armed conflict have negatively affected the implementation of UNPAC.

17. The Committee recommends that the State party develop a new UNPAC for the implementation of the Convention, taking into account the goals set out in “A world fit for children”, and provide the necessary resources for its full implementation.

Independent monitoring

18. While noting the remarkable work carried out by the Uganda Human Rights Commission in the field of monitoring human rights violations, the Committee expresses its concern at the lack of a specific department dealing with children’s rights. It is further concerned

that the institution lacks adequate human resources and budgetary allocations.

19. The Committee recommends that the State party establish within the Uganda Human Rights Commission a separate department or mechanism with the necessary expertise to independently monitor the implementation of the Convention on the Rights of the Child. It should also be provided with the necessary human and financial resources to receive and investigate complaints from or on behalf of children on violations of their rights. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on national human rights institutions.

Resources for children

20. The Committee notes the relatively high rate of economic growth in the State party and that considerable debt relief has been provided via the Heavily Indebted Poor Country Initiative, but it is concerned that the resources allocated for children are very limited and insufficient to respond to national and local priorities for the protection and promotion of children’s rights.

21. In light of article 4 of the Convention, the Committee urges the State party to prioritize and increase budgetary allocations for children at both national and local levels, e.g. for the work of the District Probation and Welfare Office, to ensure at all levels the implementation of the rights of the child, and in particular to pay attention to the protection of the rights of children belonging to vulnerable groups, including children with disabilities, children affected by and/or infected with HIV/AIDS, children living in poverty and those in remote areas.

Data collection

22. While noting that in the last few years the State party has made remarkable progress in its data collection system, including the creation of a semi-autonomous organization charged by the Uganda Bureau of Statistics with developing statistics in the

country, the Committee is nevertheless concerned at the lack of a comprehensive data collection system that gathers data from the village and sub-county levels and forwards them to the district level for consolidation and analysis.

23. The Committee encourages the State party to continue to strengthen its system of collecting disaggregated data as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.

Dissemination, training and awareness-raising

24. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, the development and distribution of child rights advocacy materials. Nevertheless, it is of the opinion that additional progress needs to be made with regard to raising awareness of the Convention and the Children Act among children and adults, especially in rural areas.

25. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in rural and remote areas, health personnel, social workers and personnel of childcare institutions. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education.

Cooperation with civil society

26. While appreciating the fact that NGOs have been involved in the preparation of the State party's report, the Committee is of the opinion that civil society, and in particular the role of NGOs, should be further strengthened in the promotion and implementation of the Convention on the Rights of the Child.

27. The Committee recommends that the State party further encourage the active, positive and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including, inter alia, their participation in the follow-up to the concluding observations of the Committee. It further recommends that the State party provide the Uganda Children's Rights NGO Network with as much support as possible.

2. Definition of the child

Age of marriage

28. The Committee is concerned that the different marriage laws do not conform to the definition of a child as contained in the Constitution, the Children's Act and the Convention.

29. The Committee recommends that the State party fully enforce the age of marriage set out in the law for all forms of marriage and for both boys and girls. It also recommends that the State party expedite its reform of the marriage laws undertaken by the Uganda Law Reform Commission. It further recommends that the State party undertake sensitization campaigns, especially among local traditional leaders, on the negative impact that early and forced marriage has, particularly on girls.

3. General principles

Non-discrimination

30. The Committee notes that the Ugandan Constitution prohibits discrimination on grounds of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, or political opinion. It also welcomes the information provided by the delegation that the Equal Opportunity Commission will be established within a year. However, the Committee is concerned at the fact that discrimination against certain groups of children still exists in practice, particularly with regard to girls, children with disabilities, children living in poverty, refugee children, children affected by and/or infected with HIV/AIDS, former child soldiers

and Batwa children.

31. The Committee urges the State party to take adequate measures, including expediting the establishment of the Equal Opportunity Commission, to ensure the practical application of the constitutional and legal provisions guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

32. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (2001) on the aims of education.

Right to life, survival and development

33. The Committee notes with deep concern that child sacrifice takes place in the districts of Mukono and Kayunga, a serious violation of the most fundamental rights of the child.

34. The Committee recommends that the State party:

- (a) Adopt appropriate legislative measures specifically prohibiting the practice of child sacrifice at the local level;
- (b) Continue to ensure that people who sacrifice children are reported to the authorities and prosecuted; and
- (c) Conduct awareness-raising campaigns through local Governments on negative cultural practices, especially in the districts concerned.

Respect for the views of the child

35. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, such as the child forum,

the Committee remains concerned that traditional societal attitudes appear to limit children in freely expressing their views in schools, the courts, or within the family.

36. The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the family, the schools, the courts and relevant administrative and other settings, in accordance with article 12 of the Convention.

4. Civil rights and freedoms

Birth registration

37. The Committee notes with appreciation that the delegation underscored the importance of birth registration, but it is deeply concerned at the fact that a very large number of children are neither registered at birth nor at a later stage.

38. In the light of article 7 of the Convention, the Committee urges the State party to strengthen and further develop measures to ensure that all children born within the national territory are registered by, inter alia, making birth registration easy and free and by introducing mobile units, especially in rural and remote areas and IDP camps. The Committee further urges the State party to proceed with the registration of those children who have thus far not been registered.

Corporal punishment

39. While taking note that corporal punishment has been prohibited in schools by a circular of the Ministry of Education, and in the penal system under the Children's Act, the Committee remains concerned that corporal punishment is still traditionally accepted and widely practised in the family and in other settings.

40. The Committee recommends that the State party explicitly prohibit by law all forms of corporal punishment in all settings, including in the family, the schools and alternative childcare, and implement those laws effectively. It also recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a

manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2.

5. Family environment and alternative care

Children without parental care

41. The Committee is deeply concerned about the impact the high rate of HIV/AIDS has for children who have lost one or both parents and the need to provide them with adequate alternative care. In addition, poverty, preventable diseases, conflict in the country and other problems deprive children of parental care and/or a family environment.

42. The Committee recommends that the State party strengthen and effectively implement its National Strategic Plan of Interventions for Orphans and Other Vulnerable Children for the years 2005/06-2009/10. In particular, the Committee recommends that the State party put more focus, inter alia, on:

- (a) Effective support programmes for children in vulnerable families, such as those affected by HIV/AIDS, single-parent families and families suffering from poverty;
- (b) Effective support to extended families which care for children of parents who have died of AIDS and for child-headed families; and
- (c) The promotion of and support for family-type forms of alternative care for children deprived of parental care, in order to reduce the resort to residential care.

Child abuse and neglect

43. The Committee notes the information, including in the State party's written replies to the list of issues, of the reported cases of child abuse and neglect in four major regions. It is further concerned at the lack of a comprehensive policy for the prevention and combat of child abuse and neglect in the family.

44. The Committee recommends that the State party:

- (a) Take the necessary measures to prevent child abuse

and neglect;

(b) In addition to existing procedures, establish effective mechanisms to receive, monitor and investigate complaints;

(c) Carry out preventive public education campaigns about the negative consequences of the ill-treatment of children.

45. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.

6. Basic health and welfare

Children with disabilities

46. Notwithstanding the State party's continuous efforts to support children with disabilities through targeted State welfare measures, including direct and indirect assistance, the Committee is concerned about the persisting de facto discrimination. It notes with concern that equal opportunities for children with disabilities are jeopardized, e.g. by their limited access to public buildings, government services and public transportation, and that social stigma, fears and misconceptions surrounding disabilities remain strong in society leading to the marginalization and alienation of these children. It is further concerned that children are doubly disadvantaged if they live in rural and remote areas.

47. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), the Committee recommends that the State party take all necessary measures:

(a) To prevent and prohibit all forms of discrimination against children with disabilities and ensure that they have equal opportunities to participate fully in all spheres of life, by implementing the domestic laws and including disability aspects in all relevant policy-making and national planning;

(b) To collect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children living in the most remote areas of the country;

(c) To provide children with disabilities with access to adequate social and health services, to quality education and to the physical environment, information and communication;

(d) To raise awareness about children with disabilities, including their rights, special needs and potential, in order to change prevailing negative attitudes, misbeliefs and prejudices against children with disabilities by initiating and supporting public information campaigns; and

(e) To ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers, are adequately trained.

48. Furthermore, the Committee encourages the State party to pay particular attention to the rights and status of children with disabilities in the context of the African Decade of Persons with Disabilities 1999-2009.

Health and health services

49. Notwithstanding the various measures undertaken by the State party to develop primary health care and lower infant and child mortality, the Committee remains deeply concerned at the state of health of children in the State party, which, as stated in the report (para. 132), is among the lowest in sub-Saharan Africa. In particular, the Committee is deeply concerned that infant, under-five and maternal mortality rates remain very high. It is also concerned at the decrease in vaccination uptake, the prevalence of malaria and the high incidence of malnutrition, under nutrition and stunting among children. The Committee is also concerned that the current plans, policies and programmes initiated to improve the health situation are challenged, in particular by a lack of human and financial resources. The Committee is further concerned at the availability of health-care services whose quality varies dramatically between the different areas of the State party.

50. The Committee recommends that the State party take all necessary measures to strengthen its programmes for improving health care by, inter alia, supporting these programmes with adequate resources and paying particular and urgent attention to mortality rates, vaccination uptakes, nutrition status, and the management of communicable diseases and malaria.

HIV/AIDS

51. The Committee, while noting the ABC strategy, is concerned that despite the reduction in the HIV/AIDS infection rate, children and women of child-bearing age remain highly vulnerable to contracting HIV/AIDS and that not all have access to anti-retroviral drugs, testing and counseling.

52. With reference to the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, the Committee recommends, in particular, that the State party:

(a) Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns, and

to prevent discrimination against children infected with and affected by HIV/AIDS;

(b) Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS that includes all preventive measures, and the complementarity of the different approaches for different age groups;

(c) Ensure access to child-sensitive and confidential counseling, without the need for parental consent, when such counseling is required by a child;

(d) Continue to strengthen its efforts to prevent mother-to-child transmission of HIV;

(e) Seek international assistance from, among others, UNAIDS and UNICEF, to that effect.

Adolescent health

53. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the relatively high percentage of early marriages and early pregnancies, which can have a negative impact on their health.

54. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child :

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs), especially through reproductive health education; and

(b) Strengthen adolescent-sensitive mental health counseling services and make them known and accessible to adolescents.

Harmful traditional practices

55. The Committee notes with appreciation the efforts undertaken by the State party to address the practice of female genital mutilation (FGM), including a number of programmes in cooperation with UNFPA. However, it remains concerned that FGM is not specifically prohibited by law and is still widely practised in the State party. Concern is also expressed about the persistence of other harmful traditional practices, including early marriage.

56. The Committee recommends that the State party adopt legislative measures to prohibit FGM and conduct awareness-raising campaigns to combat and eradicate this and other traditional practices harmful to the health, survival and development of children, especially girls. The Committee recommends that the State party introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and discourage harmful practices, engaging with the extended family and the traditional and religious leaders. It further recommends that the State party provide retraining, where appropriate, for practitioners and support them in their efforts to find alternative sources of income.

Standard of living

57. The Committee takes note of the adoption of a strategic framework for national development (VISION 2005) and the Poverty Eradication Action Plan 1997-2017. However, the Committee remains deeply concerned about the widespread poverty in the State party, particularly in northern Uganda, and the increasingly large numbers of children who do not enjoy the right to an adequate standard of living, including access to food, clean drinking water, adequate housing and latrines.

58. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this

connection, the Committee recommends that the State party pay particular attention to the rights and needs of children when implementing, inter alia, its Poverty Eradication Action Plan.

7. Education, leisure and cultural activities

59. The Committee acknowledges the remarkable improvements in the field of education following the recommendations made by the Committee, including the recruitment of teachers, the construction of classrooms and the provision of desks. The Committee also notes that the State party is developing an early childhood education policy. However, the Committee is concerned at the still unsatisfactory level of enrolment in the higher grades, due mainly to the large number of dropouts, the low transition rate to secondary school, the insufficient number of trained teachers and the poor quality of education.

60. The Committee recommends that the State party, taking into account its general comment No. 1 (2001) on the aims of education:

- (a) Increase public expenditure on education, in particular pre-primary, primary and secondary education;
- (b) Increase enrolment in primary and secondary education, reducing socio-economic, ethnic and regional disparities in access to and full enjoyment of the right to education;
- (c) Undertake additional efforts to ensure access to informal education to vulnerable groups, including street children, orphans, children with disabilities, child domestic workers and children in conflict areas and camps, inter alia by eliminating the indirect costs of school education;
- (d) Strengthen vocational training, including for children who have left school before completion; and
- (e) Provide detailed information on the implementation of the early childhood education policy in its next periodic report.

8. Special protection measures

Refugee children

61. The Committee notes with appreciation the approach taken by the State party in hosting more than 200,000 refugees and in paying full respect to the principle of non-refoulement, as codified in the 1951 Convention relating to the Status of Refugees. The Committee also notes the new draft refugee bill, which incorporates fundamental human rights principles. It further notes the policy of “universal primary education”, which secures access to education for refugee children. However, the Committee is concerned at the poor living conditions, high drop-out rates among girls from fourth grade onwards, inadequate sanitary materials for girls attending schools and lack of reproductive health education.

62. The Committee recommends that the State party enhance its efforts to conclude the legislative process in order to enact the new refugee bill, and subsequently take all measures to guarantee its full implementation, in line with international human rights and refugee law and taking into account the Committee’s general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Internally displaced children

63. The Committee is concerned at the very poor living conditions in the camps for internally displaced children, their very limited access to adequate health care and education and the very high risk, particularly for girls, of being sexually abused and exploited.

64. The Committee urges the State party to enhance the security in IDP camps and take all necessary measures to protect children, especially girls, against sexual exploitation and to investigate cases of abuse fully, and prosecute and sentence the perpetrators of these crimes.

Children in armed conflict and child abduction

65. The Committee notes with appreciation that the new Uganda People's Defence Forces Act sets 18 years as the minimum age for recruitment of persons into the UPDF and that regulations for recruitment are very strict, with the goal of preventing the enlistment of children. However, the Committee is concerned about the possible gaps within the recruitment process due, inter alia, to lack of birth registration. It is also very concerned at reports that children are being recruited by the Local Defence Units (LDUs) and that the rigorous procedure established for the UPDF may not be applied strictly.

66. The Committee urges the State party to take all possible measures to prevent the recruitment of children into the UPDF and the LDUs, and in this regard to enforce its legislation strictly. It also encourages the State party to seek international assistance to reinforce its support for the work of the Human Rights Desk within the Ministry of Defence to screen potential recruits more systematically, particularly for the UPDF 105 Battalion and the LDUs.

