The 10th Annual Report

to the Parliament of Uganda

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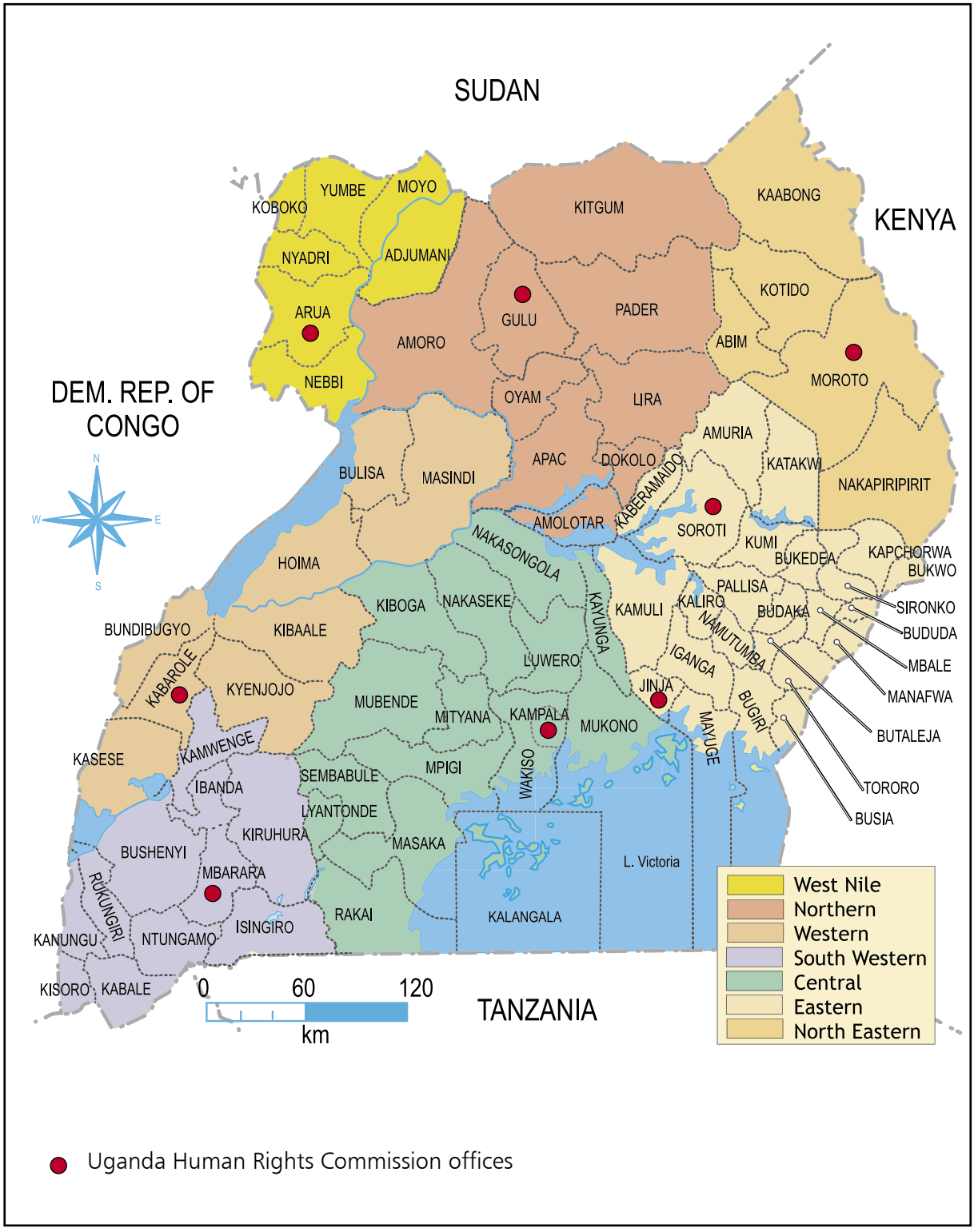
Uganda Human Rights Commission

"A Decade of Human Rights Reporting in Uganda"

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UHRC
Tenth
Annual
Report

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The Honourable Speaker
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Dear Sir,

RE: UGANDA HUMAN RIGHTS COMMISSION 10th ANNUAL REPORT TO PARLIAMENT

The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 10th Annual Report in accordance with Article 52 (2) of the Constitution of the Republic of Uganda.

The report covers both the activities of the Commission carried out in the year 2007 as well as an assessment of the observance of specific rights including economic, social and cultural rights. The report takes stock of the strides made in some areas but also indicates areas where improvement is necessary.

It also analyzes progress made by the Government in implementing UHRC recommendations since its inception, which is a reflection or indicator of the level of government's commitment to the promotion and protection of human rights in Uganda.

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

FOR GOD AND MY COUNTRY!

Yours faithfully,

Margaret Sekaggya (Mrs.)
CHAIRPERSON, UGANDA HUMAN RIGHTS COMMISSION

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CHAIRPERSON



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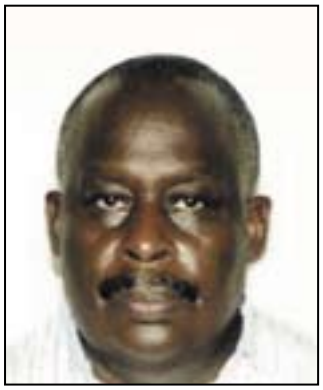
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ACKNOWLEDGEMENTS

The Uganda Human Rights Commission (UHRC) acknowledges the support of the government of Uganda and civil society in the performance of its functions. The UHRC appreciates financial support from the Government of Uganda, the Basket Fund and other bilateral donors specifically DANIDA, SIDA, UNDP, OHCHR, the European Union, Governments of the Netherlands, Australia, Norway, Britain, Austria and Ireland without which the Commission would not function.

The UHRC acknowledges its Directorate of Monitoring and Inspections in particular the Director, Ms. Roselyn Karugonjo-Segawa and her team: Mr. Willy Agirembabazi, Dr. Faustine Maiso, Ms. Gloria Namuleme, Ms. Priscilla Nyarugoye and Ms. Emily Ninsiima for compiling the report. Special thanks also go to Mr. Kamadi Byonabye and Ms. Ruth Sekindi of UHRC who drafted some chapters and to the Commission Secretary, Directors, Regional Human Rights Officers, Heads of Units and Staff of the Commission who contributed to the compilation of the report by providing information and offering advice on how to improve the report.

Furthermore, special thanks go to the members of the editorial board in particular its Chairperson, Commissioner J.M Aliro Omara and members: Ms. Carol Nalule, Ms. Patricia Nduru, Ms. Rose Mary Kemigisha, Mr. Kamadi Byonabye, Mr. Wilfred Asiimwe and Ms. Roselyn Karugonjo-Segawa for improving and preparing the report for final publication.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and People's Rights
ADB	African Development Bank.
ADD	Action on Disability and Development
ADF	Allied Democratic Forces
ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
ARV	Anti-Retrovirals
ASTU	Anti-Stock Theft Unit
CAP	Chapter
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CBOs	Community Based Organizations
CDP	Child Days Plus
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHOGM	Common Wealth Heads Of Government Meeting
CID	Criminal Investigations Department
CIL	Directorate of Complaints, Investigations and Legal Services
CMCC	Civil Military Co-operation Centres
CMI	Chieftaincy of Military Intelligence
C-NHRIs	Commonwealth Forum for National Human Rights Institutions.
CPF	Commonwealth Peoples Forum
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
DPPU	Demonstrations and Processions Planning Unit.
E.g.	For example
EIA	Environmental Impact Assessment.
ESCR	United Nations Covenant on Economic Social and Cultural Rights
FCC	Family and Children's Court
FCPU	Family and Children Protection Unit.
Fig	Figure
FY	Financial Year
GoU	Government of Uganda
HIV	Human Immunodeficiency Virus
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
HRBA	Human Rights Based Approach
HRBAD	Human Rights Based Approach to Development
HRC	Human Rights Committee
HRI	Human Rights Instruments
HRU	Human Rights Unit
ICC	International Coordinating 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
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons



IDPC	Internally Displaced People's Camps
IGP	Inspector General of Police
ILO	International Labour Organization
ISO	Internal Security Organization
JATT	Joint Anti- Terrorism Taskforce
JLOS	Justice, Law and Order Sector
KCC	Kampala City Council
KIDDP	Karamoja Integrated Disarmament and Development Programme
L &T	Directorate of Legal and Tribunals
LAPs	Local Administration Prisons
LC	Local Council
LDC	Library and Documentation Centre
LDUs	Local Defence Units
LRA	Lord's Resistance Army
M &I	Directorate of Monitoring and Inspections
MDG	Millennium Development Goals
MoE	Ministry of Education
MoFPED	Ministry of Finance, Planning and Economic Development
MoU	Memorandum of Understanding
MP	Member of Parliament
MRM	Monitoring and Reporting Mechanism
NCEP	National Civic Education Programme
NEA	National Environment Act
NEAP	National Environment Action Plan
NEMA	National Environment Management Authority
NEMP	National Environment Management Policy
NGO	Non Governmental Organization
NGOs	Non-Governmental Organizations
NHRI	National Human Rights Institutions
NODPSP	National Objectives and Directive Principles of State Policy
NUDIPU	National Union of Disabled people in Uganda
OC	Officer in Charge
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture or Punishment
PEAP	Poverty Eradication Action Plan
PLWHA	People Living with HIV/AIDS
PMA	Plan for Modern Agriculture
PRA	People's Redemption Army
PRDP	The Peace, Recovery and Development Plan
PWDs	Persons with Disabilities
RBA	Rights Based Approach
RED	The Directorate of Research, Education and Documentation
RRU	Rapid Response Unit
S.I	Statutory Instrument
SCR	United Nations Security Council Resolution
SPCs	Special Police Constables
TB	Tuberculosis
UDHR	Universal Declaration of Human Rights
UgX	Uganda Shillings
UHRC	Uganda Human Rights Commission

UN	United Nations
UNDP	United Nations Development Programme
UNEB	Uganda National Examinations Board
UNESCO	United Nations Education Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNHRO	Uganda National Health Research Organization
UNICEF	United Nations International Children's Education Fund
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UNV	United Nations Volunteers
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPS	Uganda Prisons Services
USAID	United States Agency for International Development
USE	Universal Secondary Education
VAGs	Voluntary Action Groups
VCCU/RRU	Violent Crime Crack Unit/Rapid Response Unit
VHTs	Village Health Teams
Vol.	Volume
WFP	World Food Programme
WHO	World Health Organization

EXECUTIVE SUMMARY

This is the tenth annual report of the Uganda Human Rights Commission (UHRC) to Parliament. The report covers both the activities of the Commission carried out in the year 2007 as well as an assessment of the observance of specific rights including economic, social and cultural rights. The report is comprised of thirteen (13) chapters. Chapters 1, 2, 3, 12 and 13 relate to the activities of the Commission and the rest of the chapters cover the state of human rights.

Chapter One:
HUMAN RIGHTS EDUCATION

This chapter summarizes the efforts of the UHRC in carrying out human rights education. The UHRC in accordance with the functions spelt out in the constitution has over the years initiated several programmes to enhance the citizens' understanding of their human rights, constitutionalism and civic obligations. Apart from the publication of 'Your Rights' Magazine, the UHRC conducted several programmes aimed at building a culture of respect for human rights among students, local council leaders, police officers, health professionals, Voluntary Action Groups, the UPDF and the general public. Some of the activities were carried out in collaboration with the Office of the High Commissioner for Human Rights in Uganda.

Recommendations

1. The Ministry of Justice and Constitutional Affairs should develop a popular version of the Constitution, translate the constitution into local languages and make it accessible to all Ugandans.
2. The Ministry of Education and Sports should introduce the primary school human rights readers to all primary schools in Uganda.
3. All District Local Governments that have not yet established District Human Rights Committees should have them established, while those that have already established the committees should strengthen them.
4. The Uganda Police Force should ensure that Special Police Constables are properly trained not only in policing but also in respect for human rights.

Chapter Two:
INVESTIGATIONS AND RESOLUTION OF COMPLAINTS

This chapter examines the trend of human rights complaints registered, referred, investigated and resolved by the Commission in 2007. The UHRC registered a total of 924 complaints compared to 1,222 complaints registered in 2006 and 554 Lodgements compared to 824 Lodgements received in 2006. There was a 25% decline in the number of complaints received mainly due to the application of strict admissibility criteria, the change of address for receipt of complaints and the improved security situation in most parts of the country.

The UHRC registered 567 male complainants, 401 female complainants while 10 complaints were from institutions/groups. There was a decline in the number of male complainants in 2007 compared to the previous year. The total number of female complainants slightly increased in 2007 by 7 more compared to the previous year.

The trend in the nature of human rights violations has been consistent over the years despite the decline in the magnitude of the complaints registered. Children's rights dominated the complaints registered in 2007. This was closely followed by violations of the freedom from torture, cruel, inhuman or degrading treatment or punishment, right to property and the right to personal liberty. Private individuals topped the list of respondents in the complaints registered, with 501 complaints against them.

A total of 549 complaints were investigated compared to 861 complaints investigated in the previous year. There was thus a decline of 312 complaints investigated by the Commission in 2007 compared to the previous year. This could be largely attributed to floods which made it impossible to access some parts of the country such as eastern and north eastern Uganda, the outbreak of Ebola in Bundibugyo and insecurity in Bundibugyo, Karamoja, Kibaale and parts of Acholi sub region. However, investigations were also affected by the failure to locate complainants and lack of cooperation from some public officials.

The Commission Tribunal heard and concluded 61 cases of human rights violations of which total of 38 cases were on the right to freedom from torture, representing 62.3% of the total cases decided before the tribunal. Other complaints heard and decided before the tribunal were on right to liberty 22, right to life 8, child maintenance 8 and right to property 5. Of the 38 torture cases decided before the tribunal, 30 cases were decided in the favour of the complainants. Most awards in the year 2007 were against the Attorney General, with minor awards against individuals and the local governments. The Commission awarded a total of Uganda Shillings 445,440,000 (Four Hundred Forty Five Million, Four Hundred Forty Thousand Shillings Only) to victims of human rights violations in the year 2007as compensation. Ugandan Shillings 444,240,000 was awarded against the Attorney General representing 99.73% of the total awards. Awards to torture victims alone attracted 322,790,000/= representing 72.5% of the total awards in 2007. However, by publication of this report there was no indication that any of the victims whose cases were decided in their favour against the Attorney General in 2007 had been compensated. Other challenges facing tribunals in 2007 included indisposition of some members of the Commission to hear cases due to illness, there was no replacement of one member of the Commission when the contract expired in August 2007 and tribunals have not sat in Karamoja because of the insecurity among other things.

In the cases decided by the Commission Tribunal, the Uganda Police Force was the major respondent with 33 respondents, closely followed by the Uganda Peoples' Defence Forces with 30 respondents, and then private individuals, VCCU/RRU, CMI and Local Governments follow in a descending order.

Recommendations

1. Complainants are urged to provide proper addresses when they file a complaint and to inform the UHRC about the changes in addresses when they move to new places.
2. UHRC appeals for cooperation from the various government institutions whose timely response to matters being investigated is crucial for the quick disposal of complaints.
3. The UHRC urges the Ministry of Justice and Constitutional Affairs to put in place a mechanism where victims of human rights violations are compensated promptly. It should consider setting up a compensation fund for victims of human rights violations.
4. As recommended in the 9th and other Commission reports, Parliament should enact a law prohibiting acts of torture, inhuman and degrading treatment or punishment. Furthermore, the UHRC still recommends that individual officers who perpetrate acts of human rights violations should individually be held responsible by criminal prosecution

among other things. There is need, as has been recommended before, to ratify the Optional Protocol to the Convention Against Torture (OPCAT).

5. The renewal of contracts of members or the appointment of new members should be promptly handled in order not to cripple the activitities of the Commission.

Chapter Three:
ASSESSMENT OF THE CONDITIONS OF INMATES

This Chapter provides an assessment of conditions of inmates in places of detention such as prisons and police cells and remand homes which were inspected by the Commission in 2007. The UHRC noted some positive developments in the human rights situation of inmates; some improvements in infrastructure and hygiene especially in women's facilities, food quantity and clothing for some of the prisoners. However, the UHRC is also concerned about the detention of suspects for longer than 48 hours, restrictions in access to places of detention, inmate's access to food, medical care, water, clothing, beddings, persistence of torture, congestion in cells, long detentions without trial, detention of suspects with convicts and children with adults and the general welfare of both the inmates and prison staff. The UHRC has also noted that despite the merger of central government prisons with the local administration prisons, the conditions of the inmates are still deplorable because the merger was not followed up with the corresponding logistical support.

Recommendations

1. The Justice, Law and Order Sector should work towards ensuring that suspects are not deprived of their liberty which is contrary to the Constitution.
2. UHRC should be respected and allowed to carry out its mandate without restrictions on access to places of detention.
3. Budgets of the UPS should be increased to address issues of congestion, detention of children with adults and suspects with convicts, food, medical care, clothing and staff welfare. More funds should be allocated to former Local Administration Prisons as they are in a worse state.
4. Although new judges were recently appointed, there is still a need to recruit more judicial officers and to facilitate them to do their job so that they can dispose of cases faster to prevent suspects from staying too long on remand.
5. The Uganda Prisons Service should create awareness about the Prisons Act 2006 for all prison staff and inmates. In addition, training in human rights for prison staff should be continuous.
6. The prison authorities should enforce the implementation of the Prisons Act 2006 and ensure that suspects on remand are not subjected to hard labour and are separated from the convicted prisoners.
7. Police and Prison authorities should ensure that juvenile offenders are separated from adult detainees.
8. Detention without trial is unconstitutional and both prison and police authorities are urged to prevent violations of the right to liberty by not detaining people without commitment orders. Government should support and strengthen the implementation of the Community Service programme for minor offenders as an alternative to imprisonment.
9. Since there is a clear shortage of remand homes, diversion of children away from the criminal justice system through arbitration and mediation should be adopted.

Chapter Four:
PUBLIC DEMONSTRATIONS AND THE RIGHT TO FREEDOM OF ASSEMBLY

This chapter highlights the importance of assemblies and demonstrations and the challenges faced in the enjoyment of the right. It also assesses the human rights implications of the Statutory Instrument and discusses the need for the implementation of the Guidelines on public demonstrations in Uganda developed by UHRC through a consultative process involving representatives from the Police, Civil Society Organizations, Political Parties and Parliament. The UHRC is concerned about various issues in the Statutory Instrument such as the requirement for police permission, the gazetted areas and the lack of adequate safeguards and effective remedies.