67. The Committee remains deeply concerned at the continued abduction by the Lord's Resistance Army (LRA) of children to be used as child soldiers, sex slaves, and to carry goods and weapons. It is further concerned at the inhuman and degrading treatment of the abducted children.

68. The Committee urges the State party to do everything possible to prevent the abduction of children by the LRA and to rescue those who are still being held. The Committee also urges the State party to continue to strengthen its efforts, in close cooperation with national and international NGOs and United Nations bodies such as UNICEF, to demobilize child soldiers, to provide them with adequate (short-term) shelter and to support their recovery, reunification with their families and reintegration in their communities. It further recommends that the State party pay special attention to the needs of girls, who have often been the victims of sexual abuse, and place particular emphasis

on access to education that is tailored to their ages.

69. The Committee is alarmed by the phenomenon of "night commuters", or children who leave their homes and the camps at night in search of greater security and safety from abduction.

70. The Committee urges the State party to address the phenomenon of night commuters and take all necessary measures to protect children, to the maximum extent possible, against the risk of abduction by the LRA and other armed forces. In addition, the Committee recommends that the State party strengthen its support to the night commuters' shelters.

Street children

71. The Committee is deeply concerned at the increasing number of street children, especially in Kampala and other major urban centres, who are victims of, inter alia, drug abuse, sexual exploitation, harassment and victimization by members of the police force. It is gravely concerned at the fact that society considers such children as dangerous people and a burden for the society.

72. The Committee recommends that the State party:

- (a) Undertake a systematic assessment of this phenomenon in order to get an accurate picture of its root causes and magnitude;
- (b) Develop and implement with the active involvement of street children themselves a comprehensive policy which, inter alia, should address the root causes, in order to prevent and reduce this phenomenon, and which should provide street children with the necessary protection, adequate health-care services, education and other social services;
- (c) Support family reunification programmes, when it is in the best interests of the child.

Economic exploitation, including child labour

73. The Committee is deeply concerned at the fact that according to the information provided in the written

replies half of the 2.7 million working children are aged 10-14 years and one third are under the age of 10, and that the State party has not taken comprehensive measures to prevent and combat this large-scale economic exploitation of children.

74. The Committee urges the State party to develop and implement, with the support of the ILO, UNICEF, and national and international NGOs, a comprehensive programme to prevent and combat child labour, in full compliance with ILO Conventions No. 138 and No. 182 which the State party has ratified.

Sexual exploitation

75. The Committee is concerned that according to some recent studies a considerable number of children are victims of sexual exploitation. Furthermore, the Committee is deeply concerned at the very high incidence of defilement of girls, constituting more than half of the cases of child abuse. In addition, it notes that the law on sexual abuse is biased against the boy child.

76. The Committee recommends that the State party:

- (a) Take appropriate legislative measures, including adoption of the long-standing bill on sexual offence, and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation;
- (b) Undertake awareness-raising educational measures to prevent and eliminate the defilement of girls;
- (c) A void criminalizing child victims of sexual exploitation;
- (d) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Drug abuse

77. The Committee notes the information provided by the delegation that drug abuse is an increasing problem in the State party.

78. The Committee recommends that the State party take measures to prevent and end drug abuse among children and to support recovery programmes for child victims of drug abuse. The Committee further recommends that the State party seek technical cooperation from, inter alia, WHO and UNICEF.

Juvenile justice

79. While recognizing the efforts made in this domain, including through the adoption of legislation, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at the lack of magistrates, remand homes for children in conflict with the law and the conditions in such institutions.

80. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's day of general discussion on the administration of juvenile justice. In particular the Committee recommends that the State party:

- (a) Continue to increase the availability and quality of specialized juvenile courts and judges, police officers and prosecutors, inter alia through systematic training of professionals;
- (b) Provide adequate financial, human and technical resources to the juvenile courts at sub-county level;
- (c) Strengthen the role of local authorities, especially with regard to minor offences;

(d) Provide children with legal assistance at an early stage of legal proceedings;

(e) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(f) Enhance the recruitment and training of probation and social welfare officers and facilitate the fulfillment of their key role, as provided for in the Children's Act;

(g) Seek technical assistance and other cooperation from, inter alia, the United Nations Office on Drugs and Crime (UNODC), OHCHR and UNICEF.

Children belonging to a minority or indigenous group

81. The Committee is concerned at the situation of children belonging to minorities, including Batwa children, in particular with regard to their limited access to basic social services, including health care and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

82. In light of the recommendations adopted at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party:

(a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action, involving leaders of the Batwa community, to protect the rights of those children and ensure access to their social services; and

(b) Adopt adequate means and measures to ensure that Batwa communities, including children, are provided with information regarding birth registration procedures, access to health-care facilities and education.

9. Optional Protocols to the Convention on the Rights of the Child

83. The Committee recommends that the State party

submit its reports under the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict by 2006.

10. Follow-up and dissemination

Follow-up

84. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or local Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

85. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

86. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 15 September 2012. This report should combine the third, fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third, fourth and fifth report 18 months before its due date, that is by 15 March 2011.

APPENDIX B – CONDITIONS IN DETENTION FACILITIES INSPECTED BY THE COMMISSION IN 2005

DETENTION FACILITY		CONDITIONS IN DETENTION FACILITIES 2005								
No.	LOCAL ADMINISTRATION PRISONS	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water, and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
1	Nyabuhikye	X	✓	X	XX	X	X	✓	✓	X
2	Mparo	X	XX	X	X	X	X	X	XX	X
3	Kanungu	X	✓	X	X	✓	X	XX	X	X
4	Kamwenge	X	X	X	✓	X	X	X	X	X
5	Katakwi		X	X	XX	X	X	X	✓	X
6	Bukedea (Kumi)		X	X	XX	X	X	X	✓	X
7	Bubulo (Manafwa)		X	X	X	X	X	X	✓	X
8	Amuria		X	X	X	X	X	X	✓	X
9	Ngora (Kumi)		X	X	X	X	X	X	✓	X
10	Kapchorwa		X	X	Ø	X	X	X	✓	X
11	Serere (Soroti)		X	X	Ø	X	X	X	✓	X
12	Ikulwe (Mayuge)	✓	XX	X	X	X	XX	✓	X	X
13	Bugemebe (Jinja)	XX	XX	X	X	X	X	X	X	X
14	Kagoma	✓	X	X	X	X	X	✓	✓	X
15	Kairi (Iganga)	✓	XX	X	X	X	XX	✓	✓	X
16	Namungalwe	✓	X	X	X	X	X	✓	✓	X
17	Iganga	✓	X	X	X	X	X	✓	✓	X
18	Masafu (Busia)	✓	XX	X	X	X	XX	✓	✓	X
19	Butembe	✓	X	X	X	X	X	✓	✓	X
20	Kawuga (Mukono)	✓	✓	✓	✓	✓	X	✓	✓	X
21	Ngogwe	✓	XX	X	X	X	XX	✓	✓	X
22	Nyenga	✓	X	X	X	X	X	✓	✓	X
23	Nrenjeru	✓	X	X	X	X	X	✓	✓	X
24	Kisoko	✓	XX	X	XX	X	XX	✓	✓	X
25	Kamuge (Pallisa)	✓	X	X	X	X	X	✓	✓	X
26	Budaka	✓	X	X	X	X	X	✓	✓	X
27	Kibuku	✓	XX	X	X	X	XX	✓	✓	X
28	Puti-Puti	✓	X	X	X	X	X	✓	✓	X
29	Bugiri LAP	✓	X	X	X	X	X	✓	✓	X
30	Buyinja	✓	XX	X	X	X	XX	✓	✓	X
31	Amolaler	✓	✓	✓	Ø	X	X	Ø	✓	✓

Acronyms

Keys
✓ Improved
Ø Slight improvement
X No improvement
XX Deteriorated
N/A Not Adequate (Visited for the first time)

NO.	LOCAL ADMINISTRATION PRISONS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
32	Erute	✓	Ø	✓	✓	X	Ø	Ø	✓	Ø
33	Aroca prison farm	✓	Ø	✓	Ø	X	X	Ø	Ø	Ø
34	Rukooki (Kasese) (newly built)		✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
35	Bwera (Kasese) (Luseese)		Ø	X						
36	Mambugu (Kibaale) newly built	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A
37	Kyabisenge (Kibaale) newly built	✓	✓	X	N/A	N/A	N/A	N/A	N/A	N/A
38	Bubukwanga (Bundibugyo)		XX	XX	X	X	X	X	X	X
39	Hoiima Prison		XX	XX	X	X	X	X	X	X
40	Kiboga Prison		XX	XX	X	X	X	X	X	X
41	Kibaale Prison		XX	XX	X	X	X	X	X	X
42	Kibiito Prison		X	X	X	X	X	X	X	X
43	Butiti Prison		X	X	X	X	X	X	X	X
44	Kyegegwa Prison		X	X	X	X	X	X	X	X
45	Muhokya Prison		XX	XX	X	X	X	X	X	X
46	Mityana	✓	X	X	X	X	X	X	X	X
47	Kayanza (Kayunga)	✓	X	X	X	X	X	X	X	X
48	Kangulumira (Kayunga)	✓	X	X	Ø	X	X	X	Ø	X
49	Lukaya	✓	Ø	X	Ø	X	X	X	Ø	X
50	Mpigi	✓	Ø	X	X	X	X	X	Ø	X
51	Matete	✓	Ø	X	X	X	X	X	Ø	X
52	Butoolo	✓	X	X	X	X	X	X	Ø	X
53	Buwana Prison	✓	Ø	X	✓	X	X	X	✓	X
54	Mukungwe Prison	✓	X	X	X	X	X	X	Ø	X
55	Kakuuto Prison	✓	✓	X	Ø	X	X	X	Ø	X
56	Kabasanda	✓	Ø	X	Ø	X	X	X	Ø	X
57	Wabusana (Luweru)	✓	Ø	X	X	X	X	X	Ø	X
58	Ntusi	✓	Ø	X	X	X	X	X	Ø	X

Acronyms

Keys

✓	-	Improved
Ø	-	Slight improvement
X	-	No improvement
XX	-	Deteriorated
N/A	-	Not Adequate (Visited for the first time)

NO.	LOCAL ADMINISTRATION PRISONS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
59	Kalangala Prison	✓	X	X	X	X	X	X	Ø	X
60	Kyamukaka	✓	Ø	X	Ø	X	X	X	Ø	X
61	Bukoto prison	✓	Ø	X	Ø	X	X	X	Ø	X
62	Lwengo Prison	✓	X	X	X	X	X	X	XX	X
63	Kalungu prison	✓	Ø	X	Ø	X	X	X	X	X
64	Kyamulibwa prison	✓	X	X	X	X	X	X	Ø	X
65	Bigasa Prison	✓	X	X	Ø	X	X	X	Ø	X
66	Sembabule Prison	✓	Ø	X	Ø	X	X	X	Ø	X
67	Rwemiyaga Prison	✓	Ø	X	X	X	X	X	Ø	X
68	Nyimbwa Prison	✓	Ø	X	Ø	X	X	X	Ø	X
69	Bamunanika Prison	✓	Ø	X	Ø	X	X	X	Ø	X
70	Bukomero Prison	✓	X	X	X	X	X	X	Ø	X
71	Bukulula Prison	✓	Ø	X	Ø	X	X	X	Ø	X
72	Rakai Prison	✓	Ø	X	Ø	X	X	X	Ø	X
73	Kapeka prison	✓	Ø	X	Ø	X	X	X	Ø	X
74	Wakyato prison	✓	X	X	Ø	X	X	X	Ø	X
75	Nwetwe prison	✓	Ø	X	X	X	X	X	Ø	X
76	Kitala Prison	✓	Ø	X	X	X	X	X	Ø	X
77	Kasangati Prison	✓	Ø	X	Ø	X	Ø	X	Ø	X
78	Sentema Prison	✓	Ø	X	X	X	X	X	Ø	X
79	Kaweri Prison	✓	Ø	X	X	X	X	X	X	X
80	Mwera prison	✓	Ø	X	Ø	X	X	X	X	X
81	Kijumba prison	✓	Ø	X	Ø	X	X	X	Ø	X
82	Lwamagwa prison	✓	Ø	X	X	X	X	X	Ø	X
83	Kiboga Prison	✓	Ø	X	Ø	X	X	X	Ø	X
84	Kiranda Prison	✓	Ø	X	X	X	X	X	Ø	X
85	Buwunga Prison	✓	Ø	X	Ø	X	X	X	Ø	X
86	Ndagwe prison	✓	Ø	X	Ø	X	X	X	Ø	X
87	Kiseka Prison	✓	Ø	X	X	X	X	X	Ø	X
88	Rwebitakuli prison	✓	Ø	X	X	X	X	X	Ø	X
89	Nkozi Prison	✓	Ø	X	X	X	X	X	Ø	X
90	Kirwe Prison	✓	X	X	X	X	X	X	Ø	X

Acronyms

Keys

✓	-	Improved
Ø	-	Slight improvement
X	-	No improvement
XX	-	Deteriorated
N/A	-	Not Adequate (Visited for the first time)

NO.	LOCAL ADMINISTRATION PRISONS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
91	Kayanja Prison	✓	Ø	X	Ø	X	X	X	Ø	X
92	Masaka Prison	✓	Ø	X	Ø	X	X	X	Ø	X
93	Kanoni Prison	✓	Ø	X	Ø	X	X	X	Ø	X
94	Muinaina Prison	✓	✓	✓	✓	X	X	X	Ø	X
95	Bulaula Prison	✓	Ø	X	Ø	X	X	X	Ø	X
96	Galiraya Prison	XX	X	X	X	X	X	X	X	X
97	Burenga Prison	✓	Ø	X	Ø	X	Ø	X	Ø	X
98	Kasaali Remand Prison	✓	✓	X	X	X	X	Ø	✓	X
99	Kabula Prison farm	✓	Ø	X	Ø	X	X	X	Ø	X
100	Kalisizo Prison	✓	Ø	X	Ø	X	X	X	Ø	X
101	Kacheera remand Prison	✓	Ø	X	Ø	X	X	X	Ø	X
102	Myanzi Prison	✓	Ø	X	Ø	X	Ø	X	Ø	X
103	Kayanja Prison Farm	✓	✓	X	Ø	X	X	X	Ø	X