Recommendations

1. The requirement for a permit subjects the inherent right to assemble and demonstrate peacefully to permission, which in itself goes against the spirit of Article 20 (1) of the Constitution, which provides that Fundamental rights and freedoms are inherent and not granted by the State. There is therefore a need to review the statutory instrument so that notice is given by the demonstrators rather than permits being issued by police, except in a few exceptional circumstances. Where the Police believe that the assembly should not be held, they can petition court for an injunction to stop the assembly.
2. Section 35 of the Police Act authorises the Minister to gazette areas with regard to assemblies and not demonstrations and processions. The Statutory Instrument thus exceeds the scope of the authority granted to the Minister. In line with Section 35 of the Police Act, the minister should gazette places that are limited to assemblies and not demonstrations and processions.
3. The Statutory Instrument should specify the type of assemblies it seeks to limit.
4. The UHRC guidelines on public demonstrations should be integrated as part ort of the Police Statutory Instrument, thus the Statutory Instrument should be reviewed.

Chapter Five:
AN ASSESSMENT OF THE RIGHT TO EDUCATION

This Chapter assesses the right to education, particularly the Universal Primary Education (UPE) and Universal Secondary Education (USE). It highlights the major challenges facing the right to education under the UPE programme like irrelevance of the curriculum, disparities, the high drop out rate and low retention rate, a harsh environment and other related health issues. The chapter also looks at the USE programme that was launched and implemented in 2007. It has led to a tremendous increase in enrolment for secondary education to 155,176 senior one students in 2007, up from 92,330 in 2006. The chapter also identifies some challenges that need to be addressed by government under USE for it to attain its expected goals i.e. promoting, protecting and providing the right to education in the spirit of equality and non-discrimination to all school going aged children.

Recommendations

1. Since Uganda is developing the National Development plan, a human-rights based approach to programming should be an integral part of the plan. This will help target better education interventions and specific concerns of vulnerable groups.
2. It should be appreciated that there are extremely very limited schools and tertiary institutions in Uganda for persons with disabilities and special needs especially in the

country side. In addition, there are a few or no specialized trained personnel to handle disability and special needs persons. Therefore, efforts should be made to improve the situation, otherwise PWDs will continue to be marginalised and discriminated.

3. Government should increase the number of teachers, classrooms, text books, learning materials and equipment to correspond to the number and needs of children in order to provide quality education. The government should also consider the plight of teachers especially those in rural areas and should offer them a good remuneration.
4. Government should ensure that there are specialized teachers, appropriate teaching aids, hearing aids, Braille facilities and other devices that are important to the education needs of children with disabilities and special needs.
5. There is need to increase budgets to meet the increasing demand in terms of numbers and quality until all children access quality education.

Chapter Six:
OVERVIEW OF THE RIGHT TO HEALTH

The right to health was a subject of monitoring in 2007 with the recently established right to health unit at the UHRC. The unit has been involved in carrying out Human Rights Education on the right to health for health professionals, developing data collection tools for monitoring the right to health and guidelines for UHRC staff in handling complaints related to the right to health. This Chapter is a brief general overview of the status on the enjoyment of the right to health in Uganda. In the Financial Year 2006/2007, the Uganda health system reported improvement in the following areas as compared to the financial year 2005/06:

- Infants who received 3 doses of vaccination increased from 89% to 90%)
- Deliveries in health facilities (from 29% to 32%)
- Proportion of pregnant women receiving intermittent presumptive treatment for malaria increased from 37% to 42%
- Under-five children who received malaria treatment within 24 hours from community drug distributors rose from 60% to 71%.

Despite these improvements, the health sector continued to be characterized by:

- A heavy disease burden perpetuating the cycle of poverty and disease.
- Low access to basic health services.
- Inadequate qualified health workers.
- Inadequate funding.
- Poor management and inefficient use of resources and;
- Inadequate coordination.

The above factors impacted negatively on the highest attainable standard of physical and mental health (the right to health).

Prevalence of most of the neglected diseases (diseases of the poorest of the poor) is still unacceptable and yet government budgets for their control are extremely low. Reproductive health is a priority area in the health sector but maternal mortality is still high with an insignificant drop over the years. Control of neglected diseases and improved reproductive health are key factors to the achievement of the Poverty Eradication Action Plan (PEAP) and Millenium Development Goals (MDGs) targets.

Recommendations

1. The health sector should adopt the human rights based approach (HRBA) to planning and delivery of health services in the country. The approach should include among other things:

    - Provision of information to the public to raise awareness of neglected diseases.
    - Strengthening community participation in health service planning and delivery especially in the control of neglected diseases. The concept of village health teams should be strengthened with the teams being trained and provided with adequate resources.
    - Drawing up policies that attract and retain health professionals especially in isolated disadvantaged communities afflicted by neglected diseases.
    - Putting in place measures that combat all forms of discrimination and stigma associated with neglected diseases in Uganda.
    - Ensuring policies that promote equal access to health care e.g. by putting in place an integrated health system.

2. There is need to increase the availability, accessibility and utilization of quality skilled care during pregnancy, childbirth and postnatal periods at all levels of the health care delivery systems.

3. Family planning information and service provision for women and men who want to space or limit child bearing should be strengthened
    a. Increased investment in the health sector is needed including getting more trained health workers and improving the infrastructure, if Uganda is to succeed in combating and averting maternal deaths.

4. In order to fulfil the above recommendations, Government should address the challenges facing the health sector especially:
    - The inadequate funding
    - Mismanagement of funds
    - The inadequate human resource in the health sector

5. In order to protect the right to health and other economic, social and cultural rights, Parliament should enact laws in accordance with Article 8 A of the Constitution. Furthermore, laws should be enacted to efficiently regulate private for profit health providers

Chapter Seven:
THE RIGHT TO A HEALTHY AND CLEAN ENVIRONMENT

This Chapter covers and highlights the importance of promoting and protecting the right to a healthy and clean environment and assesses the steps taken by the Government of Uganda to protect the environment. The chapter acknowledges developments in Uganda regarding utilization of the environment as opposed to environmental conservation which caused a lot of outcry amongst environmentalists in 2007. A number of steps taken by Government to protect the environment are highlighted including a favourable legislative and policy framework. The environment is affected by climatic change, high population growth, pollution and encroachment on national parks/game reserves, forests and wetlands. The challenges facing environmental protection in Uganda include institutional weaknesses that make it difficult to enforce environmental laws and policies, insufficient environmental education and public awareness and undue interferences by politicians that undermine NEMA's work of protecting the environment.

Recommendations

1. Government should through NEMA and other agencies increase levels of environmental monitoring and enforcement of environmental laws and policies.
2. Government should formulate a national solid waste management policy and law.
3. NEMA should create effective public awareness campaigns on the importance of the environment. Furthermore, information on the environment should be given to the public free of charge.
4. The Government should integrate environmental issues in all sectors in the 5-Year National Development Plan that is being developed. In addition, NEMA should guide local governments on how to mainstream environmental aspects into district development plans.
5. Government should strengthen incentives and disincentives to encourage environmental protection.
6. Government should create an enabling environment and political will to enable the enforcement of environmental legislation and policies.
7. Environmental Impact Assessments carried out by NEMA should be respected by government and its agencies.

Chapter Eight:
CHILD NEGLECT

This Chapter is mainly based on a study carried out by the Commission in July 2005. The scope of the study constituted both rural and urban settings in order to establish a rural-urban divide in eight districts from the four regions of Uganda. The Commission takes a holistic approach to handling rampant violations of children's rights to maintenance by ascertaining the broad causes of child neglect.

The study was conducted in Mukono and Kampala in the Central Region, Kamuli and Soroti in the Eastern Region, Moroto and Gulu in the Northern region and Bushenyi and Kabarole in the Western Region. The findings indicate that child neglect generally is on the increase due to; poverty at household level, ignorance of the law and poor law enforcement, unstable marriages that easily lead to divorce, polygamy and domestic violence, among others.

Recommendations

1. Government should carry out mass mobilization and sensitise the public on the rights of the child with specific emphasis on child neglect. As such, a more comprehensive baseline study on child neglect should be done, to understand the different forms of child neglect to enable the development of comprehensive solutions.
2. Government should put in place proper monitoring and evaluation programmes to monitor the progress in the fight against child neglect.
3. Since child neglect is related to the high household poverty levels, the fight against child neglect should be integrated into programs that aim at fighting poverty at household level like PEAP, PMA and others. This will help to increase the financial capacity of the rural poor parents and facilitate them to provide basic needs of their children with ease.
4. To minimize the effects of unstable marriages on children's rights, there is need to identify NGO and Government departments that are mandated with building the family institution, the personnel in these organisations should be empowered with the necessary skills to fight child neglect. It should be further noted that a troubled

home leads to a troubled society and country at large. Labour policies that favour a healthy relationship between husband and wife should be explored.

5. Due to the fact that children aged 6-12 years are the most neglected, Government should intensify its efforts of providing free education to all under UPE and USE programmes and free access to basic health services with emphasis on the girl child and children with disabilities

Chapter Nine:
HUMAN RIGHTS AND DISASTERS

This Chapter is about the impact of disasters on the enjoyment of rights. It focuses on the two major disasters that struck in 2007 namely; the Ebola outbreak and the floods. Their impact on human rights and government's response to these emergencies are analysed. The UHRC makes recommendations for the future because government response to the disasters was inadequate.

Recommendations

1. More funds should be allocated to the ministry of disaster preparedness because in most cases when disasters hit, there are no contingency funds for such emergencies. The Commission appeals to the government to increase funding under the Department of Relief, Disaster Preparedness and Refugees.
2. There is need for the formation of the disaster preparedness and disaster management Commission that will deal with both natural and man made disasters, as stipulated under Article 249(1). Government should ensure that the commission is adequately facilitated to carry out its activities.
3. Mapping should be done in some areas to look at the possible hazards. What is required is to take preventive measures to reduce on negative impact of disasters.
4. Measures should be put in place to rehabilitate and reconstruct the bridges that were destroyed during floods like the Awija Bridge.
5. Policy makers should incorporate environmental management into all aspects of their planning. It is especially important to take climate change into account in National Development Planning.
6. In case of infectious and communicable diseases, government may have to put the appropriate restrictions in order to avoid the spread of such diseases which is in line with Article 23(1) (d) of the Constitution.
7. Government should prioritize the human rights of people affected by natural disasters such that even in genuine cases of emergency situations the rule of law must prevail.
8. The Commission also recommends that Government should improve the general conditions of health workers particularly in situations of emergencies. Government should ensure that health professionals, especially in situations of emergencies, should be availed with adequate and proper medical equipment to protect themselves while attending to patients.

Chapter Ten:
COMMONWEALTH HEADS OF GOVERNMENT MEETING

This Chapter presents an overview of the key activities undertaken by the Commission during the Common Wealth Heads of Government Meeting (CHOGM); in particular, the Commission's role in the Common Wealth Forum for National Human Rights Institutions (C-NHRIs) and the

Common Wealth People's Forum (CPF). The Chapter also highlights the Human Rights issues in the CHOGM Communiqués and a summary of the CHOGM communiqué. Among the human rights issues raised are the following;

1. Abolition of the death penalty as voted by the UN Third Committee.
2. Work with National Human Rights Institutions in the promotion and protection of economic and social rights, and take measures for the domestic application of international law regarding those rights.
3. Include human rights issues on the Commonwealth agenda, for instance the people with disabilities' rights, refugees and minority rights.
4. Add a Commonwealth Commissioner on the Rights to Development in the Commonwealth Secretariat.
5. Support the participation of the Commonwealth National Human Rights Institutions Forum in the Commonwealth processes.
6. Establish mechanisms of engagement with governments and stakeholders in order to strengthen National Human Rights Institutions.
7. Ensure that all legislation abides by international human rights standards through ratifying and implementing international human rights treaties.

It is during this meeting, that the Common Wealth Nations Human Rights Institutions Forum was formed to ensure observance of human rights in the Common Wealth. The UHRC was elected and under the leadership of the Chairperson, Mrs Margaret Sekaggya to chair the C-NHRIs for the next two years. The Commission hopes to steer the Forum diligently to achieve the objectives for which it was set up, bearing in mind the limited resources and capacity; the principles of inclusiveness, complimentarily and non-duplication, as well as transparency. Under the guidance of the Chairperson, UHRC, the Forum will define its specific roles in engagement and interaction at the different levels with the ICC, HRC, HRU, and CHOGM. The Forum will strive to create an impact in the promotion and protection of human rights in the Commonwealth so that its relevance and contribution as a permanent feature of CHOGM is felt.

Chapter Eleven:
HUMAN RIGHTS IMPLICATIONS OF THE LAND BILL

The UHRC as part of its mandate analyses the Land Bill to ensure that it is respectful of human rights as enshrined in our Constitution and ratified international instruments. The UHRC commends the bill for protection against unlawful evictions by individuals, protection of tenants by providing for judicial review before eviction, adequate notice before eviction, compensation for unlawful evictions and criminalization of unlawful evictions. However, the UHRC is concerned with the provisions on rent, bonafide occupants, customary interest on land and the lack of procedures for evictions, among others.

Recommendation

1. There should be more meaningful and participatory consultations to resolve the land issues. This can be done by an independent Commission set up to coordinate the consultations, findings and recommendations and resolve most of the land issues rather than the piecemeal solution offered by the amendment. It is important that before the bill is passed, the weaknesses therein are addressed.

Chapter Twelve:
GOVERNMENT COMPLIANCE WITH UHRC'S RECOMMENDATIONS

The Commission has over the years made a number of recommendations to government and other stakeholders aimed at improving the human rights situation in the country. This chapter tracks progress on the recommendations made by the Commission to government over the years. Some of these recommendations have not been implemented such as enactment of a law on torture and ratification of the OPCAT, decentralization of accountability, fixing a minimum wage, elimination of safe houses, among others. Others are partially implemented such as the establishment of Human Rights Committees at the Districts, payment of tribunal awards, access to places of detention, conditions in prisons, funding to the UHRC, among others. Other recommendations were successfully implemented such as the recommendations made for Karamoja, assistance to IDPs and strengthening Police presence in the conflict areas.

Chapter Thirteen:
FINANCE AND ADMINISTRATION

This Chapter highlights sources of funding for the UHRC activities, aspects of the wage bill, staff gratuity, domestic arrears, staffing and transfer of the Commission to the Justice, Law and Order Sector (JLOS). The Commission received financial support from the GOU totalling UGX 3,369,625,038, and donor support amounting to Uganda Shs 2,067,141,517 in 2007. There is a steady decline in donor support; this gap should be filled by government to enable the Commission achieve its mission. Government increased the Commission's wage bill by shillings 400,000,000 in the 2007/08 Financial Year Budget Allocation, making a total of 1,825,795,000. This increase was, however, inadequate in that the Commission encroached on the non-wage releases to pay salaries during the 2007/08 Financial Year, leaving very insufficient funds for non-wage activities of the Commission. The Commission now has 8 regional offices; Arua, Central, Fort Portal, Gulu, Jinja, Mbarara, Moroto and Soroti. The new Commission structure that was approved by the Ministry of Public Service requires a wage bill of Uganda shillings 3,109,328,459 and a non-wage bill of Uganda shillings 1,527,939,584, which the Ministry of Finance, Planning and Economic Development has agreed to fund with effect from the 2008/09 Financial Year. Staffing of the Commission currently stands at 123 personnel but the approved structure is of 148 personnel which will be operational in the next Financial Year 2008/2009. The Commission was in 2007 transferred to the Justice, Law and Order Sector (JLOS).The Sector comprises the Ministry of Internal Affairs; the Judicial Service Commission; the Uganda Law Reform Commission; the Uganda Human Rights Commission; the Directorate of Public Prosecutions; the Uganda Police Force; the Uganda Prisons Service; the Judiciary; Law Development Centre; and the Ministry of Justice and Constitutional Affairs.

Recommendation

1. Given the declining financial support from donors, the Government of Uganda should move towards increasing funds to enable the Commission run its core activities as mandated by the Constitution.

Chapter 1:
HUMAN RIGHTS EDUCATION

1.1 Introduction

There is international consensus on the fundamental contribution of human rights education to the realization of human rights. Human rights education contributes to the many initiatives aimed at the prevention of human rights abuses and violations. Because of its proactive stance in the protection and promotion of human rights, the international community recognizes human rights education as critical and as a result, provisions on human rights education have been incorporated in an array of Human Rights instruments namely, article 26 of the Universal Declaration of Human Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights; article 29 of the Convention on the Rights of the Child; article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women; article 7 of the African Charter on Human and Peoples Rights and article 52 of the 1995 Constitution of the Republic of Uganda.

The UHRC in accordance with the functions under the constitution has over the years initiated several programmes to enhance the citizens' understanding of their human rights, constitutionalism and civic obligations. In 2007, the Commission conducted several other programmes, all aimed at building a culture of respect for human rights in Uganda. The Commission through its Directorate of Research, Education and Documentation, Directorate of Monitoring and Inspections and the regional offices, conducted sensitization activities for school students, local council leaders, police officers, Special Police Constables, health workers, the UPDF and the general public. Some of the sensitization workshops were done in collaboration with the Office of the High Commissioner for Human Rights.

1.2 Human Rights Education for the Uganda Police Force

The UHRC has been engaged in several initiatives aimed at enhancing the respect and promotion of human rights by the Uganda Police Force. Such initiatives included development of the Police Human Rights Training Manual, Training of Trainers courses, and consultative meetings with the Uganda Police Force leadership and sensitization workshops among others. The UHRC continued with similar training programmes and mostly targeted Special Police Constables (SPCs). The decision to target Special Police Constables was informed by the growing number of allegations of human rights violations committed by them. Some SPCs beat up demonstrators in Kampala and two SPCs shot a child in Nansana and Kawempe in Kampala. Consequently, the Inspector General of Police disarmed SPCs in Kampala. Our previous human rights training for SPCs revealed how ill informed and trained the SPCs were to handle police work. Some lacked awareness about human rights. These and several other violations, such as torture, underscored the resolve of the Commission to continue training and sensitizing SPCs in human rights.

Human rights training for SPCs was done in the districts of Arua, Lyantonde, Rukungiri and Kyenjojo under the theme: Enhancing human rights in law enforcement. A total number of 3,901 SPCs were trained.

The SPCs were sensitized on key issues that form the bulk of their interactions with the people especially suspects. Among them, the commission prioritised the following:

- The Concept of Human Rights and the role of the Uganda Human Rights Commission in the promotion and protection of human rights.
- Freedom from torture, cruel, inhuman degrading treatment or punishment

- The rights of vulnerable people (children, women, refugees, the elderly, people with disabilities, People living with HIV/AIDS) and their demands on the Police
- Proper use of force and fire arms
- The rights of suspects and their treatment from arrest to detention
- The disciplinary code of conduct for law enforcement officers

The Commission also participated in training Special Police Constables in Kabalye Police training school in Masindi district. The Commission highlighted Uganda's role in International relations with special emphasis on the international human rights instruments ratified by Uganda and urged SPCs to respect the rights of visitors during and after the CHOGM.

The Commission further trained Special Police Constables in Olilim Police training school in Katakwi district. The SPCs were trained to specifically keep peace during the return, resettlement and reintegration of Internally Displaced people in northern Uganda.