Acronyms

Keys

✓	-	Improved
Ø	-	Slight improvement
X	-	No improvement
XX	-	Deteriorated
N/A	-	Not Adequate (Visited for the first time)

NO.	CENTRAL GOVERNMENT PRISONS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
18	Soroti		X	NA	X	X	X	NA	✓	✓
19	Kumi		X	NA	X	X	X	NA	✓	✓
20	Mbale		X	NA	X	X	X	NA	✓	✓
21	Amita	✓	XX	✓	X	X	Ø	✓	Ø	X
22	Moroto	Ø	Ø	X	X	X	Ø	X	Ø	X
23	Namalu		✓	X	X	XX	Ø	NA	NA	X
24	Ndorwa	XX	X	XX	X	X	X	X	X	X
25	Kiburara	X	X	X	X	X	✓	X	X	X
26	Mubuku Prison	✓	✓	✓	✓	Ø	Ø	X	✓	Ø
27	Ibuga Prison	✓	✓	✓	✓	Ø	Ø	X	✓	Ø
NO.	CENTRAL GOVERNMENT PRISONS	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
1	Gulu	✓	X	✓	X	Ø	Ø		✓	Ø
2	Lira	✓	X	✓	Ø	Ø	✓		✓	Ø
3	Ug. Prison Farm Apac	✓	✓		✓		✓		✓	
4	Bufulubi Prison Farm	✓	✓	XX	✓	X	✓	✓	✓	X

Acronyms

Keys	
✓	Improved
-	Slight improvement
Ø	No improvement
X	Deteriorated
XX	Not Adequate (Visited for the first time)
N/A	

5	Kamuli Gov't Prison	✓	X	X	✓	X	✓	✓	✓	X	✓	✓	X
6	Jinja Main Prison	✓	X	X	✓	X	✓	✓	✓	X	✓	✓	X
7	Morkatiye Prison	✓	X	XX	✓	XX	✓	✓	✓	X	✓	✓	X
8	Jinja Remand Prison	✓	X	X	✓	X	✓	✓	✓	X	✓	✓	X
9	Bukunghu Gov't Prison	✓	X	✓	✓	XX	✓	✓	✓	XX	✓	✓	X
10	Bukunghu Y. off Prison	✓	XX	X	X	X	✓	✓	✓	X	✓	✓	X
11	Nakasongola	Ø	Ø	X	Ø	X	X	X	X	X	Ø	Ø	X
12	Kiralya prison	Ø	✓	X	Ø	X	Ø	Ø	Ø	X	✓	✓	X
13	Muinaina prison	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	X
14	Masaka prison	✓	Ø	X	Ø	X	Ø	Ø	Ø	X	Ø	Ø	X
15	Murukula Prison	✓	Ø	X	Ø	X	Ø	X	X	X	Ø	Ø	X
16	Kigo Women	Ø	X	X	Ø	X	X	X	X	X	✓	✓	X
17	Kigo Men	Ø	X	X	Ø	X	Ø	Ø	Ø	X	Ø	Ø	X

Acronyms

Keys

✓	-	Improved
Ø	-	Slight improvement
X	-	No improvement
XX	-	Deteriorated
N/A	-	Not Adequate (Visited for the first time)

No.	POLICE POSTS/ OUTPOSTS	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
1	Mbale CPS		X	X	X	Ø	Ø	Ø	✓	X
2	Nakaloke Police Post			X	X	X	Ø	Ø	✓	X
3	Nkoma Police Post			X	X	X	Ø	Ø	✓	X
4	Shikoye Police Post			X	X	X	Ø	Ø	✓	X
5	Mayeze Police Station			X	X	X	Ø	Ø	✓	X
6	Kapchorwa CPS			X	X	Ø	Ø	Ø	✓	X
7	Sipi Police Post			X	X	X	Ø	Ø	✓	X
8	Kasarem Police Post			X	X	X	Ø	Ø	✓	X
9	Kaberaido CPS			X	X	Ø	Ø	Ø	✓	X
10	Kalaki Police Post			X	X	X	Ø	Ø	✓	X
11	Bululu Police Post			X	X	X	Ø	Ø	✓	X
12	Okapel Police Post			X	X	X	Ø	Ø	✓	X
13	Oruboi Police Post			X	X	X	Ø	Ø	✓	X
14	Amuria Police Station			X	X	X	Ø	Ø	✓	X
15	Orungo Police Post			X	X	X	Ø	Ø	✓	X
16	Apeiulai Police Post	✓		X	X	X	Ø	Ø	✓	X
17	Soroti CPS	✓		X	X	Ø	Ø	Ø	✓	X
18	Serere Police Station	✓		X	X	X	Ø	Ø	✓	X
19	Kateta Police Post	✓		X	X	X	Ø	Ø	✓	X
20	Atiira Police Post	✓		X	X	X	Ø	Ø	✓	X
21	Ocapa Police Post	✓		X	X	X	Ø	Ø	✓	X

Acronyms

Keys

✓	-	Improved
Ø	-	Slight improvement
X	-	No improvement
XX	-	Deteriorated
N/A	-	Not Adequate (Visited for the first time)

POLICE POSTS/ OUTPOSTS (Cont'd)	Detention of juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
22 Iganga CPS	✓	X	X	X	X	X	✓	✓	X
23 Namungalwe	✓	X	X	X	X	X	✓	✓	X
24 Busia CPS (Busia)	✓	X	X	X	X	X	✓	✓	X
25 Busia Police Posts	✓	X	X	X	X	X	✓	✓	X
26 Tororo CPS	✓	X	X	X	X	X	✓	✓	X
27 Tororo Police Posts	✓	X	X	X	X	X	✓	✓	X
28 Malaba Police Station	✓	X	X	X	X	X	✓	✓	X
29 Nagongera	✓	X	X	X	✓	X	✓	✓	X
30 Mayuge CPS	✓	X	X	X	✓	X	✓	✓	X
31 Mayuge Police posts	✓	XX	XX	X	X	XX	✓	✓	XX
32 Bugiri CPS	✓	✓	✓	X	✓	X	✓	✓	X
33 Bugiri Police posts	✓	X	X	X	X	X	✓	✓	X
34 Kamuli CPS	✓	X	X	X	XX	X	✓	✓	X
35 Kamuli Police posts	✓	X	X	X	XX	X	✓	✓	X
36 Jinja CPS	✓	X	X	X	X	X	✓	✓	X
37 Jinja Police posts	✓	X	X	X	X	X	✓	✓	X
38 Kayunga CPS	✓	X	X	X	X	X	✓	✓	X
39 Kayunga Police posts	Ø	X	X	X	X	X	✓	✓	X
40 Mukono Police station	✓	✓	X	X	X	X	✓	✓	X
41 Lugazi Police station	✓	X	X	X	X	X	✓	✓	X
42 Camp Swahili	X	X	Ø	X	X	X	X	X	X
43 Mbarara CPS	✓	✓	X	X	✓	X	X	X	X
44 Ruhinda Police Post	1 st visit								
45 Rukungiri CPS	X	X	X	X	X	X	X	X	X
46 Rwerere Police Post	X	X	X	X	X	X	X	X	X
47 Rwashamaira Police Post	X	X	X	X	X	X	X	X	X
48 Kyangara Police Post	1 st visit								
49 Rwentobo Police Post	X	X	X	X	X	X	X	X	X
50 Rubare Police Post	1 st visit								
51 Kabale CPS	✓	✓	X	X	X	X	X	X	X

Acronyms
Keys

✓ - Improved

Ø - Slight improvement

X - No improvement

XX - Deteriorated

N/A - Not Adequate (Visited for the first time)

No.	POLICE POSTS/ OUTPOSTS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
52	Murole Police Post	1 st visit								
53	Rutunga Police Post	1 st visit								
54	Rwamucucu Police Post	1 st visit								
55	Kanungu CPS	X	✓	X	X	X	X	XX	X	X
56	Muhanga Police Post	1 st visit								
57	Rwenjaza Police Post	X	X	X	X	X	X	X	X	X
58	Kamwenge CPS	X	X	X	X	X	X	X	X	X
59	Bugarama Police Post	1 st visit								
60	Ishongororo Police Post	X	✓	X	X	X	X	X	X	X
61	Ibanda CPS	X	✓	X	X	✓	X	X	X	X
62	Bukurungu Police Post	1 st visit								
63	Gulu CPS	✓	✓	✓	✓	✓	X			Ø
64	Apac	Ø	✓	✓	✓	Ø	X			Ø
65	Amolatar	✓	✓	✓		X	X			Ø
66	Lacor out post	✓	✓	X	Ø	X	X			Ø
67	Akalo out post	✓	✓	✓	Ø	X	X			Ø
68	Dokolo out post	✓	✓	✓	Ø	X	X			Ø
69	Kasese CPS		X	X	X	Ø	X	X	✓	XX
70	Mpondwe PS		X	X	X	Ø	X	X	✓	XX
71	Kyenjojo CPS		X	X	X	Ø	X	X	✓	XX
72	Kyegegwa PS		X	X	X	Ø	X	X	✓	XX
73	Sunga CPS		X	X	X	Ø	X	X	✓	XX
74	Kagadi PS		X	X	X	Ø	X	X	✓	XX
75	Kibaale PS		X	X	X	Ø	X	X	✓	XX
76	Kiryandongo PS		X	X	X	Ø	X	X	✓	XX
77	Bundibugyo CPS		X	X	X	Ø	X	X	✓	XX
78	Kiboga CPS		X	X	X	Ø	X	X	✓	XX
79	Kakumiro Police post		X	X	X	X	X	X	✓	XX
80	Kihumuro Police post		X	X	X	X	X	X	✓	XX
81	Kabasedeke Police post		X	X	X	X	X	X	✓	XX
82	Muhorro Police post		X	X	X	X	X	X	✓	XX
83	Bubukwanga Police post		X	X	X	X	X	X	✓	XX
84	Rwebisengo Police post		X	X	X	X	X	X	✓	XX

Acronyms

Keys
✓ - Improved
Ø - Slight improvement
X - No improvement
XX - Deteriorated
N/A - Not Adequate (Visited for the first time)

No.	POLICE POSTS/ OUTPOSTS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
85	Karugutu Police post		X	X	X	X	X	X	✓	XX
86	Rugendabara Police post		X	X	X	X	X	X	✓	XX
87	Kibiito Police post		X	X	X	X	X	X	✓	XX
88	Mukunyu Police post		X	X	X	X	X	X	✓	XX
89	Kakabara Police post		X	X	X	X	X	X	✓	XX
90	Nyahuka Police post		X	X	X	X	X	X	✓	XX
91	Ntandi Police post		X	X	X	X	X	X	✓	XX
92	Buhimba Police post		X	X	X	X	X	X	✓	XX
93	Kyangwali Police post		X	X	X	X	X	X	✓	XX
94	Biiso Police post		X	X	X	X	X	X	✓	XX
95	Diima Police post		X	X	X	X	X	X	✓	XX
96	Bweyale Police post		X	X	X	X	X	X	✓	XX
97	Kinyara Police post		X	X	X	X	X	X	✓	XX
98	Kalagala Police post	✓	Ø	✓	Ø	Ø	X	X	Ø	X
99	Luweero Police post	✓	Ø	✓	Ø	Ø	X	X	Ø	X
100	Semuto Police post	✓	Ø	✓	X	X	X	X	Ø	X
101	Mukono Police post	✓	X	✓	Ø	Ø	X	X	Ø	X
102	Nakasongola Police post	✓	Ø	✓	Ø	Ø	X	X	Ø	X
103	Mityana Police post	✓	Ø	✓	Ø	Ø	X	X	Ø	X
104	Kanoni Police post	✓	Ø	✓	X	X	X	X	Ø	X
105	Buwama Police post	✓	Ø	✓	X	X	X	X	Ø	X
106	Rakai Police post	✓	Ø	✓	Ø	✓	X	X	✓	X
107	Sembabule Police post	✓	Ø	✓	Ø	✓	X	X	✓	X
108	Wobulenzi Police post	✓	Ø	✓	X	X	X	X	Ø	X
109	Karukamu Police post	✓	Ø	✓	X	X	X	X	Ø	X
110	Bombo Police post	✓	Ø	✓	X	X	X	X	Ø	X
111	Kiboga Police post	✓	Ø	✓	Ø	Ø	X	X	Ø	X

Acronyms

Keys

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N/A - Not Adequate (Visited for the first time)

No.	POLICE POSTS/ OUTPOSTS (Cont'd)	Detention of Juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and beddings	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
112	Bukomero Police post	✓	Ø	✓	X	X	X	X	Ø	X
113	Kamengo Police post	✓	Ø	✓	X	X	X	X	Ø	X
114	Kayabwe Police post	✓	Ø	✓	X	X	X	X	Ø	X
115	Nyendo Police post	✓	Ø	✓	X	X	X	X	Ø	X
116	Kinoni Police post	✓	Ø	✓	X	X	X	X	Ø	X
117	Mpungwe police	✓	Ø	✓	X	X	X	X	Ø	X
118	Kyabakuzza police	✓	Ø	✓	X	X	X	X	Ø	X
119	Butenga police	✓	Ø	✓	X	X	X	X	Ø	X
120	Masaka Police	✓	Ø	✓	Ø	X	X	X	✓	X
121	Kamengo Police	✓	Ø	✓	X	X	X	X	Ø	X
122	Kampala CPS	Ø	X	✓	Ø	✓	X	X	Ø	X
123	Nwetwe Police Post	✓	Ø	✓	X	X	X	X	Ø	X
124	Bukwiri Police Post	✓	Ø	✓	Ø	X	X	X	Ø	X
125	Kyankwanzi Police post	✓	Ø	Ø	X	X	X	X	Ø	X
126	Kikonda Police post	✓	Ø	X	Ø	X	X	X	Ø	X
127	Bukuya Police Post	✓	Ø	Ø	X	X	X	X	Ø	X
128	Kayunga Police	✓	Ø	X	Ø	X	X	X	Ø	X

Acronyms

Keys

✓ - Improved

Ø - Slight improvement

X - No improvement

XX - Deteriorated

N/A - Not Adequate (Visited for the first time)