Mr. Okolo Morris of CMCC Katakwi Conducting Child Protection Training at Achanga P/S, Katakwi District

1.2.1 Human Rights Training for the Police in Karamoja

On the 6th September 2007, OHCHR and UHRC/CMCC Nakapiripirit conducted a one-day training on Human Rights for the Police Officers in Nakapiripirit District. The officers were drawn from the different Police Posts in the district.
The areas of training included the following:

- The code of conduct for Law Enforcement Officers,
- Community policing,
- Basic principles on the use of fire arms by Law Enforcement Officers
- Body of principles for the protection of all persons under any form of detention or imprisonment
- UN Security Council Resolution 1612 regarding children in armed conflict and International Human Rights Law

1.3. Human Rights Training for the UPDF in Karamoja

In collaboration with the OHCHR, the UHRC through the Moroto Regional Office participated in 5 human rights sensitization workshops for UPDF. On 24th May, the Commission sensitized the UPDF in Lopei detach, the 403 Brigade in Matany was sensitized on 28th May and Iriiri detach on 30th May 2007. Other sensitization workshops were held for the UPDF attached to 407 brigade including the 33rd battalion and 19th battalion in Nakapiripirit district on 6th October 2007 and 3rd Division headquarters based in Moroto district on 17th October 2007.

The sensitization exercise was part of an ongoing joint collaboration between OHCHR, UHRC and the UPDF, designed to ensure that UPDF soldiers acquire basic knowledge about Human Rights and Humanitarian Law Principles and to reinforce the UPDF Code of Conduct and Cordon & Search Guidelines, to be followed in the disarmament exercise.

In all the sensitization programmes, the following issues were discussed:

- The concept of human rights
- Introduction to Universal Declaration of Human Rights;
- International Treaties (CRC, CEDAW, and ICCPR, among others);
- Human Rights Standards and Practices;
- International Humanitarian law
- The UPDF code of conduct
- Cordon and search guidelines.
- National laws (Uganda) and
- Duties and responsibilities in relation to upholding human rights



UPDF officers and men undergoing training in human rights education

It is anticipated that with the acquisition of knowledge on the basic human rights standards and practices, the UPDF will, in carrying out its duties, be responsive in the protection and promotion of rights of the people.

1.4. Human rights education for Health Workers

The UHRC moved an extra mile in ensuring the realization of the Economic, Social and Cultural rights in general and the right to health in particular by carrying out Human Rights Education for health workers. This was a follow up to the Research on the Rights of Patients and their attendants in 2007 and the workshop for in Kamuli. In 2007, the UHRC made it a priority to sensitize health workers in other districts.

The UHRC's Right to Health Unit developed a right to health tool kit for health professionals that was pre-tested in the sensitization workshops on the rights based approach to health in the districts of Kaberamaido, Sembabule and Hoima. In Kaberamaido, participants were drawn from the districts of Soroti, Katakwi, Amuria and Kaberamaido and a total number of 50 participants attended. In Hoima, participants were drawn from the neighbouring districts of Buliisa, Kibaale, Kiboga and Masindi. In Sembabule, the workshop was attended by 43 participants drawn from Mpigi, Masaka, Lyantonde and Rakai. The purpose of the workshops was to train health professionals and planners on mechanisms of protecting and promoting the right to health and also to pre –test the right to health tool kit as designed by the UHRC.



Mrs. Margaret Sekaggya, Chairperson, UHRC launching the 9th Annual Report

1.5 Human Rights Education for Local Council Leaders

Local council leaders play a vital role in mobilizing the masses for development activities. They provide an easy link between the government and the majority of the population and as a result, local council leaders carry out various roles including deciding cases (under the Local Council Executive courts) and awareness creation. The functions executed by the local council leaders have human rights implications. It is against this background that the Commission continues to carry out sensitization activities for local council leaders in the country.

The UHRC conducted human rights workshops for Local Council officials in the districts of Tororo, Iganga, Kumi, Bukedea and Nakapiripirit. The theme of the workshops was: The role of Local Councils in Protecting and Promoting Human Rights. A total of 347 participants were sensitized on;

- The Concept of human rights
- The Uganda Human Rights Commission: establishments, powers and functions
- Introduction to Rights Based Approach to Local Government programming
- Conflict management and human rights
- The role of Local Councils in Administration of Justice
- Property rights
- The rights of women, children and people with disabilities.
- The Role of the public in working with the Police.

1.6 Constitution education

The Commission continued to fulfil its mandate as enshrined under article 52 (1) e and f of the constitution namely; to create and sustain within society the awareness of the provisions of the constitution as the fundamental law of the people of Uganda and to educate and encourage the public to defend the constitution at all times against all forms of abuse and violations.

As a form of constitutional education, the Commission every year organizes a function to commemorate the promulgation of the constitution. In 2007, the commemoration function was held with the youth in Masaka district on 4th October on the theme: "Nurturing and promoting a Culture of Constitutionalism among the Youth in Uganda". The celebrations attracted 100% turn up with 100 students and 10 teachers from selected secondary schools in Masaka and Rakai districts.

The activities that included a debate and a quiz were intended to nurture a culture of constitutionalism among the youth: The objectives of the function were:

- To summarize issues of constitutionalism in an organised debate.
- To demonstrate knowledge and awareness of the constitutional provisions through a quiz
- To discuss the critical importance of respect for the Constitution among the youth

The constitution day commemoration activities included among others, a quiz on the salient issues in the constitution and constitutionalism and the youth debated a topic on: Constitutionalism has taken root in Uganda which was aimed at evaluating the extent to which the selected youth were acquainted with the provisions of the constitution.



Commissioner Aliro Omara (left) and the UHRC Secretary, Mr. Gordon Mwesigye (right) at one of the Workshops organized by UHRC

The youth were urged to respect human dignity and refrain from engaging in acts that degrade human beings and to always remember that human rights go hand in hand with duties and responsibilities. The youth were further urged to respect the Constitution and its provisions as it is vital for both the present generation and for posterity. The youth were also urged to develop keen interest in issues of human rights, democracy, good governance and constitutionalism with a view of ensuring lasting national stability.

1.7. Annual Report dissemination workshops

Over the past ten years, the Commission has been producing annual reports highlighting the human rights situation in the country as well as making recommendations to Parliament on various issues that require intervention or action from specific government departments. The Commission has until 2006 been launching the reports in Kampala. In 2007, the Commission held annual report dissemination workshops for stakeholders outside Kampala to ensure that the contents in the report were disseminated to a larger audience.

Apart from Kampala, the Annual Report Dissemination workshops were held in Kitgum and Kisoro districts. A special radio programme was also conducted in Gulu. The dissemination workshops provided useful avenues in which stakeholders discussed the recommendations in the 9th report and came up with suggestions and concrete plans of action on how to implement some of the recommendations falling under their areas of jurisdiction. The workshops also provided an opportunity to the public to interface and dialogue with representatives from government agencies on the findings of the Commission on the state of human rights in the country.

1.8. Popularizing international human rights treaties

Stemming from the Commission's function of monitoring governments' compliance with international treaty and convention obligations on human rights, the Commission in conjunction with the Office of the High Commissioner for Human Rights (OHCHR), also conducted awareness programmes to disseminate the contents of some of the treaties and conventions ratified by Uganda and the treaty body recommendations. This was carried out in Soroti, Mbarara, Mbale and Gulu.

1.8.1 Convention Against Torture (CAT) and other Cruel, Inhuman or Degrading Treatment or Punishment and its Monitoring body; The Committee against Torture

The Commission through the Soroti Regional Office popularized the CAT through Radio programmes and spot messages. This was done in the week preceding the international day in support of victims of torture, 26th June 2007 on Radio Kyoga Veritus in Soroti, Continental Fm in Kumi and Signal Fm in Mbale. The Commission conducted a public dialogue in Kumi town which discussed the theme "Act Now To Stop Torture" where CAT and its Monitoring body were further explained to the public.



Special Police Constables undergoing training in human rights

1.8.2 Convention on Rights of People with Disabilities

The Commission also sensitized the public on the Rights of People with Disabilities. This was done to commemorate the International Day of Persons with Disabilities on 3rd of December 2007. The commemoration was held under the theme "Decent work for People with Disabilities" and the public was sensitized on the Convention on the Rights of People with Disabilities and the Government was urged to ratify the Convention. The UHRC co-hosted radio talk shows with leaders of Persons with Disabilities in Soroti in the weeks preceding the International Day of Persons with Disabilities. The Commission applauds government for enacting the Disability Act 2007 and urges all stake holders to support its implementation.

1.8.3 Security Council Resolution 1612- regarding Children in armed conflict

UHRC, together with the OHCHR and UNICEF carried out trainings for field monitors on monitoring and reporting gross violations of children's rights in line with the provisions of the

United Nations Security Council Resolution (SCR) 1612 on children in armed conflict. This was done in the districts of Soroti, Amuria, Katakwi and Kaberamaido from October to December, 2007. The training was aimed at equipping the field monitors with knowledge and skills on monitoring and reporting mechanisms especially on gross violations of children's rights in situations of armed conflict to the requirements of SCR 1612. In Uganda, the task force for monitoring the implementation of SCR 1612 comprises of UHRC, UNICEF, OHCHR, UNHCR and Save the Children in Uganda. The major topics discussed during the trainings were;

- Background and introduction to SCR 1612.
- The Convention on the Rights of Children.
- The nature of the six grave violations which include; killing and maiming, abduction, recruitment and use of child soldiers, attacks on schools and hospitals, sexual violence and denial of humanitarian assistance.
- The structure of the Monitoring and Reporting Mechanism (MRM) in Uganda including the Uganda Resolution 1612 Flow chart.
- The Basic principles of monitoring and reporting including response.
- Child friendly interview techniques.
- Review of the monitoring tool and practical set up of MRM.

1.9. United Nations Volunteers (UNV) Support to the Promotion of Human Rights in Uganda Project

The UNV Support to the promotion of Human Rights in Uganda Project wound up its activities in 2006. Through the project, the Commission had increased its presence in the communities where Voluntary Action Groups existed in Soroti, Gulu and Fort Portal. UNV volunteers collaborated with the UHRC, Ministry of Local Government and Amnesty Commission to raise awareness on human rights issues in addition to providing training to leaders, security institutions and the general population on human rights, amnesty law, the local council guide and the ideals of rights-based approach to development. The activities that were being implemented under this programme will continue with funding from the European Union's Human Rights and Good Governance Civic Education Programme beginning July 2008.

1.9.1 Voluntary Action Groups (VAGs)

In the UHRC's 9th report to Parliament, it was reported that the UNV project facilitated the establishment of 26 Voluntary Action Groups (VAGs) and trained their members in human rights issues. The groups were formed in the districts of Kabarole, Bundibugyo, Kasese, Mbale, Soroti and Gulu, to facilitate public access to the justice system by linking the community to the country's legal and human rights bodies. Following the end of the UNV project to support of human rights in Uganda, the VAGs have continued with their operations in close cooperation with the Commission.

In 2007, the Commission continued monitoring the work of VAGs through studying their reports as well as empowering them with human rights knowledge. However, due to financial constraints, the Commission did not maintain its close monitoring of all groups. In Western Uganda, only groups operating in Kabarole district were monitored, while in Eastern Uganda, it were Kamuda Sub County in Soroti and Orungo Sub County in Amuria district; that were monitored.

1.9.2 District Human Rights Committees

The Uganda Human Rights Commission initiated the idea of establishing District Human Rights Committees to advance promotion and protection of human rights at district level. This was

intended to advance promotion and protection of human rights at district level. On 3rd January 2007, the Ministry of Local Government issued a directive to all districts to establish the committees; some have complied while others are yet to comply. The following districts have established committees: Gulu, Kitgum, Kabarole, Bundibugyo, Hoima, Masindi, Kiboga ,Soroti, Mbale, Sironko, Bukedea, Kapchorwa, Bugiri, Mayuge, Busia, Butaleja,Budaka,Tororo,Iganga, Jinja, Kamuli, Kaliro,Palisa,Kanungu, Mbarara, Isingiro and Rukungiri.

1.10. Human rights publications

1.10.1 *Your Rights* Magazine

In its endeavour to disseminate human rights information and reach various sections of society, the Commission continued to reach the public through the publication of *Your Rights* magazine high-lighting specific thematic issues.

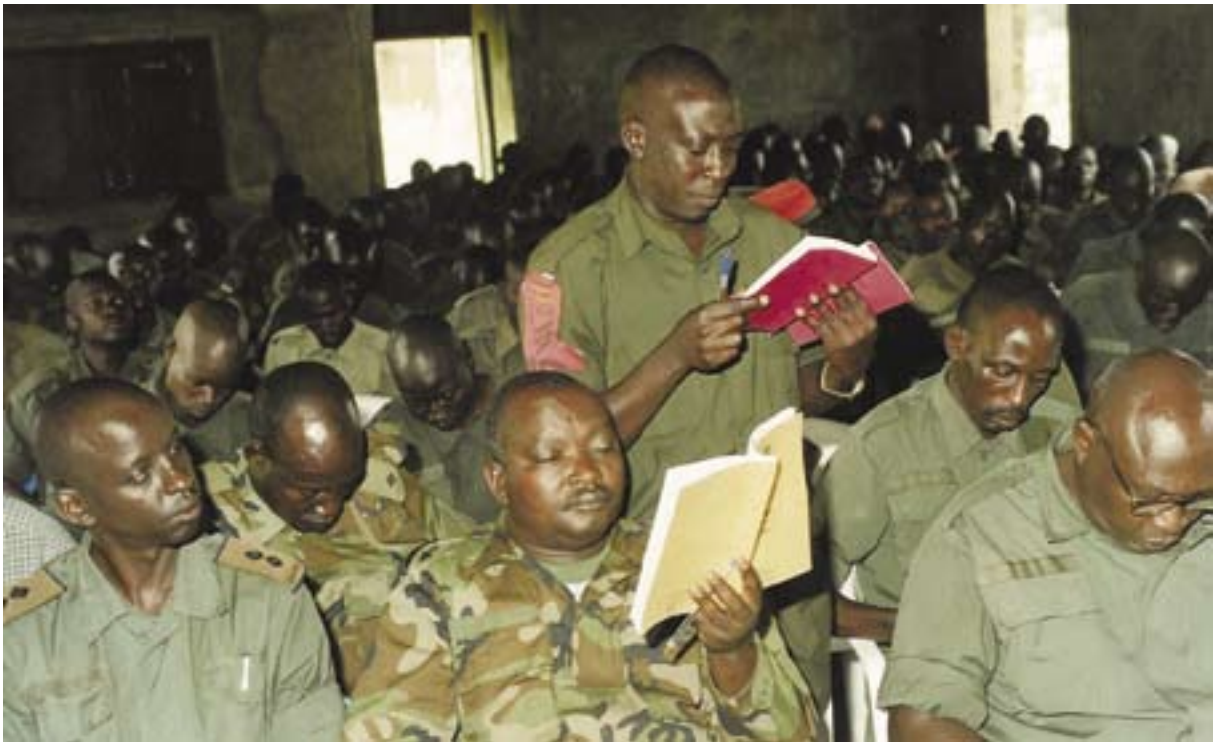
In 2007, the Commission produced 4 issues of *Your Rights* magazine on the themes:

1. HIV/AIDS and human rights focusing on violence against women.

2. Constitutionalism and separation of powers focusing specifically on the threat to the independence of the judiciary.

3. Civil and political rights focusing specifically on the rampant violation of the freedom from torture, cruel, inhuman degrading treatment or punishment; prisoners' rights as well as freedom of expression, information and the media.

4. The Commonwealth Heads of Government meeting held in Kampala in November 2007 and Human rights; as well as the right to peace focusing on the rights of children in conflict areas.



Officers and men of the UPDF reading the constitution at one of the workshops organised by UHRC

1.10.2 Primary School Human Rights Readers

Besides *Your Rights* magazine, the Commission published Human Rights Readers for primary schools one, two, three and four. The primary purpose of producing the readers was to create awareness on human rights issues for children in a bid to enable them to start respecting human rights when they are still young. The Commission urges parents, teachers and all stake holders to ensure that children get access and make maximum use of the human rights readers for primary schools. By the time of producing this report, arrangements to produce human rights readers for primary five, six and seven were in advanced stages and the Commission is optimistic that they will be ready in 2008.



The Acting Director, Regional Services, Ms. Patricia Nduru makes a point at a workshop with the Director Monitoring and Inspections, Karugonjo looking on.

1.11 Key recommendations from the workshops

In all the workshops held during the period under review, key recommendations that came out included the following:

- UHRC should intensify training of human rights trainers at the grassroots level to effectively take human rights education to the general population.
- UHRC sensitization workshops should go beyond district level to sub counties and villages so that the general population benefits.
- UHRC should increase human rights education through mass education. Government is urged to translate the constitution and make it accessible to all Ugandans.