No.	LOCAL ADMINISTRATION POLICE POSTS/ OUTPOSTS	Detention of juveniles in Adult facilities	Infrastructure/ Congestion	Security	Medical care, Food, Water and Sanitation	Transport and Communication	Uniforms and bedding	Legal representation/ Illegal detentions	Torture	Facilitation of Prison staff
1	Abim	Ø	Ø	Ø	X	X	X	X	Ø	X
2	Alerik	Ø	Ø	Ø	XX	XX	X	X	Ø	X
3	Camkok			X	XX	XX	XX			XX
4	Kalapata	X	X	XX	X	XX	XX	X	Ø	XX
5	Kapedo			X	X	X	XX	X	X	XX
6	Karenga	X	X	X	X	X	XX	Ø	Ø	XX
7	Kathile	Ø	X	X	X	X	XX	Ø	Ø	XX
8	Rengen	Ø	✓	X	X	X	XX	Ø	Ø	X
9	Sidok	Ø	Ø	XX	X	XX	X	Ø	Ø	X
10	Ngolieriet	Ø	X	X	X	X	XX	Ø	Ø	X
11	Matany	X	X	XX	X	X	XX	X	Ø	X
12	Lotome	Ø	X	XX	X	X	X	X	X	X
13	Lopei	Ø	X	X	X	X	X	X	Ø	X
14	Lokopo	X	X	XX	X	X	XX	X	X	X
15	Loroo	X	X	XX	✓	XX	X	XX	Ø	XX
16	Lolachat	Ø	Ø	X	X	X	X	X	X	X
17	Kakomongole	Ø	Ø	X	X	X	X	X	X	X
18	Nyakagyeme	XX	X	X	X	X	X	✓	✓	X
19	Kavonza	1 st visit								
20	Kagunga	1 st visit								
21	Bihunga	X	X	X	X	X	X	X	X	X
22	Ruhinda	1 st visit								
23	Rwashamaire	X	✓	X	X	X	X	✓	X	X
24	Kanyantoro	1 st visit								
25	Kirama	1 st visit								
26	Rurenga	1 st visit								
27	Rwamucucu	1 st visit								
28	Bisheshe	X	X	X	X	X	X	X	X	X
29	Ishongoro	X	✓	X	X	X	X	X	X	X
30	Nyabani	1 st visit								
31	Rubanda	X	XX	X	XX	X	X	X	X	X
32	Rushenyi country cells	X	X	X	X	X	X	X	X	X
33	Kalungi	X	X	X	X	X	X	X	X	X

Acronyms
Keys

✓ Improved

Ø Slight improvement
X No improvement
XX Deteriorated

N/A Not Adequate (Visited for the first time)

APPENDIX C



OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199. Protocol is available for signature, ratification and accession as from 4 February 2003 (i.e. the date upon which the original of the Protocol was established) at United Nations Headquarters in New York.

PREAMBLE

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights, Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention, Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention, have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.
2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.
3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.
2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison

or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.

4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.

5. No two members of the Subcommittee on Prevention may be nationals of the same State.

6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (a) The nominees shall have the nationality of a State Party to the present Protocol;

(b) At least one of the two candidates shall have the nationality of the nominating State Party;

(c) No more than two nationals of a State Party shall be nominated;

(d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.

3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;

(b) The initial election shall be held no later than six months after the entry into force of the present Protocol;

(c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

(d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

(a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

(c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.
2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:
 - (a) Half the members plus one shall constitute a quorum;
 - (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;
 - (c) The Subcommittee on Prevention shall meet in camera.
3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

PART III

Mandate of the Subcommittee on Prevention

Article 11

The Subcommittee on Prevention shall:

- (a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) In regard to the national preventive mechanisms:
 - (i) Advise and assist States Parties, when necessary, in their establishment;
 - (ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them

training and technical assistance with a view to strengthening their capacities;

- (iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

- (a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;
- (b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;
- (d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.
2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.
3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.
4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

- (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
- (e) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.
2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.
3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.
4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

PART IV

National Preventive Mechanisms

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its

provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.
2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V

Declaration

Article 24

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI

Financial provisions

Article 25

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.
2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.
2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention.

Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on

Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two -thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

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APPENDIX D:

PUBLIC OUTREACH CALENDAR- Major Seminars, Workshops, Presentations, talk shows and Lectures

Date	Venue	Forum	Topic	UHRC Person/s
10 – 11/01/06	Hotel Gardens, Kawempe.	Workshop organised by Uganda Muslim Supreme Council for Youths to enhance democracy, good governance and Islam.	“The role of civic education in the promotion of human rights , civil and Political rights of the people”.	Mr. Byonabye Kamadi.
17/01/05	Voice of Toro radio	Talk show	“Women’s rights and rights of other vulnerable people”	Ms.Theopista Twembi
21/01/05	Mosa Courts Kampala	Paper Presentation at a basket fund donor review meeting	“Search for permanent peace in Northern Uganda: Challenges and constraints”	Comm.J.M.Waliggo.
25/01/05	Ministry of Foreign Affairs	Paper Presentation to Ambassadors, Heads and Deputy heads of missions.	“Uganda’s Human rights record: challenges and constraints”	Comm.J.M.Waliggo.
07/02/05	Jinja	Talk Show	“Administration of Justice, Human Rights by Local Council courts.	Investigations officer jinja
14/02/05	Jinja	Talk Show	“Administration of Justice, Human Rights by Local Council courts”.	Mr. Charles Muwunga.
15/02/05	Gulu	Paper presentation at a workshop organised by UNICEF	“Protecting women and children’s rights within the National, Regional and International frame works”	Mr.Francis Ogwai
17/02/05	Garden Guest house Soroti	Paper presentation at a writer’s workshop	“Teso Women’s Experience during the insurgency, cultural and Human Rights Implications”	Mrs. Patricia Achan-Okiria.
21/02/05	Hotel Equatoria	Consultative workshop	“Strategic measures for popularising UN Treaty body: Recommendations and obligations under International Instruments.”	Mr. Nathan Byamukama
21/02/05	Hotel Equatoria	Consultative workshop	“The Optional Protocol to the UN Convention Against Torture: Implications for Uganda”	Mrs. Roselyn Karugonjo Segawa.