Table 1.1 Summary of human rights education activities in 2007

Date	Target institution/ Group	Theme	Venue	No. of Participants
8th-10th Jan. 2007	Special Police Constables	Enhancing Human Rights in Law Enforcement	Police Training School, Kabalye Masindi	1980
24th -25th Jan. 2007	Local Council officials in Tororo district	The role of Local Councils in the promotion and protection of Human Rights	Tororo Town Hotel	50
27th-28th Feb. 2007	Local Council officials in Nakapiripiriti	The Role of Local Councils in the Promotion and Protection of Human Rights	Community Development Centre, Nakapiripirit	167
3rd – 5th Apr 2007	Local Council Officials of Kumi & Bukedea districts	Local Councils and Human Rights	Kumi Town Council	80
14th – 17th June 07	Special Police Constables	Empowerment of Local Administrative Police to Protect and Promote Human Rights	Arua	40
21st – 22nd June 2007	Local Council officials in Iganga district	The role of Local Councils in the promotion and protection of Human Rights	East View Guest House, Iganga	50
25th -26th June 07	Special Police Constables	Human rights awareness for Security Agencies	Gilman Valley Resort, Kyegegwa, Kyenjojo district	81
September 24th-28th, 2007	Health Workers	Health professionalism, health rights and the rights based approach to health	Kaberamaido Town Council	50
4th October 2007	Students from 10 selected schools in Masaka and Rakai districts	Nurturing and promoting a culture of constitutionalism among the Youth in Uganda	Patel Shamji Hotel, Masaka	100
October 2007	Special Police Constables	Enhancing Human Rights in Law enforcement	Training School, Olilim, Katakwi	1700
5th-9th Nov. 2007	Health Workers	Health professionalism, health rights and the rights based approach to health	Rainbow Motel, Sembabule	43
29th Nov - 1st Dec 2007	Special Police Constables and former LAP personnel	Human rights and policing, code of conduct	Catholic Social Centre - Rukungiri	60
3rd-6th Dec. 2007	Health Workers	Health professionalism, health rights and the rights based approach to health	Kijungu Hotel Hoima	60
17th - 19th Dec 2007.	Special Police Constables and former LAP personnel.	Human rights and policing, code of conduct	Salama Shield Foundation, Lyantonde	40

1.12 Media programmes

Use of the media is another method the Commission has used in the promotion and protection of human rights. In 2007, the Commission used radio programmes for human rights education. Use of radio talk shows has an edge over other methods in the sense that a wider audience is covered and the local languages of a particular region are used, thereby inducing massive participation from the public. In the reporting period, several of these activities were conducted in the various parts of the country as indicated in the table below:

Table1.2 showing selected radio talk shows conducted in 2007

Name of the Radio station	No. of Times	Theme	Language
Kyoga Veritas	40 Programmes	Several human rights topical issues	English, Ateso and Kumam
Voice of Teso Fm	20 programmes	Different human rights topical issues	English, Ateso and Kumam
Continental Fm	4 Programmes	Several human rights topical issues	English, Ateso
Signal Fm	4 programmes	Several human rights topical issues	Luganda, English
Vision Radio – Talk show	3	Torture, Rule of law, mob justice	Eng/RRRRs
Radio West – Talk show	1	ADR, Rights of children	Eng/RRRRs
Vision Radio – Spot messages	45	Torture, mob justice, ADR, rule of law	Eng/RRRRs
Nile Broadcasting Services – Talk shows	4	The UHRC and its mandate, Right to property, liberty, Rights-based approach to development	Luganda, Lusoga and English
Eastern Voice – Talk shows	2	The UHRC and its mandate, Right to property, liberty, Rights-based approach to development	Luganda, Lusoga and English
Radio Kagadi	1	Mandate, powers & functions of UHRC	Runyakitara
Voice of Toro	1	Nurturing and Promoting a Culture of Constitutionalism among the Youth in Uganda	Runyakitara
Voice of Toro	120 Spot Messages for two months	Mandate, powers & functions of UHRC	Runyakitara, English
Karamoja FM	Programme	Human Rights issues in relation to the disarmament exercise	Akarimojong

1.13 Library and Documentation Centre

The Library and Documentation Centre (LDC) continued to be a valuable source of human rights information for members and staff of the Commission as well as the general public. During the period under review, a total of 1,720 people made use of the LDC. Of these, 1060 were students, 133 lawyers, 25 journalists, 36 researchers and others were 466.

Table 1.3 showing the number of LDC users per month in 2007

Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
No of users	95	155	181	165	168	173	119	109	139	163	165	88

1.13.1 Publications received

During 2007, LDC received a total of 185 text books, 40 journals, 23 acts and 39 Bills. The LDC also subscribed and received two journals, namely the East African Journal of Peace and Human Rights and African Human Rights Law Journal. Subscription was also made to the Uganda Printing and Publishing Corporation and the Commission continued to receive two copies of every Act, Bill and subsidiary Instruments produced by Parliament in 2007.

1.13.2 Regional Libraries

In an effort to take the required information closer to the people, the Commission continued to equip regional office libraries with basic reference text book. Each regional library received:

- Black's Law Dictionary, 8th edition,
- Essential human rights cases, 2nd edition, by S. Nash,
- A Bible and a Koran and one amended Constitution of the Republic of Uganda.
- A set of Laws of Uganda, 2001- 2006
- A comprehensive index to laws of Uganda and the amended KALR's Civil Practice legislation of Uganda.
- Eight copies of human rights publications from the Office of the United Nations High Commissioner for Human Rights, and
- A pack of Commonwealth National Human Rights Project publications.

1.13.3 Commission website: (www.uhrc.ug)

The Commission website provides basic information about the Commission, its various activities, the different publications such as the annual and periodic reports, inspection reports, position papers, tribunal decisions, the cause list, *Your Rights* magazine, Press releases and current news about the Commission. The website was re-designed and developed afresh. This has improved the navigation, functionality and appearance of the site.

1.14 Recommendations

1. The Ministry of Justice and Constitutional Affairs should develop a popular version of the Constitution, translate the constitution into local languages and make it accessible to all Ugandans.
2. The Ministry of Education and Sports should introduce the primary school human rights readers to all primary schools in Uganda.
3. All District Local Governments which have not yet established District Human Rights Committees should have them established while those with already established committees should strengthen them.
4. The Uganda Police Force should ensure that Special Police Constables are properly trained not only in policing but also in respect for human rights.

Chapter 2:
INVESTIGATIONS AND RESOLUTION OF COMPLAINTS

2.0 Introduction

This chapter analyzes progress made by the Uganda Human Rights Commission in fulfilling its constitutional mandate as provided in article 52 (1) (a) of the Constitution. It states that the Commission shall have the following functions;

(a) to investigate at its own initiative or on a complaint made by any person or group of persons against the violation of any human right.

In 2007, the UHRC received, investigated and referred a number of human rights complaints to other institutions. Some of the complaints registered were brought in by complainants while a couple of others were initiated by the Commission. In previous annual reports issued by the Commission, complaints which were referred to other institutions were not analyzed. This chapter analyzes both complaints by the Commission and those referred to other institutions. Institutions where such allegations of human rights violations have been referred include; the Courts of law, Ministry of Gender, Labour and Social Development, Family and Children Courts, Legal Aid Project, Public Defenders Association, Inspector General of Government, Local Councils, Ministry of Lands and Urban Development, Probation and Welfare officers, Uganda Police Force and Amnesty Commission, among others.

2.1 Complaints received and complaints handled in 2007

During the period under review, the Commission registered a total of **924** complaints as compared to **1,222** registered in 2006 and **554** lodgements compared to **824** received in 2006. As can be noted, there was a significant decline in the complaints and lodgements registered during the reporting period compared to the previous year of **311** complaints, representing 25% decline. The complaints were registered at various Commission regional offices as follows: - Central **183**, Gulu **102**, Soroti **262**, Moroto **61**, Jinja **133**, Mbarara **99** and Fort Portal **84** as shown in table 2.1 below. Furthermore, during the reporting period, the Commission referred a total of **2412** complaints to various institutions.

The Commission receives all sorts of complaints and has a duty to ensure that these complaints are filtered to determine which complaints disclose a *prima facie* violation and those that require intervention by other institutions. Complaints are those which on their face, reveal a human rights violation and which fall within the jurisdiction of the Commission. Lodgements refer to those cases, which, depending on the findings, are difficult to determine whether they constitute human rights violations or not. Even in complaints, after preliminary investigations, the Commission must decide whether to continue with the complaint or not; to refer the matter to other appropriate institutions or to close the complaint file. In most cases, lodgements are registered for purposes of referral to other institutions that can handle them more appropriately.

The reduction in complaints received by the Commission in 2007 could be attributed to a number of factors including; the application of strict admissibility criteria and the change of address for receipt of complaints (complaints are no longer received at the Commission Headquarters; they are only received in the regions) and the improved security situation in northern Uganda and Karamoja.

Table 2.1: Comparison of complaints and lodgements registered with the Commission in 2006 and 2007 at various offices

Regional Office	No. of Complaints registered in 2006	No. of Lodgements registered in 2006	No. of Complaints registered in 2007	No. of Lodgements registered in 2007
Central	327	21	183	16
Gulu	114	33	102	13
Soroti	255	31	262	00
Moroto	105	72	61	52
Jinja	181	34	133	23
Mbarara	144	618	99	447
Fort portal	96	15	84	03
Total	**1,222**	**824**	**924**	**554**

2.2.1 Nature of Complaints registered in 2007

The nature of complaints registered by the Commission varies but has been consistent over the years. In the year 2007, the complaints registered at the Commission's various regional offices are contained in the table below:

Table 2.2 Nature of Complaints registered at various UHRC Regional Offices

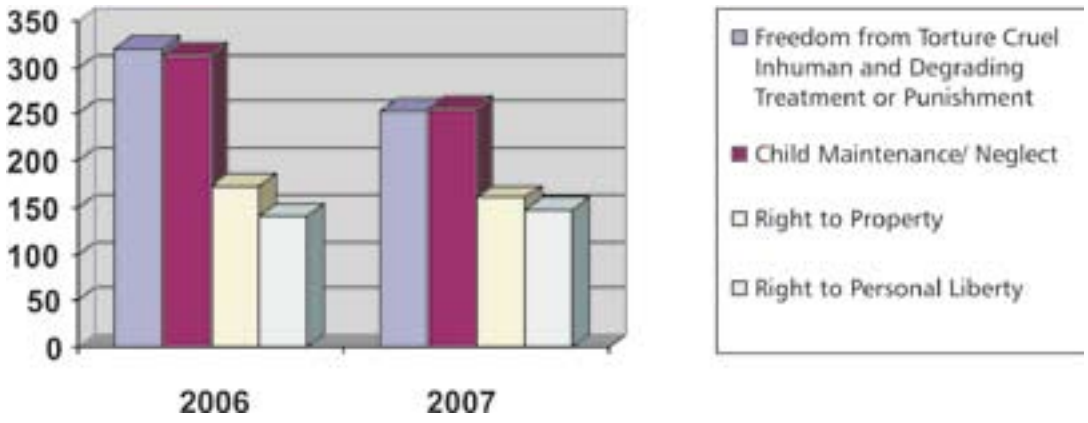
Alleged Violations	Central	Gulu	Moroto	Soroti	Jinja	Mbarara	Fort Portal	Total	%
Children's rights	47	20	29	64	30	29	37	256	23.836%
Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment	66	32	18	36	38	39	25	254	23.65%
Right to Property	29	9	3	63	27	14	15	160	14.898%
Right to Personal Liberty	50	14	2	16	19	32	14	147	13.687%
Education	23	-	6	10	3	7	25	74	6.890%
Fair hearing & speedy trial	16	8	1	11	13	1	1	51	4.748%
Right to life	3	6	2	4	4	2	7	28	2.607%
Workers rights	11			4	8		4	27	2.514%
Privacy	2				2			4	0.372%
Non discrimination	1	4			3			8	0.745%
Healthy and clean environment	2				2		2	6	0.559%
Freedom of Expression and Assembly	1							1	0.093%
Freedom of worship	-			1	2			3	0.279%
Right to shelter	1			2				3	0.279%
Fair treatment in administrative decisions	2				4		2	8	0.745%
Right to marry				1				1	0.093%
Right to health							2	2	0.186%
Economic rights		4						4	0.372%
Others				37				37	3.445%
Total	**254**	**97**	**61**	**249**	**155**	**124**	**134**	**1074**	**100%**

As can be seen from the two tables above, the number of complaints registered is less than the nature of the complaints registered because one complaint registered can reveal more than one human rights violation. Violations of children's rights and the freedom from torture, cruel inhuman and degrading treatment or punishment are the highest, followed by violations of the right to property and liberty among other violations.

Table 2.3 Trends in the nature of complaints registered in 2006 and 2007

Violations/ Abuses	Total 2006	Total 2007
Child Maintenance/ Neglect	313	256
Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment	320	254
Right to Property	172	160
Right to Personal Liberty	141	147
Right to education	82	74
Right to a fair hearing & Speedy trial	65	51
Right to Life	49	28
Workers rights	48	27
Privacy	2	4
Non discrimination	6	8
Right to a healthy and clean environment	4	6
Freedom of Expression and Assembly	1	1
Freedom of worship	1	3
Right to shelter	3	
Fair treatment in administrative Decisions		8
Right to a family	1	
Right to health	2	
Economic	4	
Others	18	37
Total	**1222**	**1074**

Graph A: Top 4 Complaints in 2006 and 2007



The trends in the nature of human rights violations have been consistent over the years. Although there was a general decline in the magnitude of the complaints received, the trend remained the same. Violations of children's rights and the freedom from torture, cruel inhuman and degrading treatment or punishment are the highest, followed by violations of the right to property and liberty.

Soroti, Central and Fort Portal Regional offices registered the highest number of cases of child maintenance. Most allegations of torture were registered at the Central Regional office, followed by Mbarara Regional office. Violations of the right to property were mostly from Soroti, Central and Jinja Regional offices. Violations of the right to personal liberty were mostly registered in Central, Mbarara and Jinja regional offices.

2.3 Some regional trends

At the Fort Portal Regional Office, the human rights violation most registered was that of child maintenance with 36 complaints. Other complaints most received at the Fort Portal regional office included the right to freedom from torture or cruel, inhuman or degrading treatment or punishment followed by the right to education. There was an increase in almost every complaint registered at Fort Portal Regional Office compared to last year and this could be attributed to the following reasons:-

- Increased accessibility to the regional office through the newly created human rights desks which receive and refer cases.
- Increased cases of breakdown in relationships and denial of parenthood
- High poverty levels among families which make it difficult for some parents to meet all the needs of their children.

There was a marked reduction of complaints at the Moroto Regional Office. In the year 2007, only 61 complaints and 52 lodgements were received compared to 90 complaints and 72 lodgements received in 2006. Maintenance cases were 41 in 2006 but decreased to 29 in 2007, freedom from torture cases were 23 in 2006 but reduced to 18 in 2007, right to education cases were 12 in 2006 but reduced to only 06 in 2007, right to property were 16 in 2006 but reduced dramatically to only 03 in 2007, illegal detention (liberty) were 08 in 2006 but reduced to only 02 in 2007, the right to life were 03 in 2006 but reduced to 02 in 2007 and the right to a fair hearing remained constant with 1 case in both 2006 and 2007.

Table 2.4 Nature of some of the complaints referred to other institutions

Complaint	Central	Gulu	Moroto	Soroti	Jinja	Mbarara	Fort portal	Total complaints referred
Land Matters				43	25		104	172
Labour Issues		2	18	2	51		14	87
Child Rights			4	15	3		136	158
Corruption issues		7	10	21	7		80	125
Access to Justice		142	3	16	24		97	142
Private Disputes, Debts				2			30	32
Humanitarian Aid							3	3
Cultural Issues							1	1
Abduction			5				11	16
Property rights		3	10	1	18		11	43
Family issues				3	8		46	57
Intimidation							1	1
Incest							1	1
Taxation issues							1	1
Debt							1	1
Right to know HIV status							1	1
Loan Matters							5	5
Rape				1			1	2
Health matters			1				1	2
Human Rights training							1	1
Clean environment							1	1
	844	**154**	**51**	**104**	**136**	**654**	**547**	**2490**

There could be various reasons explaining the marked reduction of complaints registered at the Moroto Regional Office for specific violations reported and they include:-

- Following dialogue between army authorities, the Commission and other partners such as OHCHR, the army has exercised some degree of restraint and has been more respectful to human rights when conducting cordon and search operations.
- Increased security in Karamoja meaning less raids and human rights violations.
- The Karimojong prefer their traditional justice system of "ametho" to the formal justice system. This attitude has impacted on the number of complaints against human rights violations reported to the regional office.

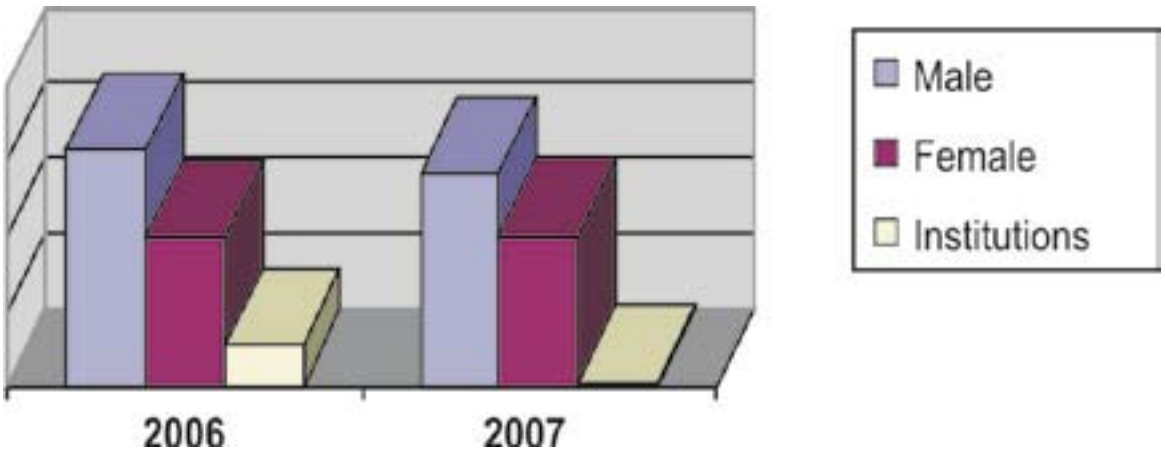
At the Jinja Regional Office as at the end of December 2007 only 133 had been registered, posting a decline in complaints registered in the previous year with 181 complaints. A total of 38 complaints were registered on the violation of the right to freedom from torture or cruel and in human or degrading treatment or punishment, 28 on child maintenance, 27 on the right to property, 19 on the right to personal liberty. Other rights registered at the Jinja regional office include; the right to education, the right to a fair hearing, right to life, right to remuneration, access to a child, workers rights, right to fair treatment in administrative decisions and freedom of worship.

The table above reveals that the Commission receives a wide range of complaints. However as table 2.4 above shows, some of the complaints including those of a human rights nature are referred to other institutions which are better placed to handle them. This is done in order to ensure that complainants receive speedy justice.

Table 2.5 Gender of Complainants in 2006 and 2007

Gender	Central	Gulu	Soroti	Moroto	Jinja	Mbarara	Fort Portal	Total
Male 2006	179	56	150	20	101	82	38	626
Female 2006	125	59	14	40	76	40	40	394
Male 2007	133	88	126	26	86	64	44	567
Female 2007	76	38	136	29	44	35	43	401
Institutions/ other groups 2006	1	00	88	22	00	00	00	111
Institutions/ Other groups 2007	1	00	00	06	03	00	00	10

Graph B: Gender of Complainants in 2006 and 2007



In 2007, the UHRC registered 567 male complainants, 401 female complainants while 10 complainants were from institutions/groups. As illustrated in table 2.5 and Graph B above, more males than females registered complaints at the Commission. However, there was a decline in the number of male complainants in 2007 compared to the previous year. The total number of female complainants slightly increased in 2007 by 7 more compared to the previous year.

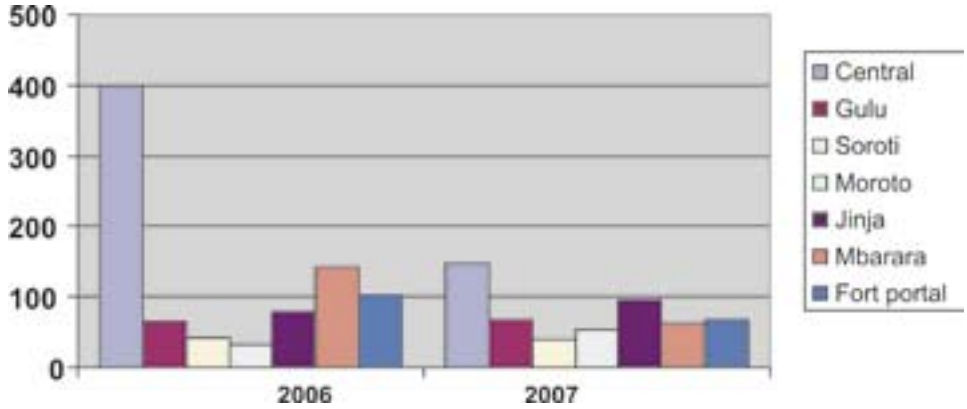
2.4 Complaints investigated in 2007

The Commission investigated a total of 549 complaints in the year 2007. The number of complaints investigated by the Commission during the year under review however declined significantly. Whereas a total number of 861 complaints were investigated in the year 2006, the Commission investigated 549 complaints in the year 2007, 312 complaints less. The implication of this is that whereas the Commission registered a total of 2146 complaints in 2006 and 2007, it was only able to investigate 1410 complaints in both years. Other than the complaints registered in both years, those investigated include a caseload from previous years. The table and the Chart below show the status of investigations at the various regional offices.