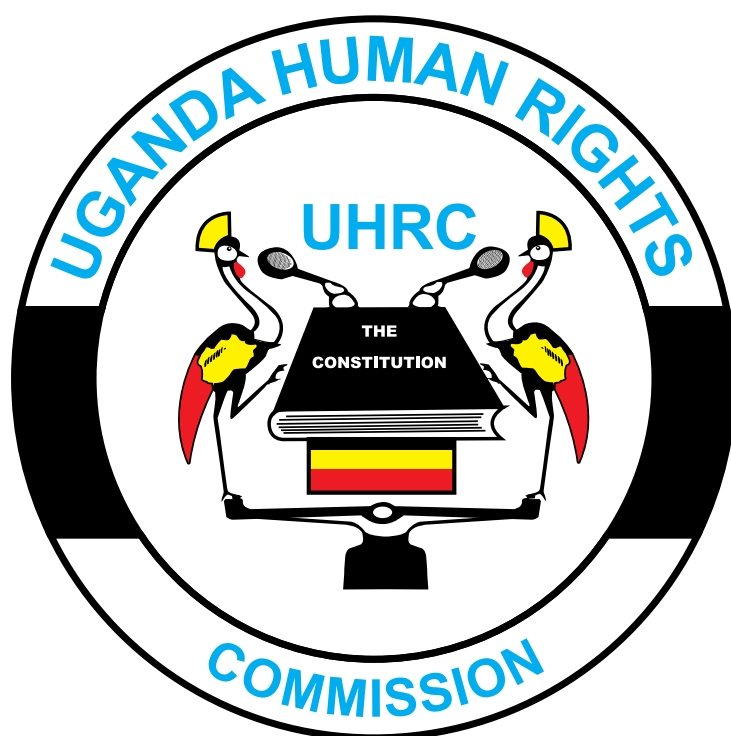
22/02/05	Mt. Moroto Hotel, Moroto	Consultative Workshop	"Draft concept paper on CMOC".	Mr. Wilfred Asimwe.
23/02/05	Voice of Toro Radio.	Radio Talk show organized by International Labour organization.	"Rights of Workers"	Mr. Bernard Turyashemererwa
23/02/05	Blue Mango Guest house, Kampala	Evaluation workshop of the Istanbul Protocol.	"The challenges faced by the UHRC in handling torture cases"	Mrs. Patricia Achan-Okiria.
24/02/05	Radio Uganda	Talk show	"National values and challenges for peace keeping in Northern Uganda".	Comm. J. M Waliggo Mr. Remigious Munyonyo.
4/03/05	Speke Resort Country Lodge Munyonyo	Paper Presentation	"Elections under a Multiparty Political dispensation - Uganda application"	Chairperson, Mrs. Margaret Sekaggya.
16/03/05	Brazil	Paper Presentation to the 32 nd UN Standing committee on nutrition.	"Realising the right to adequate food to help achieve the MDGs"	Comm. Aliro Omara.
16-18/03/05	Karenga and Kaabong in Kotido district.	Paper Presentation at a workshop organized by Action for development of local communities.	"Human Rights violations in Karamoja"	Mr. Charles Wamukota
29/03/05	UHRC Headquarters	Paper Presentation to a delegation of commissioners from the Kenya High Commission.	"Goals, functions and operations of the Directorate of ERT".	Mrs. Dorah.B. Kabuye.
1/04/05	Mt. Elgon Hotel, Mbale	Paper presentation at a workshop for Local Government Officials in Eastern and North Eastern Uganda	"Respect for Human Rights and the rule of law".	Chairperson, Mrs. Margaret Sekaggya
04/04/06	Radio Hoima	Radio Talk Show	"UHRC mandate, Functions and Powers"	Ms. Twembi and Ms. Kebirungi.
12/04/06	Bunyoro Broadcasting Services	Radio Talk Show	UHRC mandate, Functions and Powers	Mr. Barnard Turyashemererwa and Nyarugoye P.
13/5/2005	Nyali Beach Hotel, Mombasa Kenya	Assessing Kenya's International Criminal Court Bill, 2005	Paper presentation on Uganda's experience – The Amnesty process vis-à-vis the ICC and the traditional alternative justice system.	Ms. Winifred Walakira

15/06/05	Hotel Equatoria Kampala	Paper presentation organized by the Institute for Justice and reconciliation in South Africa.	"The role of UHRC in the transition and post conflict era in Northern Uganda"	Chairperson UHRC Mrs. Margaret Ssekagya.
15/06/05	Germany	Paper Presentation	"The Voluntary guidelines to support the progressive realization of the right to adequate food and nutrition: An important tool for realizing the MDGs"	Comm.Aliro Omara
20/06/05	Adjumani	Paper presentation at a workshop organized by Gulu Office	"The Concept of Human Rights"	Mr.Remigious Munyonyo
20/06/05	Colline Hotel, Mukono	Paper presentation at the Logo link East Africa Regional Conference on citizen management in Local Governance.	What is citizen engagement in Governance and why is it important?	Comm. Rev. Prof. JM Waliggo.
24/06/05	Lira	Paper presentation at a workshop organized by Gulu Office	"Political rights and political transition in Uganda"	Mr.Remigious Munyonyo
25/06/05	Hotel Africana, Kampala	Paper Presentation	"The status of Human Rights in Uganda with special emphasis on torture".	Chairperson, Mrs. Margaret Sekaggya
26/06/05	Grand Imperial Hotel, Kampala	Public Lecture on the UN International day in support of victims of Torture	"Torture is a human rights issue"	Comm. CK Karusoke
29/06/05	Namirembe Guest House, Kampala	Seminar for COFTU (Central Organizations of Free Trade Unions); DOAWTU (Democratic Organizations of African Worker's Trade Union.	Trade Union, Pluralism and greater collaboration	Comm. CK Karusoke
10/08/05		Interview with BBC World Service(By David Edmonds Robin Lustig)	"Democracy and Party Politics: How much Liberty".	Chairperson, Mrs. Margaret Sekaggya
24/08/05	Gaborone, Botswana	Paper presentation at a conference on internal displacement.	"Role of NHRIs on internal displacement"	Comm.Aliro Omara
26/8/05	Kampala	Paper presentation at a Disability Council	"The Disability Bill 2005"	Commissioner Veronica Eragu Bichetero (Mrs.)
28/08/06	Radio Hoima	Radio Talk Show	UHRC mandate, Functions and Powers	Mr. Barnard Turyashemererwa

30/08/05	Ranch on the lake, Entebbe	Paper presentation at an International conference.	"Ottawa treaty on land mines"	Mr. Nathan Byamukama
30/08/05	Ranch on the lake, Entebbe	Paper presentation at an International conference.	Human rights in Uganda	Comm. Aliro Omara
4 th – 8 th September 2005	Entebbe Resort Beach Hotel	Paper Presentation	"The law and Public morality: Legal, Philosophical and cultural issues"	Comm. Rev. Prof. JM Waliggo.
12 th – 14 th September 2005	Windhoek, Namibia	Paper presentation at an International	"Finding the balance: Human Rights Protectors and Government, and Human Rights Protectors and sensitive Issues". "The Relationship of National Human Rights Bodies".	Mrs. Margaret Sekaggya.
12/09/06	Radio Hoima	Radio Talk Show	"The role of LCs and Police in the Promotion and Protection of Human Rights"	Ms. Theopister Twembi, IP Matteu, CLO, Hoima Police Station.
19/10/05	Hotel Africana, Kampala	Human Rights Workshop for Internal Security Organisations (ISO)	"Torture is a human rights issue"	Comm. CK Karusoke
21/10/05	International School of Uganda, Kampala	Students and Teachers	"The rights of the Child: The case of Uganda".	Comm. CK Karusoke
04/11/05	Kotido	Paper presentation at a certificate giving ceremony to para legals training by Kaabong Women Group	"Basic facts about the Uganda Human Rights Commission"	Ms. Adubango Harriet, Volunteer, Moroto Regional Office.
18/11/05		Interview with BBC World service	The Kanungu inferno	Chairperson, Mrs. Margaret Sekaggya
22/11/05	Fair Way Hotel, Kampala	Paper Presentation at a Public dialogue organized by Dem Group	"Promoting Statesmanship among Political Stakeholders free and fair elections in 2006"	Comm. Rev. Prof. JM Waliggo.
30/11/05	New Delhi, India	Round Table on National Human Rights Institutions and Economic Social and Cultural Rights	"Uganda's State obligations and implementation of Economic Social and Cultural Rights"	Comm. CK Karusoke
13/12/05	Fairway Hotel, Kampala	Notes on the overview of the National Civic Education Programme	"Evaluation, structure purpose and principles and the role of the UHRC".	Comm. Rev. Prof. JM Waliggo.
14-15/12/05	Nambole Stadium	Report, Presidential nominations	"Presidential Nominations: Observations and reflection".	Comm. Rev. Prof. JM Waliggo.

NOTES







REPUBLIC OF UGANDA