Table 2.6: Complaints investigated in 2006 and 2007

Region	No. of Investigations in 2006	No. of Investigations in 2007
Central	399	148
Gulu	65	67
Soroti	41	53
Moroto	32	54
Jinja	80	96
Mbarara	142	63
Fort portal	102	68
Total	**861**	**549**

Graph C: Number of complaints investigated at various commission offices in 2006 and 2007



2.5 Investigations initiated by the Commission in 2007

Apart from the complaints reported by complainants at the various UHRC offices, some investigations to certain complaints were initiated by the Commission. The Central Regional Office initiated investigations into a matter[2] that involved the arrest of 41 persons including Congolese refugees by the Rapid Response Unit (UHRC 165/2007 Kahindo Balile and others

[2] This followed a public statement on the matter by Amnesty International dated 14 September 2007

– and – Rapid Response Unit). It was alleged that on 13th August 2007, the complainants were arrested along Mussajalumbwa Road in Mengo Kisenyi and they were taken to Rapid Response Unit Headquarters at Kireka. That the complainants were tortured while at Kireka and that they were held incommunicado for five days after which they were taken to court.

Three (3) more investigations into complaints of human rights violations were initiated by the Commission through the Jinja regional office. These were;

1. UHRC Jinja vs. District Prisons Commander Kayunga, reference number JJA/90/07,
2. UHRC Jinja vs. Clan leaders of the family of late Musa Kato, reference number JJA/91/07,
3. UHRC Jinja – vs. – SCOUL Lugazi, reference number JJA/128/07

(a) UHRC Jinja vs. District Prisons Commander, Jinja, reference number JJA/90/07

The Commission picked up the matter after The New Vision newspaper of 18th July 2007 carried an article where the Member of Parliament for Ntenjeru North constituency, Hon. Sarah Nansubuga Nyombi, decried poor sanitation in the prisons cells in Kayunga District and the high levels of torture of inmates by prison warders.

The Commission investigated the allegations and its preliminary findings indicated that the matter required more of inspections than investigations. A number of recommendations were made by the Commission after inspections and the living conditions in the prison and that of inmates has since improved. The file has been recommended for closure.

(b) UHRC Jinja vs. Clan leaders and elders of the family of the late Musa Kato, reference number JJA/91/07

Investigations into the matter followed a story run in the Bukedde newspaper of Wednesday, 11th July 2007 on page 15 in which it was alleged that two orphans namely, Kwagala Nantume (12 years) and Rose Namale (8 years) daughters of the late Musa Kato of Buligobe Village, Namawojolo in Mukono district had been chased away from their late parents' home by clan leaders and elders. That the elders and clan leaders shared all the properties of their late parents after the last funeral rites and afterwards chased them away, leaving their young siblings unattended to. Police at Kawempe reportedly picked them on the way as they were walking along the road, looking for their grandmother, who was believed to be staying in Bulemezi County, Luwero district. That police later gave them money for transport to Kalule Village, Bulemezi County, Luwero District to enable them link up with their grandmother.

The Commission took up the matter as the allegations exhibit violations of the right to property, granted under Article 26 of the constitution; and are in contravention of Article 34(7), which accords special protection to orphans and other vulnerable children.

Preliminary investigations kicked off and requests for more information were made to the area Local Council I Chairman to assist with any useful information, including the whereabouts of the alleged clan leaders and elders, the victims and other orphans, the truth in the story, and any other information relevant to the investigations. By the time of writing the report, investigations into the matter had not been concluded.

(c) UHRC Jinja vs. SCOUL Lugazi, reference number JJA/128/07:

The New Vision newspaper of November 14th, 2007 carried a story that the General Manager for Works, Sugar Corporation of Uganda – Lugazi (SCOUL) one Mr. Ohar Malingam, had mistreated one of his employees Mr. Steven Kyalo in the Sugar Milling Chamber for failing to reduce the speed of the turbine. It was reported that the manager beat up the victim into a state of unconsciousness, who (the victim) was then admitted at Kawolo Hospital. It was further reported that the victim had sustained injuries as a result of beatings.

The Commission categorized this violation as "inhuman treatment at work" and opened up a file, conducted investigations at the factory and took a statement from the victim. The victim revealed that he had been beaten into comma but that he wanted to settle the matter amicably out of court, with the respondent and the company. He requested the Commission to close the file.

2.6 Challenges faced during investigations in 2007

The Commission faced a number of challenges during investigation of complaints in 2007.

These included;

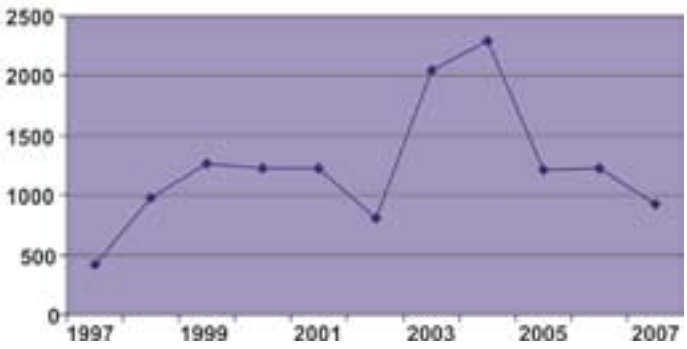
1. Difficulties in locating witnesses due to lack of clear contacts.
2. Delayed response to the Commission's inquiries by some respondents, complainants and witnesses.
3. Due to language barriers, investigations are at times done through an interpreter.
4. Insecurity in some areas such as Bundibugyo, Karamoja, parts of Acholi Sub Region and Kibaale District.
5. Outbreak of disasters and epidemics such as floods and Ebola respectively.
6. In Karamoja generally, there are peculiar reasons inhibiting effective and timely investigations of complaints received and/or reported to the Commission. They include; cultural beliefs that favour the traditional justice system as opposed to the due process of the law; some people fear retribution and it was not possible to access some places due to the prevailing insecurity in the area and floods that hit the region in 2007.

2.7 Analysis of the complaints received since the establishment of the Commission

Table 2.7 Number of complaints registered since 1997

Year	Number
1997	414
1998	981
1999	1,265
2000	1,223
2001	669
2002	812
2003	2,050
2004	2,294
2005	1,208
2006	1,222
2007	924
Total	**12696**

Graph D: Number of complaints registered since 1997



2.7.1 Trends in Complaints Registered and Reasons

As can be noted from table 2.7 and graph D above, there has been a decline in the complaints registered. Worth noting is that human rights cases registered by the Commission declined during the reporting period from 1222 in 2006 to 924 in 2007. A number of reasons could be attributed to this decline such as streamlining the complaints handling system at the Commission and the impact of human rights sensitization programs to the public and security forces.

Table 2.9: Nature of complaints registered by the Commission since 1997

Violations/ Abuses	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
Child rights	30	218	199	284	321	137	319	328	176	311	256	2,579
Right to Personal Liberty	111	226	345	273	129	110	277	416	158	136	147	2,328
Freedom from torture or cruel, inhuman or degrading treatment or punishment	21	44	69	93	149	115	334	622	286	264	254	2,251
Right to Property	23	15	10	9	138	91	349	488	256	172	160	1,711
Right to remuneration	24	160	250	210	137	120	199	100	67	41		1,308
Right to a fair hearing	69	101	116	79	110	82	98	84	59	65	51	914
Freedom from Cruel or Inhuman or Degrading Treatment or Punishment	35	114	158	102	179	72	120	14	44	66	-[3]	904
Right to education	2	26	35	37	18	37	90	154	73	82	74	628
Right to Life	7	53	41	41	32	45	66	62	48	49	28	472
Workers rights	10	7	34	10	-	-	20	4	8	7	5	105
Freedom from discrimination	-	-	4	3	5	-	60	12	7	10	8	109
Pension	43	-	-	-	-	-	4	2	-	-	-	49
Domestic Violence	-	-	-	3	6	0	20	-	11	-	-	40
Economic rights	19	-	-	5	-	-	3	-	-	5	4	36
Minority rights	7	1		10			23				-	41
Refuge rights	8	10	-	-	-	-	12	-	-	-	-	30
Right to Privacy	-	-	-	6	2	3	8	1	3	2	4	29
Freedom of Expression and Assembly	2	3	-	3	1	-	-	1	4	1	1	16
Right to medical care	-	-	-	10		-	-	2	-	-	-	12
Right to a healthy and clean environment	-	-	3	4	-	-	2	-	-	4	06	19
Right to shelter	-	-	-	10	-	-	11	1	-	-	3	25
Paternity rights	-	-	-	10	-	-	8	-	2		17	37
Prisoners rights				6	-	-	-	-	-	-	8	14
Right to vote	-	3	1	1	-	-	9		-		-	14
Office Abuse	-	-	-	5	-	-	7		-	-	-	12
Right to Health	-	-	-	1	-	-	-	1	3	4	2	11
Freedom of worship	-	-	-	5	-	-	5		-	1	3	14
Women's rights	2	-	-	-		-	-	2	-	-	8	12
Freedom from Servitude	-	-	-	-	-	-	-	-	3	2	6	11
Defamation	-	-	-	2	-	-	6	-	-	-		8
Citizenship	1		-	-	-	-	-	-	-	-		1
Right to food	-	-	-	1	-	-	-	-	-	-		1
Total/per year	**414**	**981**	**1,265**	**1,223**	**1227**	**812**	**2050**	**2,294**	**1,208**	**1,222**	**1074**	**13770**

2.8 Major respondents of human rights complaints registered per region in 2007

The major respondents in complaints filed at the various Commission regional offices included private individuals, Uganda Police Force, Uganda People's Defence Forces, private companies,

[3] The Commission has started to combine the right to freedom from torture with cruel, in human or degrading treatment or punishment as the two constitute one right

Uganda Prisons Services, Violent Crime Crack Unit, Chieftaincy of Military Intelligence, Joint Anti-Terrorism Task Force, Judiciary, LDUs, ISO, Local Government, private security companies, Government departments and other Government institutions. As was the case in 2006, major respondents in complaints filed at the Commission in the year 2007 were private individuals with 501 complaints against them. Also as was the case last year, the highest number of respondents in the context of institutions was the Uganda Police Force with 228 complaints against it, followed by the UPDF with 88, then VCCU now RRU with 43, Private Companies with 41, Uganda Prisons Services with 35, then Local Governments and other Government Institutions. (See table 2.9 below)

Table 2.9 Categorization of Respondents – Violations by Institution

No	Respondents	Central	Gulu	Soroti	Jinja	Moroto	Mbarara	Fort-Portal	Total
1	Private Individuals	77	63	154	64	37	37	51	501
2	Uganda Police Force	60	20	37	37	03	34	23	228
3.	UPDF	07	35	12	02	21	04	07	88
4.	VCCU	17		05	13		08		43
5.	Private companies	14		02	22			03	41
6.	Uganda Prisons Services	06	04	06	09		08	02	35
7	Local Government	02	03	03	10		7	06	32
8	Government Institutions	04		01	04		01	01	19
9	Government Departments	02	01	06					09
10.	CMI	06							6
11.	LDUs includes local militias						06		6
12.	JATT	04							4
13.	ISO	02					01		3
14.	Attorney General							02	2
11.	Judiciary						01		1
14.	NGOs e.g.			01					1
17	Security Companies							01	1
	Total	**201**	**126**	**268**	**161**	**61**	**107**	**96**	**1020**

2.9 Counselling for the traumatized

A total of 217 complainants were offered counselling services. This was done at the Gulu Regional Office (128) and Central Regional Office (89). Other Commission regional offices did not offer this service due to lack of personnel specialized in counselling. Those who were offered counselling at the Central Regional Office (89) were either victims of stress, anxiety, depression or trauma. Offering counselling services was found to be necessary as a way of providing psychosocial support. The Commission at times referred some complainants who required further professional counselling, support and treatment to other institutions.

2.10 Resolution of Complaints

In 2007, **61** cases were decided before the tribunal and 42 cases were proven successfully. A total of 38 cases decided before the tribunal were on the right to freedom from torture, representing 62.3% of the total cases decided before the tribunal. Of the 38 torture cases decided before the tribunal, 30 cases were proven successfully representing 79%. Freedom from torture, cruel, inhuman or other degrading treatment or punishment topped the list of the complaints decided by the Commission Tribunal. Other complaints heard and decided

before the tribunal were on right to liberty 22, right to life 8, child maintenance 8 and right to property 5 as shown in table 2.10 below.

Although the total number of complaints decided before the tribunal is 61, the nature of complaints is more as one complaint can reveal more that one violation. For example the right to freedom from torture, the right to liberty and the right to life can all be violated at the same time and thus registered in one complaint. This is the reason why table 2.10 has more complaints than table 2.11.

Table2 .10 Nature of the decided cases before the tribunal by region in 2007

Region	Torture	Maintenance	Property	Life	Liberty	Total
Mbarara	4		1		2	**08**
Jinja		4		1		**05**
Gulu	16		2	1	10	**29**
Moroto	-	-	-	-	-	**0**
Central	7	2	2	4	04	**19**
Fort Portal	03	01			05	**9**
Soroti	8	01		02	02	**13**
Total	**38**	**9**	**5**	**8**	**23**	**83**

Table: 2.11 Complaints disposed of at the tribunal stage

No	UHRC No.	Parties	Violation	Decision date	Award/ Decision
1.	UHRC 247/2004	Mwesige Edward – and – AG	Torture	January 2007	Matter dismissed for want of prosecution
2.	UHRC 173/2001	Ntale Emmanuel – and – AG	Liberty, Torture	March 2007	Matter dismissed for want of prosecution
3.	UHRC 222/2003	Mutenderwa Faddy –and–Natete Police Stn.	Liberty	March 2007	Complainant awarded UGX 17,000,000 /=
4.	UHRC 117/2004	Okwada Nancy – and – Adoli Joseph	Maintenance	April 2007	Matter dismissed for non appearance of parties
5.	UHRC 104/2002	Namuyomba B. Margaret – and – Musooka Kiberu	Maintenance	April 2007	Matter dismissed for want of prosecution
6.	UHRC 345/2003	Desire Njalwe – and – AG	Liberty	April 2007	Complainant awarded UGX. 2,500,000/=
7.	UHRC 446/2001	Nakijjoba Mariam – and – AG	Life	May 2007	Matter dismissed for want of prosecution
8.	UHRC 22/2004	James Watetena – and – AG	Property, Torture	June 2007	Complainant awarded UGX 5,000,000/=
9.	UHRC 958/2000	Nsubuga Sekibenga – and – Mpigi District	Torture	August2007	Complainant awarded UGX 1,000,000
10.	UHRC 28/2001	Mukasa Salongo – and – AG	Liberty, Torture, Property	August 2007	Matter dismissed for want of prosecution
11.	UHRC 313/2004	Kalanzi Christine – and – AG	Life	August 2007	Complainant awarded UGX. 12,600,000/=

No	UHRC No.	Parties	Violation	Decision date	Award/ Decision
12.	UHRC 1163/2000	Collins Oribi – and – AG	Life	September 2007	Matter dismissed for want of prosecution
13.	UHRC 388/2002	Sulaiman Kakomo – and – AG	Life	September 2007	Complainant awarded UGX 10,000,000/=
14.	UHRC 55/2003	Kibate Joseph (Gwiita Maureen) –and– AG	Torture	September 2007	Complainant awarded UGX 16,350,000/=
15.	UHRC 462/2003	Begumanya Bosco Etal Vs. Attorney General	Torture	289/08/2007	Complainant awarded 1,800,000/=
16.	SRT/91/2003	Olupot Stephen And A.G	Torture, inhuman and degrading treatment	31/08/2007	Complainant awarded UGX 8,000,000/=
17.	SRT/55/2000	Ewalu Peter And Ojakol William	Torture, cruel, inhuman and degrading treatment	19/03/2007	Case dismissed for want of prosecution.
18.	SRT/243/2004	Akello Gladys And A.G	Torture, cruel, inhuman and degrading treatment	30/07/2007	Complainant awarded UGX 4,000,000/=
19.	SRT/411/2004	Okwalinga Levi And A.G	Torture, cruel, inhuman and degrading treatment	12/04/2007	Case dismissed for want of prosecution
20.	SRT/36/2005	Among Jessica And Ekutu Charles	Maintenance	11/04/2007	Complainant awarded UGX 200,000/=
21.	SRT/19/2005	Alubo Stella & A.G	Torture, cruel, inhuman and degrading treatment	12/06/2007	Complainant awarded UGX 5,000,000/=
22.	SRT/253/2003	Kubai Alex et al And A.G	Torture, cruel, inhuman and degrading treatment and liberty	12/06/2007	Complainant awarded UGX 41,000,000/=
23.	SRT/438/2004	Etimu Opio Sam And A.G	life	1/11/2007	Complainant awarded UGX 20,000,000
24.	SRT/24/2004	Malisa Ernest And A.G	Torture, cruel, inhuman and degrading treatment and Liberty	2/11/2007	Complainant awarded UGX 17,000,000/=
25.	SRT/61/2005	Oluka Edison And A.G	life	2/11/2007	Complainant awarded UGX 20,000,000/=
26.	FPT/25/05	Tusiime Bruce - And- AG	Liberty	28.8.07	Complainant awarded UGX 18,000,000/=
27.	FPT/70/02	Masereka Venesio And AG	Liberty	13.6.07	Complainant awarded UGX 3,000,000/=
28.	FPT/51/04	Byaruhanga Yusuf –and – AG	Liberty Torture	28.8.07	Complainant awarded UGX 7,000,000/=
29.	FPT/96/03	Asimwe William – and – AG	Liberty	27.4.07	Dismissed for loss of interest by complainant
30.	FPT/5/04	Kisembo Milton –and- AG	Liberty Torture	13.6.07	Complainant awarded UGX 7,000,000/=
31.	FPT/30/04	Yongiri Tadeo –and- AG	Torture	4.5.07	Complainant awarded UGX 10,000,000/=
32.	FPT/115/03	Hadijja K. Hussein and Hajji Shaban Kabagambe	Maintenance Education	24.7.07	Consent Judgment filed
33.	S/243/2004	Akello Gladys Vs. Attorney General	Torture	30/07/2007	Complainant awarded 4,000,000/=

S/No	UHRC No.	Parties	Violation	Decision date	Award/ Decision
34.	G/132/2004	Atare Vinansio And Attorney General	Torture Liberty	26/09/2007	Complainant awarded UGX 1, 000.000/=
35.	G/55/2004	Nimanoni O. Okidi And Attorney General	Liberty Torture	20/08/2007	Complainant awarded UGX 20.000.000 /=
36.	G/110/2004	Pte. Felix Byamugisha And Attorney General	Torture	06/02/2007	Complainant awarded UGX 18.000.000/=
37.	G/150/2004	Okello V. Lajany And Attorney General	Torture Liberty	24/09/2007	Complainant awarded UGX 23.000.000 /=
38.	G/127/2004	Opio Nicholas And Attorney General	Torture	16/04/2007	Complainant awarded UGX 5.000.000/=
39.	G/64/2004	Madara Alex Vs. Attorney General	Torture Liberty	15/05/2007	Complainant awarded UGX 18.000.000/=
40.	G/335/2003	Kocheng N. Odongmon And Attorney General	Torture	15/05/2007	Complainant awarded UGX 2.000.000/=
41.	G/74/2004	Ebong Levi Vs. Attorney General	Torture Life	29/10/2007	Complainant awarded UGX 30.275.000/=
42.	G/643/1998	John B. Bongomin Vs. Attorney General	Torture	29/10/2007	Complainant awarded UGX 5.000.000/=
43.	G/07/2004	Omach Robert Vs. Attorney General	Torture Liberty	29/10/2007	Complainant awarded UGX.5.500.000/=
44.	G/295/2002	Ojok Richard Vs. Attorney General	Torture	29/10/2007	Complainant awarded UGX 20.000.000/=
45.	G/145/2004	Simon Okema Vs. Attorney General	Torture Liberty	29/10/2007	Complainant awarded UGX 13.000.000/=
46.	G/253/2003	Ouma Christopher Vs. Attorney General	Liberty	15/05/2007	Complainant awarded UGX 3.000.000/=
47.	G/068/2004	Leza Nicholas Vs. Attorney General	Torture Liberty	15/05/2007	Complainant awarded UGX 8.000.000 /=
48.	G/62/2004	Apire Michael Vs. Attorney General	Torture Liberty, Property	23/08/2007	Complaint dismissed for want of prosecution
49.	G/163/2003	Kony William Odera Vs. Attorney General	Property		Dismissed for want of prosecution
50.	G/75/2002	James Bongo Etal Vs. Attorney General	Torture	26/04/2007	Each Complainant awarded 200,000 for violation of their right to freedom from torture
51.	G/68/2003	Oculi David Livingstone Vs. Attorney General	Torture	15/05/2007	Complainant awarded 500,000/=
52.	J/98/03	Naluwairo Edith Vs Baize John	maintenance	3/10/07	Closed for lack of interest
53.	J/76/05	Nabukalu Robinah Vs Magezi Umar	Maintenance	3/10/2007	Closed for lack of interest
54.	J/114/05	Omar Fundi Vs A.G	Deprivation of life	2/10/07	Dismissed for want of prosecution
55.	J/71/2004	Jamal Naji Vs Otim Simon Peter	Maintenance	26/2/2007	Dismissed for want of prosecution

No	UHRC No.	Parties	Violation	Decision date	Award/ Decision
56.	J/113/2004	Namono Juliet -and- Omuria Julius	Maintenance	26/2/2007	Dismissed for want of prosecution
57.	MBA/125/2003	Tumubwine Margaret Vs. Rwenzori Highland Tea Co.Ltd	Torture and Personal Liberty	25/07/07	Dismissed for want of prosecution
58.	MBA/241/2003	Muhumuza Isaac Vs Attorney General	Torture	14/08/07	Complainant awarded 30,000,000/= as follows; - Violation of the right to freedom from torture 25,000,000/= - Exemplary damages 5,000,000/=
59.	MBA/082/2002	Alifunsi Nyirankwaya Vs Attorney General	Torture, personal Liberty and deprivation of property	23/08/07	Complainant awarded 12,515000/= as follows; -Violation of personal liberty 10,000,000/= -Violation of the right to protection from torture 2,500,000/= -special damages 15,000/=
60.	MBA/176/03	Kyobuzare Vanny Vs. Mpakaryari Joseph	Maintenance	19/03/2007	1. Respondent to give complainant100,000/= per term as school fees 2. Complainant to provide shelter 3. Complainant to pay 20,000/= for food 4. Complainant to pay 20,000/= pocket money
61.	MBA/308/01	Fred Bekunda Vs. Ntungamo Town Council	Torture	20/12/2007	Complaint dismissed with costs due to want of prosecution

In 2007, the Commission Tribunal heard and concluded 61 complaints, which included the backlog of complaints for the previous years. The 61 concluded complaints were disposed of as follows: 44 complaints were successfully heard and various remedies made to victims, 2 were time barred and 15 cases were dismissed for various reasons such as lack of interest/ want of prosecution, lack of evidence and lack of jurisdiction. Table 2.12 below is a summary of complaints disposed of by the Commission at various regional offices.

Table 2.12 Complaints decided by the Tribunal in 2007 at various regional offices

Tribunal Cases	Central	Gulu	Soroti	Mbarara	Fort portal	Jinja	Moroto	Total
Sub-Total	15	18	11	05	07	05	00[4]	61

[4] Moroto regional office had no complaints disposed in 2007

Table 2.13 Major respondents in the cases decided before the tribunal by Institution in 2007

Region	Torture	Maintenance	Property	Life	Liberty	Total
Uganda Police Force	14		2	2	15	33
UPDF	17		2	4	07	30
Private Individuals	01	09				10
Local Government/ Administration	02					02
Uganda Prisons Service	2			1		3
VCCU/RRU	03				01	4
CMI	02		01			3
Wild Life Authority	01			01		2
Total	**42**	**9**	**5**	**08**	**23**	**87**

As can be seen from the table above, the Uganda Police Force is leading other institutions in the cases decided by the Commission Tribunal with 33 respondents, closely followed by the Uganda Peoples' Defence Forces with 30 respondents, then private individuals, VCCU/RRU, CMI and Local Governments follow in a descending order.

2.10.1 Commission Tribunal Awards

The Commission awarded a total of **Ug. Shs. 445,440,000 (Four Hundred Forty Five Million, Four Hundred Forty Thousand Shillings Only)** to victims of human rights violations in the year 2007. Among the decided cases were 30 complaints of torture that were proved successfully. Awards to torture victims alone attracted **322,790,000/=** representing **72.5%** of the total awards in 2007. The implication of this is that torture cases are costly, causing a taxpayer to lose money in terms of compensating victims of human rights violations. The trends in the violation of the right to freedom from torture have been consistent for the last consecutive three years and government has to find a solution to this problem.

Table 2.14 Awards that were made against different institutions

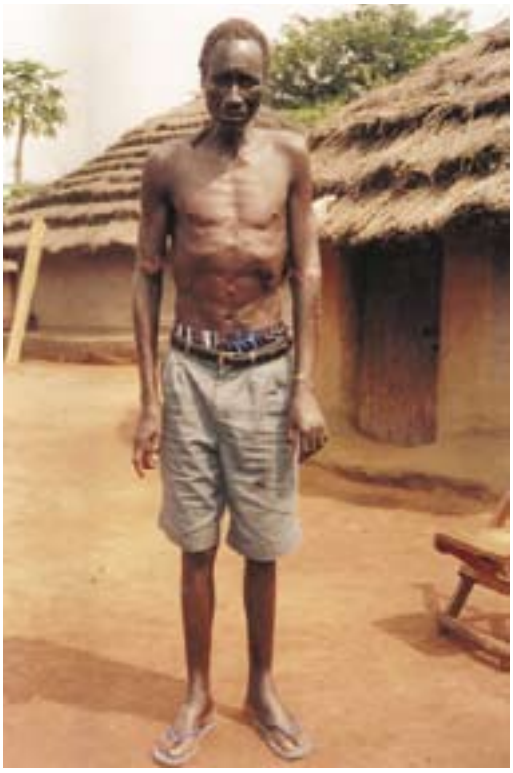
Institution	Amount warded	Percentage
Attorney General	444,240,000	99.73%
Local Government Administration	1,000,000	0.22%
Individuals	200000	0.045%
Total	445,440,000	100%

The table above shows that most awards in the year 2007 were against the Attorney General, with minor awards against individuals and the local governments. A total of 444,240,000 Ugandan Shillings was awarded against the Attorney General representing 99.73% of the total awards by the Commission Tribunal in the year 2007. Furthermore, by the time of publication of this report, there was no clear indication from the Ministry of Justice and Constitutional Affairs on how many complainants had been compensated and/or paid damages as ordered by the UHRC Tribunals for violations of human rights in 2007.

2.10.2 Part-Heard Complaints

Table 2.15 Part Heard Complaints at Various Regional Offices

Tribunal Cases	Central	Gulu	Soroti	Mbarara	Fort portal	Jinja	Moroto	Total
Sub total	76	21	26	09	24	00	24	**180**



Mzee Maurensio Paito who was tortured by UPDF soldiers in July 2003

As can be seen from table 2.16 above, a total of 180 cases were part heard at various regional offices except Moroto as compared to 186 part heard the previous year. The Central Regional Office registered the highest number of part heard cases 76, followed by Gulu 26, Mbarara and Soroti with 24 each and then Jinja with 21 cases. There is need to dispose of the various part heard complaints at the Commission in a speedy manner so as to dispense justice.

2.10.3 Challenges faced in tribunal hearings in 2007

There was a reduction in the number of cases disposed by the tribunal and part heard by the tribunal as compared to those in 2006. In 2006, the Commission resolved 82 complaints at the tribunal and there were 186 cases which were part heard. In 2007, the Commission only resolved 61 cases at the tribunal and 180 cases were part heard. This was largely attributed to a number of challenges which included the following:

- Tribunals have not sat in Karamoja since the Commission's inception. This is partly because of the insecurity and the reluctance of the Attorney General's Chambers to send State Attorneys to Karamoja.
- Some members of the Commission were indisposed to hear cases. Two members of the Commission namely Rev. Prof. Waliggo and Mr. Adrian Sibo fell ill. Furthermore, there was no replacement of one member of the Commission when the contract expired in August 2007.

Besides, the tribunal hiccups, the process of payment of compensation to victims of human rights violations by the Attorney General is very slow.

2.10.4 Mediation of complaints

The Commission in the year 2007 mediated a total of 249 cases most of which related to the right to maintenance and family related rights. Mediation of cases was carried out at various UHRC Regional Offices as follows:

Table 2.16: Number of cases mediated in 2007

Mediated Cases	Central	Gulu	Soroti	Mbarara	Fort portal	Jinja	Moroto	Total
Number	36	37	06	14	39	49	68	**249**

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 complaints mediated involved property rights, remuneration and gender rights. The table below shows the nature of complaints mediated in 2007 at various UHRC offices.

Table 2.17: Nature of complaints mediated in 2007

S/N	Nature of Complaint	Central	Jinja	Gulu	Fort Portal	Mbarara	Moroto	Soroti	Total
1	Maintenance	42	14	04	12	21	42	49	184
2	Property		09			17		15	41
3	Remuneration	11	07	01					19
4	Inhuman treatment		05						5
5	Education	23	05		09		07	08	52
6	Religion		01						1
7	Child Custody		01						1
8	Unfair Administrative Decision		03					01	4
9	Child Abuse		01						0
10	Shelter	01							2
11	Access to a Child				01				1
12	Settlement							01	1
13	Right to found a family							01	1
14	Equal rights in marriage							02	2
	Total	**77**	**46**	**5**	**22**	**38**	**49**	**77**	**314**

As can be seen in table 2.17 above, Soroti and Central Regional Offices mediated the highest number of complaints, which were mostly to do with child maintenance, the right to education, property and remuneration. Mediation is carried out to enable parties reach a mutually agreed and amicable solution through signing a Memorandum of Understanding (MOU).

2.11 Recommendations

1. Complainants are urged to provide proper addresses when they file a complaint and to inform the UHRC the change in address when they move to new places.
2. UHRC appeals for cooperation from the various government institutions whose timely response to matters being investigated is crucial for the quick disposal of complaints.
3. The UHRC urges the Ministry of Justice and Constitutional Affairs to put in place a mechanism where victims of human rights violations are compensated promptly. It should consider setting up a compensation fund for victims of human rights violations.
4. As recommended in the 9th and other Commission reports, Parliament should enact a law prohibiting acts of torture, inhuman and degrading treatment or punishment. Furthermore, the UHRC still recommends that individual officers who perpetrate acts of human rights violations should individually be held responsible by criminal prosecution among other things. There is need, as has been recommended before, to ratify the OPCAT.
5. The renewal of contracts of members of the Commission or the appointment of new members of the Commission should be promptly handled in order not to cripple the activities of the Commission.

Chapter 3:
ASESSMENT OF THE CONDITIONS OF INMATES

3.0. Introduction

In the year 2007, the UHRC visited and inspected 194 places of detention throughout the country and assessed the conditions of inmates. The detention places visited and inspected included prisons, police cells and remand homes. In its 9th Annual Report, the Commission focused on military detention centres. In this annual report, the Commission focuses on the conditions in central government prisons and police cells. This chapter further highlights the Commission's assessment of the prison conditions in light of the international, regional and national obligations.

3.1 Positive Developments

The UHRC noted some positive developments in the human rights situation of inmates such as the Prisons Act, 2006 and improvements in infrastructure, hygiene, food and clothing. These positive developments could partly be credited to the prison leadership which is aware of and respectful to human rights. The prison administration has tried to put in place policies that promote and protect the rights of inmates. This has been strengthened by the number of human rights training programs conducted for prison staff to build their capacities in human rights.

3.1.1 Prisons Act, 2006

The UHRC has noted improvement in the human rights situation of inmates especially with the enactment of the Prisons Act, 2006 which, is a human rights based legislation. The Act recognizes the rights and freedoms of inmates. The merger of the Central Government prisons with Local Administration prisons has also helped to bring prison administration under one management. As noted in the 9th Annual Report, this was a positive step, given the numerous challenges that were facing the Local Administration Prisons.

3.1.2 Improvements in infrastructure, hygiene, food and clothing

The UHRC commends the improvements in infrastructure and hygiene, especially in women's detention facilities, food quantity and improved clothing for some of the prisoners. The Justice, Law and Order Sector (JLOS) has been at the forefront of either renovating or constructing decent detention facilities for inmates with due regard to gender. This has been the case at Kirinya Prison in Jinja District, Mbarara and Masindi Women Prisons.

3.2 Places of detention visited

The number of detention facilities inspected by the various Commission Regional offices across the country was spread out as follows; Central Region 26, Gulu 10, Soroti 32, Mbarara 19, Fort Portal 56, Jinja 45 and Moroto 6. (For details see appendix B)

Table 3.1: Number of Places of Detention Inspected by the Commission in 2007

Region	No of prisons inspected	No. of Police stations /posts inspected	Total
Central	23	3	26
Gulu	7	3	10
Soroti	29	3	32
Mbarara	13	6	19
Fort portal	25	31	56
Jinja	18	27	45
Moroto	2	4	6
Total	**117**	**77**	**194**

3.3 Areas of concern

The UHRC is concerned about the detention of suspects for longer than 48 hours, restrictions in access to places of detention, inmate's access to food, medical care, water, clothing, beddings, and persistence of torture, congestion in cells, detention of suspects with convicts and children with adults and the general welfare of both the inmates and prison staff. The UHRC is also concerned that despite the merger of central government prisons to the local administration prisons, the conditions of the inmates are still deplorable due to the fact that the merger was not followed up with the corresponding logistical support. These are highlighted in detail below.

3.3.1 Observance of the 48 hour rule on detention of suspects

Although the UHRC found that the constitutional requirement not to detain suspects in Police custody beyond 48 hours before being produced in court or released on Police bond was being complied with in most Police Stations, it was defied in others. In some Police Posts, suspects continued to be detained beyond 48 hours. The police at these posts attributed this to lack of logistics including transport and communication equipment. In some instances, the police gave an excuse of lack of courts and magistrates to try the suspects. Another excuse given by the police for detaining some suspects for long periods before trial or releasing them on police bond is the fear that if released on police bond, some could be lynched by the mobs. Despite the arguments given by the police for detaining suspects beyond the constitutional requirement, such practice is unconstitutional and a violation of one's rights to liberty and fair hearing.

3.3.2 Access to places of detention

As mandated by the Constitution, the UHRC has accessed most detention places with ease and without notice. However, the UHRC encountered resistance at the Central Police Station, Kampala where we were denied access to certain detention cells suspected to have been holding suspects brought in by other security agencies such as Chieftaincy of Military Intelligence (CMI), Internal Security Organization (ISO) and Joint Anti-Terrorism Task Force (JATT). These "special inmates" can stay in police detention as long as the detaining authority wishes. The Commission sought audience with the Inspector General of Police (IGP) over the matter who, regretted the incident and promised to address it.

3.3.3 Feeding of Suspects/Inmates

The UHRC found that the food provided to inmates is not only insufficient in quantity but also of low nutritional value. Due to poor feeding, some inmates especially those in upcountry prisons appear malnourished. In prisons, food for inmates is provided by the prison administration. Part of this food is produced in prison farms by prisoners and the rest is purchased from the open market. However, in Police Cells there are no clear arrangements to feed suspects by the Police authorities. The suspects depend on the food brought in by their relatives and where relatives are far away, on the good will of the officers in a particular police station/post. This creates an environment for some police officers to extort money from the relatives of the suspects while in other instances suspects have to contribute money to buy food.

3.3.4 Torture in Detention

The UHRC found that inmates are still tortured in detention. It is still common for suspects or inmates to be beaten to the extent of sustaining serious wounds. This is mostly done by either the officers or Katikiros[5] on the instructions of the officers. Cases of torture were found prisons like;

[5] Katikiros is the name given to leaders appointed amongst prisoners



A prisoner who was allegedly tortured by prison warders in Amuria Prison being hospitalized at Amuria Health Centre

Kiburara in Ibanda District, Lwamagwa and Kayanja in Sembabule District, Amuria government prison and Sentema Prison in Wakiso district. Other cases of torture were reported at Soroti Police Station (CPS), Busia CPS in Busia, Kaliro Local Administration Police in Kaliro District, Busesa in Iganga district and Mbale Central Police Station.

There were some extreme cases of torture unearthed by the Commission during inspections last year in Pece, Murchison bay and Sentema. In the former Local Government prison at Pece, Gulu District (Northern Uganda) a juvenile was tortured and denied medical treatment until the Gulu Regional Human Rights Officer intervened and had him taken to hospital. In Central Uganda the Officer in Charge of the Prison tortured an inmate who had attempted to escape. The victim was badly tortured that by the time of the Commission's visitation, the inmate was still being hospitalized in Murchison Bay Hospital Luzira and was unable to walk or stand. The Commission through a letter to the Uganda Prison authorities recommended that the officer involved be removed from the position of command and be made to account for his brutality. In Sentema Prison in Wakiso district, one inmate was found tortured by a Katikiro who was acting on orders of the Officer in Charge (O/C). Both the Katikiro and and O/C were cautioned against torturing inmates.



A UPDF soldier canes a prisoner who was re-arrested after an attempted escape from Arua Prison

3.3.5 Conditions in detention cells/wards

Congestion is a major feature noticeable in most Government Prisons and Police Stations across the country. Most of the detention facilities inspected were found to be housing more inmates than their planned capacity. The prison authorities admit this fact. According to the Commissioner General of Prisons, some prisons accommodate more inmates than their capacity as shown in the table below.

Table 3.2: Inmate population in selected prisons in 2007

Station	Capacity	No. of prisoners	Number of times above capacity
Upper prison	668	2318	3.5
Masaka prison	206	780	3.8
Nakasongola	31	228	7.4
Lira	129	475	3.7
Gulu	140	598	4.3
Ruimi	369	457	1.2
Tororo	582	505	0.8
Isimba	224	414	1.9
Adjumani	210	289	1.4
Mubuku	241	282	1.2

Source: Uganda Prison Services

Efforts were taken by government during the year to construct/renovate prison facilities. These included Kitalya, Mbarara, Moroto, Masaka and Luzira (W) Condemn Section. Furthermore as a strategy to decongest prisons, inter-institutional transfer of prisoners was done by removing prisoners from more congested to less congested units such as from Upper Prison Luzira to Murchison Bay and from reception centres to farms. Revival of release on parole/review of sentences was also undertaken to reduce congestion in 2007. There was also increased coordination with other Criminal Justice Agencies such as Justice, Law and Order Sector which supported construction/renovation of some prisons in 2007.

There is also the problem of dilapidated structures. Some prison structures especially the former Local Administration Prisons pose a risk of collapsing on inmates. In the previous annual reports, the Commission has recommended closure of such prisons, a recommendation that has not been acted upon by the time of writing this report. However, the Uganda Prisons Service has reportedly procured a consultant to study local Government prisons and draw a merger plan.



Zeu police cell, Arua district

Poor hygiene in and around most Prisons is another area of concern. Use of unsafe water sources such as ponds, unprotected springs contribute to outbreaks of water borne diseases in prisons. There are high levels of dilapidation of

water and sanitation systems for example at the Luzira complex, and Gulu. Some efforts have however been undertaken to improve hygiene in some prisons. For example, sewage systems were being overhauled in Soroti and Fort portal prisons to improve hygiene. Also, with support from International Committee of the Red Cross (ICRC), sanitation has been improved in Luzira and Ibuga prisons. The Uganda Prisons Service reported in the Year 2007 that plans were under way to improve hygiene at Kakiika in Mbarara, Kitalya and Apac.

Some measures have also been taken to improve accommodation of inmates in the year 2007. More prison wards were constructed in Ibuga, Namalu, Nakasongola and Kitgum while Gulu prison will soon be completed according to the Uganda Prisons Service. Soroti, Tororo and Fort portal prisons are also being renovated.

3.3.6 Convicts detained with suspects

In most prisons inspected by the Commission, inmates on remand were being detained together with convicts. This is against Section 64 of the Prisons Act, 2006 and the minimum standard rules in the treatment of prisoners. These provisions require that convicted and remand prisoners are kept separately in separate wards. The prison authorities gave lack of enough space as the reason for not separating the two categories.

3.3.7 Lack of Prison Facilities

The Commission has established that most of the new districts lack detention facilities which in a way affect access to justice. Some of these districts include Amoratar, Abim and Isingiro. When suspects are arrested, they have to be detained for long in police cells waiting for transport to the next district with prison or court facilities. This makes it difficult for suspects to access speedy justice as prosecution will inevitably take long.



A pit latrine used by inmates in Bukedea prison

3.3.8 Hiring out Prisoners' Labour

Usually prisoners work in prison farms in pursuance of the self sufficiency strategy. Inmates are also engaged in carpentry, brick making, tailoring and sowing among other activities. However, some inmates on remand are taken out and hired as labourers. For example, in Amuria inmates are hired to private individuals in the neighbouring villages and are forced to work for long hours without food or remuneration. However, in some prisons inmates were engaged in remunerated labour, for example, in Kauga Prison, Mukono district women were making mats for sale to buy sanitary towels.



Inmates are often hired out to generate some revenue to supplement meagre incomes of some prison officers

3.3.9 Access to medical care

In 2007, the Commission observed some improvement in as far as access to medical services of inmates is concerned. There is a patient referral system where by sick inmates are referred to better medical facilities for treatment. The Uganda Prisons Services has also secured clearance from the Ministry of Public Service to recruit 111 health workers. Prisoners living with HIV/Aids continued to receive anti retroviral drugs with 800 prisoners on ARVs and Septrin. Improved access to medical services by both staff and prisoners has according to Commissioner General of prisons[6] reduced morbidity and mortality rate especially in the Kampala Extra Region by 66%. However, during inspections, the UHRC found out that all former Local Government Prisons and Police detention cells lack independent health facilities for the inmates/suspects. Inmates/suspects who fall sick are treated from the nearby community health centres or private clinics at their own cost. These community health facilities themselves have continual shortage of drugs. This poses a challenge to Officers in Charge regarding securing the necessary medical attention for sick inmates.



Inmates infront of a dilapidated Bukedea prison ward

The UHRC also noted that some inmates with infectious diseases such as Tuberculosis (TB) were not isolated from other inmates for example in Bufulubi Central Prison. This exposes inmates to a risk of contracting such diseases.

3.3.10 Long detentions without trial

A number of measures were taken to improve access to justice for inmates. The Judiciary employed use of mini and special sessions as a solution for backlog of cases. In addition, some Judges took on more cases during the year than those allocated to them so as to reduce on the backlog of cases. Other alternatives to imprisonment, such as the Community Service system and provision of Legal Aid, Paralegal and Pro Bono services were encouraged during the year. For example, in collaboration with paralegal advisory services about 1000 inmates were either able to access bail or had their cases dismissed or got released.

Despite these measures, the Commission found during inspections that the majority of inmates are still on remand. This is a major reason why there is excess capacity in most prisons. The majority of inmates continue to be detained for longer periods on remand, some for months and others for years without determining their innocence or guilt. The situation is compounded by perpetual absence of Magistrates/Judges in some areas especially the conflict affected districts. In some prisons, people who were committed for trail in the year 2000 are still in prison awaiting trial. This has been attributed to shortage of judges and lack of funds to facilitate long and frequent criminal sessions.

[6] This was during the Annual report Consultative Meeting at Rider Hotel Seeta on 22nd February 2008

In Moroto Prison, the Commission found 57 inmates who had stayed long on remand. These inmates were taken there by the UPDF on suspicion that they had illegal arms. They were charged before the Division Court Martial (DCM) but remanded in Moroto Prison because of lack of space in the barracks.

3.3.11 Disturbing emerging practice

The UHRC found people in detention without commitment orders which is a clear case of detention without trial. This came about as a result of some police officers colluding with some prison staff to remand suspects without commitment orders. In some instances, some people were found on remand in prison on forged court papers. This was the case in Amuria and Ntungamo Prisons, where the Commission found inmates on remand without court authorization but forged court papers. This is a clear abuse of the institutions expected to oversee dispensation of justice. The UHRC exposed this illegal practice to prison authorities for their urgent action.

3.3.12 Clothing and Bedding

It has been reported in our previous annual reports that most inmates lack proper clothing and beddings. According to the Commissioner General of Prisons, some attempts have been made to address the problem. In the year 2007, 37% of prisoners were dressed with 1 pair of uniform for the entire year. This was because only shs.350m was provided for prisoners uniform against a budget of shs.1.7bn required. No beddings (blankets /mattresses) were provided during the year because no funds were availed to Uganda Prison Services despite the fact that it had asked for Shs.1.76bn from government.



Inmates display their blankets in the open. In most prisons, blankets double as mattresses

3.1.13 Detention of Children in Adult Prisons and Police Cells

Children in conflict with the law should be detained as a measure of last resort and where they are detained it should be in a place that will promote their rehabilitation and reintegration into the community. Separation of children from adults who are in detention is not only for children's protection but also to ensure that they will be cared for in an environment designed to meet their special physical, social and psychological needs.

The UHRC found that children were being detained together with adults in Prisons which is a violation of their rights. This was the case in Sentema Prison and Soroti Prisons where juveniles were found to be detained with adults due to lack of space. In Soroti Prison the UHRC found 56 juvenile offenders committed to high court on various capital offences. The youngest of these was a fifteen year old charged with defilement. The detention of children with adults is brought about because there are very few remand homes and not enough is done by the relevant authorities to divert children away from the criminal justice system. There are 84 districts in the country but only five districts of these namely; Kampala, Mpigi, Kabarole,

Mbale and Gulu have remand homes. The majority of Police stations lack detention facilities for children and like Prisons they also detain them with adults. However, at Kumi Central Police Station we found decent detention cells for children complete with beds and beddings courtesy of the Red Barnet Child project.

In Fort Portal, the UHRC received complaints alleging that some children suspected to be in conflict with the law have had their age "fixed" by police to 18 years or above to ensure that they are detained in adult prisons. Furthermore, that some police officers collude with the parents of the victims in cases of defilement to falsify the age so as to have the child suspects remanded in adult prisons. The police on the other hand has denied these accusations and insists that they normally record the age mentioned by the suspects and/or their relatives and where in doubt, they usually refer such cases to the police surgeon.

3.3.14 Conditions of children detained in remand homes

The conditions in the few remand homes in Uganda are not favourable for the mental, moral and physical growth of the child which is necessary for the rehabilitation and reintegration of a child in conflict with the law. Detention facilities should, among other things, be designed with particular attention to children's need for privacy, sensory stimuli, sport and leisure, and opportunities for peer association. In Ihungu, a "makeshift" remand home in Masindi District, the UHRC found the remand home grossly neglected; the building is not well maintained, lacks a fence and is too dark inside. Due to the lack of a fence, the children are kept indoors most of the day in fear of escape. The facility lacks recreation facilities and the food provided to them is not only little but inadequate in terms of nutrition.

3.3.15 Welfare of the Prison staff

Staff welfare remains an outstanding challenge in the prisons and police stations. It was generally observed that the welfare and working conditions of the staff fall below the required standards. Their houses are very old, some with cracks and on the verge of collapsing. Others have roofs supported by logs and bricks to prevent iron sheets from flying off in case of heavy rains or winds. Some prison staff live in grass-thatched houses or uniports while others live in houses made of mud and wattle. However, according to the Commissioner General of Prisons some efforts are being made to construct staff quarters for prisons at Luzira, Arua, Nakasongola and Rukungiri.



Lack of decent housing is still a serious problem for prison staff



In most Police stations and posts inspected during the year, staff lack decent staff accommodation and sanitation facilities.

Some prison staff interviewed by the Commission during inspections complained of delayed disbursement of their meagre salaries, lack of uniforms and lack operational funds. In Amuria government Prison for instance, the Commission established that over 30 prison warders locally recruited before the facility was transferred to Uganda Prisons Service have not accessed the pay roll. As a result of non payment, these staff went on strike in August 2007.

A kitchen used by the staff of Bukedea prison

3.4 Recommendations

1. The Justice, Law and Order Sector should work towards ensuring that suspects are not deprived of their liberty an occurrence contrary to the Constitution.
2. UHRC should be respected and allowed to carry out its mandate without restrictions on access to places of detention.
3. Budgets of the UPS should be increased to address issues of congestion, detention of children with adults, suspects with convicts, food, medical care, clothing and staff welfare. More funds should be allocated to former Local Administration Prisons as they are in a worse state.
4. Although new judges were recently appointed, there is still a need to recruit more judicial officers and to facilitate them to do their job of disposing off cases faster to prevent suspects from staying too long on remands.
5. The Uganda Prisons Service should create awareness about the Prisons Act 2006 for all prison staff and inmates. In addition, training in human rights for prison staff should be continuous.
6. The prison authorities should enforce the implementation of the Prisons Act 2006 and ensure that suspects on remand are not subjected to hard labour and are separated from the convicted prisoners.
7. Police and Prison authorities should ensure that juvenile offenders are separated from adult detainees.
8. Detention without trial is unconstitutional and both prison and police authorities are urged to prevent violations of the right to liberty by not detaining people without commitment orders.
9. Government should support and strengthen the implementation of the Community Service program for minor offenders as an alternative to imprisonment.
10. Since there is a clear shortage of remand homes, diversion of children away from the criminal justice system through arbitration and mediation should be adopted.

3.5 Conclusion

The assessment made by the Commission on the human rights situation in the majority of detention facilities reveals there were improvements in some aspects and regressions in others. The favourable legislative framework and the human rights responsive prison leadership need to be supported with sufficient resources to improve the situation. The issue of long remands and detention of suspects without commitment orders are serious human rights issues that need to be urgently addressed.

Chapter 4:
PUBLIC DEMONSTRATIONS AND THE FREEDOM OF ASSEMBLY

4.1 Introduction

Enjoyment and limitations on the freedom of assembly and demonstration as provided in Article 29(1) (d) of the Constitution of the Republic of Uganda has been a subject of controversy in the recent past. Article 29(1) (d) of the Constitution of the Republic of Uganda provides that:

> *Every person shall have the right to freedom of assembly and demonstrate together with others peacefully and unarmed.*

Our constitution not only entitles citizens to express their views, but also allows them to assemble and demonstrate with others peacefully and unarmed. These rights are also provided for in key international human rights instruments such as the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR) to which Uganda is a party.[7] This right is unrestricted except where it is necessary in a democratic society, in the interest of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

In 2007, Government passed Statutory Instrument No. 53 of 2007 which has implications on these freedoms. This was in response to the numerous demonstrations and strikes that were witnessed that year as was reported in our last report. This chapter highlights the importance of assemblies and demonstrations, the challenges faced in the enjoyment of the right, assesses the human rights implications of the Statutory Instrument and discusses the need for the implementation of the Guidelines on public demonstrations in Uganda developed by UHRC through a consultative process involving representatives from the Police, Civil Society Organizations, Political Parties and Parliament.

4.2 Importance of the freedom of assembly and demonstration

Freedom of assembly and demonstration provides an effective means of communication for those who feel that their demands are not being given serious consideration by the government. Some concerns which may not have been presented within the confines of representative politics are often expressed in such assemblies and demonstrations which often generate debate and improve the deliberative process.

The freedom of assembly and demonstration is protected because it helps to communicate the public's will to the state, and in so doing, prevents the government from undertaking or continuing a particular course of action which lacks either public support or legitimacy. Thus, by allowing populations to demonstrate, assemble and express their views, the government's general exercise of power becomes more legitimate and democratic.

[7] See Art. 20, UDHR, Art. 11 ACHPR & Art. 21 ICCPR

4.3 Challenges in the enjoyment of the right to assemble and demonstrate

- Abuse of police powers through denying people the right to assemble and demonstrate.
- Perception by mainly the opposition groups and civil society that the police is not independent of political authority, and does not make fair decisions regarding notification of the desire to demonstrate.
- Lack of consensus on the interpretation (meaning) and limitation of the right to assemble and demonstrate.
- Mistrust between the police and those who wish to organize demonstrations – thus inhibiting co-operation in the organization and management of demonstrations.
- Poor or lack of communication between the Police and organizers.
- Adversarial approach to planning and management of demonstrations - both by the Police and organizers.
- Threat to safety of the demonstrators, security of property, as well as, law and order during demonstrations.

4.4 Proposed UHRC Guidelines on Demonstrations

The UHRC through a consultative process involving representatives from the Police, Civil Society Organizations, Political Parties and Parliament developed guidelines to promote the enjoyment of the freedom to assemble and demonstrate together with others peacefully and unarmed (in accordance with the Constitution). The UHRC met with the Minister of Internal Affairs, Hon. Ruhakana Rugunda over the proposed guidelines. He advised that further consultations on the proposed guidelines be made with the public. The UHRC published the guidelines in the newspapers and organized a workshop for stakeholders where they were discussed and consensus was reached. The proposed guidelines are based on the principle that police powers to regulate and direct demonstrations must meet the following standards:-

- Legality: Police action must be lawful and not arbitrary or based on unjustified orders.
- Proportionality: the nature and extent of Police actions must only be what is required to meet what it seeks to address.
- Necessity: Police action must be appropriate, reasonable and justifiable in each circumstance at hand.
- Accountability: Police must be responsible for their actions
- Exercise of police power must recognize the need to facilitate rather than hinder demonstrations.



During one of the public demonstrations. A lady carries a placard advocating for the adoption of the guidelines on public demonstrations

4.5 Guidelines on Public Demonstrations

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

1. The Role of the police

1.1 Uganda Police Force [UPF] Demonstrations and Processions Planning Unit (DPPU) in each District Police Commander's office (DPC office) shall;

a. receive notices of impending public demonstrations,

b. Issue and receive Statements of Intent,

c. Hold a planning meeting with the Chief Organiser of the Demonstration at least (5) five days (or as soon as practicable) before the demonstration.

1.2 Give consistent responses to the organisers of demonstrations at all times

1.3 For each planned demonstration, assign a contact officer to be in charge of dealing directly with the Chief Organiser. The contact officer should be readily available to work with the demonstration organisers throughout the event.

1.4 Respond in writing to a completed statement of intent within three (3) days of receipt of the same.

1.5 Work with the chief organiser of the demonstration to determine an appropriate traffic plan that allows for free flow of vehicles, pedestrians and participants. The traffic plan includes an orderly formation for boda-bodas, taxis, private cars and other vehicles and pedestrians (including people with disabilities) to ensure safety and limited inconvenience for all.

1.6 Carry out a risk assessment before the demonstration and notify the chief organisers.

1.7 Provide the chief organisers with a written explanation and legal justification regarding refusal or change of plan of the demonstration.

1.8 Ensure the demonstration is dispersed in an orderly manner before the hour of 6:00 pm.

1.9 Allow and not restrict the media from freely filming and covering the demonstration.

1.10 Ensure adequate debriefing with organisers after the demonstration.

1.11 Carry out any other lawful duties under the laws of Uganda.

1.12 During a demonstration, police may intervene appropriately, with only as much force as is reasonably necessary, in cases of,

a. Criminal behaviour,

b. Breach of peace,

c. Anticipated imminent violent situations,

d. Sight of any weapon/firearm and/or the use of any potentially dangerous weapon.

1.13 Police powers of arrest will be exercised where deemed appropriate.

2. The Role of the organiser(s)

The organiser(s) of demonstrations shall,

2.1 Identify a Chief Organiser for the Demonstration

2.2 Submit to the Demonstrations and Processions Planning Unit at the District Police Commander's Office, a completed Statement of Intent in triplicate ten (10) days prior to the intended demonstration (or as soon as Practicable.) Submit an endorsed copy of the Statement of Intent to the relevant / local police post/station.

2.3 Obtain permission from relevant bodies for restricted venues/gazetted places.

2.4 Meet with the Demonstrations and Processions Planning Unit to draft a demonstration and plan.

2.5 Before the demonstration commences, ensure all participants are aware of the demonstration plan including the route, their responsibilities and the purpose of the demonstration.

2.6 Comply with the agreed plan during the demonstration.
2.7 Work with the Assigned Police Contact Officer [DPPU] to determine an appropriate traffic plan that allows free flow of vehicles, pedestrians and participants. The traffic plan includes an orderly formation for boda bodas, taxis, private cars and other vehicles plus pedestrians (including people with disabilities), to ensure safety and limited inconvenience for all.
2.8 Ensure safety of person and property during the demonstration.
2.9 Provide no less than one steward per fifty demonstrators.
2.10 Ensure that the stewards are clearly identifiable from the demonstrators.
2.11 Ensure that the participants are unarmed and law abiding. In the event of any criminal behaviour, breach of peace, anticipated imminent violent situations, sight of any weapon/firearm and/or the use of any potentially dangerous weapon or deviation from the agreed plan, notify the closest police officer or chief organiser.
2.12 Take responsibility for all statements made to the media or the public and participants during the demonstration.
2.13 Ensure the demonstration is dispersed in an orderly manner before the hour of 6:00 pm.
2.14 Ensure adequate debriefing within forty eight (48) hours after the demonstration with the police.

3. The Role of the participants

The participants shall at all times during the demonstration.
3.1 Comply with the law and lawful orders.
3.2 Take responsibility for their individual actions.
3.3 Comply with the agreed demonstration plan.
3.4 Comply with the rules and maintain focus on the purpose of the demonstration.
3.5 Identify and report spoilers and criminals to the stewards, police and/or organisers.
3.6 Attend the demonstration unarmed and without any weapon of any kind.
3.7 Avoid the incitement of violence during the demonstration.



A Government vehicle torched by demonstrators. At times demonstrations can be violent

4.6 Human Rights Implications of the Statutory Instrument No. 53 of 2007- The Police (Declaration of Gazetted Areas) Instrument, 2007

The instrument generally seeks to gazette areas in which it is unlawful to convene an assembly or hold a demonstration or procession where one can reasonably suppose that more than 25 people shall attend unless a permit has been obtained from the Inspector General of Police or a person designated by him or her.

In considering the human rights implications of the Statutory Instrument it is vital to consider whether its limitations are acceptable and demonstrably justifiable. The Siracusa Principles on the Limitation and Derogation Provisions of the ICCPR provides that the scope of a limitation on any right should not be interpreted so as to jeopardize the essence of the right. As such the limitation should be interpreted strictly and in favour of the rights being considered. Furthermore, the limitation should not be applied in an arbitrary manner and should not discriminate contrary to Article 2 (1) of the ICCPR or in our case Article 21 (1-3) of the Constitution.

Where the limitation is deemed necessary, the limitation should:
i. Be based on one of the grounds justifying the limitation;
ii. Respond to a pressing public or social need;
iii. Pursue a legitimate claim;
iv. Be proportionate to the aim.

Furthermore, a law on freedom of assembly and demonstration must not be arbitrary or unreasonable; it should be clear; and should provide for adequate safeguards and effective remedies in case of illegal or abusive imposition or application of the limitations.

4.6.1 Issues of concern in the Statutory Instrument

1) Police Permission

Under S.3 and 4 of the Police (Declaration of Gazetted Areas) Instrument 53 of 2007, the Police is required to regulate Public Assemblies, and permission is required if more than 25 persons convene an assembly, demonstration or procession in a gazetted area. Permission is also required for any meeting scheduled to take place in a city, municipality, town or urban area.

The requirement for Police permission has the potential to unnecessarily restrict the freedom of association, assembly and demonstration. It could be selectively applied to suppress legitimate dissenting voices of the opposition. Such laws are often used by authoritarian states to suppress opposing voices; thereby crippling many constitutionally enshrined democratic principles. This promotes repression and social marginalization.

Requirement for Police permission is not the best practice and has been abandoned by other African countries. In a Ghanaian case of ***New Patriotic Party v Inspector General of Police (1993)***, the Supreme Court ruled that no police permit was needed for demonstrations, parades, rallies, and other peaceful assemblies. Archer C.J. in striking down Ghanaian legislation providing for the licensing of peaceful assemblies stated;

…police permits are colonial relics and have no place in Ghana in the last decade of the twentieth century… Those who introduced police permits in this country do not require police permits in their own country to hold public meetings and processions. Why should we require them?



Anti-Riot police aiming at demonstrators with a tear gas canister

Laws requiring that a permit be obtained to hold peaceful assemblies have been struck down in other countries such as; Zimbabwe in the case ***Re Munhumeso & Others [1994]1 LRC 282; 1995(2) BCLR 125,*** Tanzania in the High Court case of ***Mtikilo Vs Attorney General,*** 1993 and in Zambia in the Supreme-Court decision of ***Mulundika & Ors Vs The People 1996.***

Generally police permission should not be required to hold demonstrations except for demonstrations and assemblies to be held in a few restricted venues.

2) Gazetted Areas

Section 35 of the Police Act empowers the Minister to declare any particular area in Uganda a gazetted area in which it is unlawful to demonstrate or convene any assembly at which it is expected that more than 25 persons will attend.

In exercise of these powers conferred upon him, the Minister of Internal Affairs issued the Police (Declaration of Gazetted Areas) Instrument, 2007, (S.I No. 53 of 2007), which instrument gazettes areas in respect of which it is unlawful for any person to convene an assembly, or hold a demonstration or procession at which it is reasonable to suppose that more than 25 persons will be present unless a permit has been obtained. The instrument also prohibits assemblies within business areas in Kampala city, areas within a municipality, town or urban areas without permits.

Considering the statutory instrument provisions, it is evident that the instrument gazetted the whole country and made it impossible and illegal for people to demonstrate, assemble or convene without a police permit. The instrument does not specify areas that are gazetted as required by section 35 of the Police Act.

There is also a need to identify areas within Kampala and various cities and municipalities in respect of which notice is given to police, rather than a permit from police.

3. Lack of adequate safeguards and effective remedies

The Statutory Instrument gives the Inspector General of Police (IGP) too much power that is, to refuse or allow assemblies and demonstrations. As mentioned earlier, this can be used to quash or silence opposition voices. What is even more disturbing is the fact that there are no adequate safeguards and effective remedies in case of abuse in the implementation of the Statutory Instrument. Moreover, it is not clear in the Statutory Instrument on who gives the authority or permission to hold a demonstration in the absence of the IGP. The time frame within which to make an application is inappropriate. It is also not clear on what happens in a situation where permission is denied, is there an option to appeal the administrative decision? If so, where? What happens in a situation where no response is given on the request? All these are issues that should be addressed. The procedure for issuing permits, where necessary, should be clearly spelt out with:

- Provisions for appeal.
- Time frames for giving notices and responses.
- The authority to issue permits in the absence of the IGP.
- Reasons for denial of permission.



The UPF Legal Officer, Mr. Erasmus Twaruhukwa (with a microphone) makes a point during one of the workshops organized by UHRC to discuss guidelines on public demonstrations

4.7 Recommendations

1. The requirement for a permit subjects the inherent right to assemble and demonstrate peacefully to permission, which in itself goes against the spirit of Article 20 (1) of the Constitution, which provides that Fundamental rights and freedoms are inherent and not granted by the State. There is therefore a need to review the statutory instrument so that notice is given by the demonstrators rather than permits being issued by police except in a few exceptional circumstances. Where the Police believe that the assembly should not be held, they can petition court for an injunction to stop the assembly.

2. Section 35 of the Police Act authorizes the Minister to gazette areas with regard to assemblies and not demonstrations and processions. The Statutory Instrument thus exceeds the scope of the authority granted to the Minister. In line with Section 35 of the Police Act, the minister should gazette places that are limited to assemblies and not demonstrations and processions.

3. The Statutory Instrument should specify the type of assemblies it seeks to limit.

4. The UHRC strongly recommends that the proposed guidelines on public demonstrations should be integrated as part of the Police Statutory Instrument, thus the statutory instrument should be reviewed.



The Inspector General of Police, Major General Kale Kayihura has to ensure that the Uganda Police Force respects human rights

4.8 Conclusion

The UHRC and other stakeholders believe that if these guidelines were accepted and implemented by the government, it would go a long way in solving many of the present problems surrounding public demonstrations in the country. The strength of the guidelines is that they were developed in a consultative manner and they would promote cooperation between the Police, Organizers of Public demonstrations and the general public.

Chapter 5:
THE RIGHT TO EDUCATION

5.0 Introduction

The Right to Education is fundamental and instrumental to the enjoyment of many other rights as listed in the Bill of rights. Several instruments make provision for the right to education at national, regional and international levels[8]. The international instruments have principles of universal access to learning, non-discrimination and the principle of equity. In 1995 at the World Summit for social Development in Copenhagen equality and equity between women and men and universal equitable access to education were among the Ten Commandments made.

At the national level, Uganda has harmonized national laws and policies with international standards by providing for equality and non- discrimination and the right of all persons to education as stipulated in Articles 24 and 30 of the Constitution respectively, and in the Education Act, cap 127. Development and poverty eradication strategies in Uganda should consider progressive realization of the right to education and in particular ensure that the vulnerable such as the poor, disabled, ethnic minorities and those in rural areas, among others also get improved access to education at all levels. This chapter generally reports on the status of both Universal Primary and Secondary Education in Uganda during the year 2007 and makes recommendations.

5.1 Realization of the Right to education through Universal Primary and Secondary Education

It is the duty of the State to respect, protect, promote, and fulfil the right to education[9], and it can be held accountable for failure to honour its obligations[10]. It also means that Government is obliged to ensure that education in all its forms and at all levels shall exhibit the following interrelated and essential features of availability, accessibility acceptability, and adaptability **(see our 7th Annual report).** To fulfil this state obligation, the government of Uganda launched the Universal Primary Education (UPE) in 1997 and has been under implementation since that time. Government introduced free secondary education (USE) at post-primary education and training level (PPET). The main objectives are to address inequality in the country and improve on the quality of life of its beneficiaries.



Such children have limited chances to access education even under UPE

[8] The Universal Declaration of Human Rights (UNDHR), Convention of the Rights of the Child (CRC), The Convention relating to status of Refugees 1951 and Convention against Discrimination in Education.
[9] The Universal Declaration of Human Rights (UDHR) provides for the right to education specifying that education shall be free, at least in the elementary stages (Art 26).
[10] CRC Article 28

Universal Secondary School (USE)

In the previous annual reports it was reported that Government has an obligation under the ICESCR to ensure that secondary education in its different form was made generally free, available and accessible by all means. In 2007, USE programme was introduced to cater for the growing numbers of primary school leavers who were dropping out of school for lack of school fees. This policy has seen a tremendous increase in the number of enrolment for secondary education. A total number of 155,176 senior one students enrolled in 2007 up from 92,330 in 2006[11].

The USE policy is targeting the bright but needy children especially those in the rural remote communities and Districts. The policy is also targeting imparting of knowledge and skills to facilitate the macro-economic development programmes in the public and private sectors. According to Ministry of Education, the secondary school curriculum review was already under way to address the relevancy and quality of education at that level and to achieve cost effectiveness in the implementation strategies.

The UPPET's basic tenets are[12]: deliberate targeting of poor areas or social groups of the country; abolition of user fees by target groups; creation of a conditional grant to cater for operational costs (variable costs) of target institutions; entering into a collaborative arrangement (based on a signed Memorandum of Understanding) with selected private providers of UPPET in the country.

5.2 Achievements of the UPE and USE Programmes:

- The fact that UPE and USE programmes are up and running
- UPE registered a net enrolment rate of 92.1% by 2007 up from 70% in 1997
- Increase in number of enrolment for secondary education, that is, a total number of 155,176 senior one students enrolled in 2007 up from 92,330 in 2006.

5.3 Challenges faced by the UPE and USE Programmes in Uganda

The Commission commends the Government of Uganda for the unwavering commitment to sustain these programmes on which are pivoted the individual citizen's and country's emancipation as well as the overall desire to realize poverty reduction and sustainable development. However, the following challenges should be addressed for the programmes to attain expected standards.

Major challenges facing UPE Programme include;

a) ***Low retention rate:*** Though the initial enrolment rate is high, there is a problem of low retention rate. In 2006, the completion rate to P.7 was 55% for boys and 42% for girls[13] and evidence shows that 3 in 10 boys and girls have never attended school in Uganda[14]. Some children face barriers that hinder their ability to access the state school system because of 'hidden costs' of education like uniforms, scholastic materials, primary leaving examination fees and so on. These indirect education costs constitute a disincentive to the enjoyment of the right to education and may jeopardize actual realization[15].

[11] See Special report Sunday vision 29th December 2007
[12] ESSAPR 2006/2007
[13] UNEB
[14] UBOS, 2007.
[15] UNICEF, Implementation Handbook for the convention on the rights of the child, 2007.

b) ***Quality of education;*** the Convention on the rights of a child (CRC) Committee is specific about the 'relevance of curriculum to the child's life' and encourages State Parties to 'develop indicators for quality education and ensure that the quality of education is monitored and guaranteed'[16]. Uganda's education curriculum currently focuses on subjects geared towards completion of school, receiving a certificate and getting employment in the public or private sector. This kind of curriculum barely prepares them to take charge of their own development. Shortage and lack of trained or qualified teachers also affect the quality of education most especially in remote areas of the country where teachers have large classes and yet they lack skills to expertly manage them.

c) ***Disparities.*** Regional disparities show marked disparities in realizing the right to education signified by very low literacy levels. According to the Uganda Demographic Health Survey (UDHS), the level of literacy is lowest in the north 31.2%, West Nile 41.8%, Western 42.7% and Eastern 49.6%, Karamoja sub-region at 11.8% and IDP affected areas of northern Uganda at 28.5%. Comparison of literacy levels and enrolment rates seem to indicate that most of the children who enrol do not actually attain literacy levels signifying a gap in education, with regional specific issues affecting access to education like lack of qualified teachers, remoteness of some areas, child labour, internal conflicts, floods and irrelevance of the curriculum. In addition approximately 800,000 to 1.2 million children with disabilities, less than 25% access primary education, with girls being more at risk of exclusion. By 2004, 46% of children with disabilities in primary schools were girls[17]. These disabled children face a number of problems that affect their enjoyment to education in Uganda for example lack of relevant equipment, inadequate numbers of teachers for specialized education and inaccessibility to school, among others.

d) ***Harsh environment and other health related factors;*** although corporal punishment, was abolished, it still happens in most schools in Uganda, it destabilizes children and prevents them from concentrating on their studies. It also affects the child's self esteem and in turn it affects negatively the learning achievement and most children dropout of school. Corporal punishment violates article 24 of the Constitution which provides for human dignity and protection from inhuman or degrading treatment or punishment. The right to education cannot be fully released without the right to health. According to the Uganda Demographic Health Survey UDHS 2006, one in every two children in Uganda is underweight; 32% of the children under five are short for their age; and 12% are severely stunted. Around three quarters of Uganda Children under five are anaemic and 20% suffer from Vitamin A deficiencies, the two factors that cause brain hunger.

Major challenges facing USE Programme include;

a) The Quality of education under USE is low there is need to increase the number of teachers, classrooms, text books learning materials and equipment to correspond to the number and needs of students in order to provide quality education.

b) Lack of co-ordination among the government and private providers of education In 2007 there was inadequate supervisory mechanism/capacity both at national and institutional level and management capacity in schools especially private schools is weak.

[16] Implementing Handbook for the Convention on the Rights of the Child.
[17] Uganda Society for disabled children, 2003



Rubble at Naalya Secondary School

c) The undersubscribed USE schools might not survive under the planned unit cost funding arrangement following the decision of the Minister of Finance, Planning and Economic Development to apply only for capitation grants which are strictly number driven. There is need to adopt a separate funding arrangement for such schools.

h) Teacher's remuneration is not sufficient to meet the conditions of living.

5.4 Recommendations:

1. Since Uganda is developing the National Development plan, a human-rights based approach to programming should be an integral part of the plan. This will help target better education interventions and specific concerns of vulnerable groups.

2. It should be appreciated that there are extremely very limited schools and tertiary institutions in Uganda for persons with disabilities and special needs especially in the country side. In addition, there are a few or no specialized trained personnel to handle disability and special needs persons. Therefore, efforts should be made to improve the situation otherwise PWDs will continue to be marginalised and discriminated.

3. Government should increase the number of teachers, classrooms text books, learning materials and equipment to correspond to the number and needs of children in order to provide quality education. The government should also consider the plight of teachers especially those in rural areas and should offer them a good remuneration.

4. Government should ensure that there are specialized teachers, appropriate teaching aids, hearing aids, braille facilities and other devices that are important to the education needs of children with disabilities and special needs.

5. There is need to increase budgets to meet the increasing demand in terms of numbers and quality until all children access quality education.

Chapter 6:
OVERVIEW OF THE RIGHT TO HEALTH

6.0 Introduction

The right to health was a subject of monitoring in 2007 with the recently established Right to Health Unit at the UHRC. The unit has been involved in carrying out Human Rights Education on the right to health for health professionals, developing data collection tools for monitoring the right to health and guidelines for UHRC staff in handling complaints related to the right to health. This Chapter is a brief overview of the status on the enjoyment of the right to health in Uganda. It starts off by describing the right to health before generally assessing the situation.

6.1 What is the right to health?

Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life of dignity which is referred to as the right to health. The right to health was first reflected in the WHO Constitution (1946) and reiterated in the 1948 Universal Declaration of Human Rights leading to the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). It has also been reaffirmed in the Declaration of Alma Ata (1978) and the World Health Declaration adopted by the World Health Assembly in 1998. It has further been expounded by the General Comment on the right to health (2000) and the Special Rapporteur on the Right to health (2002).

The right to health should not be understood as the right to be healthy. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body including sexual and reproductive freedom and the right to be free from interference such as the right to be free from torture, non-consensual medical treatment and experimentation. The entitlements include the right to a system of health protection which provides equality of opportunity to enjoy the highest attainable level of health. The Committee on Economic, Social and Cultural Rights has adopted a broad conception of the right to health recognizing it as:

> *…an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health related education and information, including on sexual and reproductive health. A further important aspect is the participation of the population in all health-related decision making at the community, national and international levels*[18].

In interpreting the obligations under the right to health, the Committee outlined the following elements availability, accessibility, acceptability and quality particularly:

- Adequate health care facilities, trained professionals and essential medicines must be ***available***
- Health facilities, goods, services and information on health must be physically and economically ***accessible*** to everyone without discrimination

[18] Committee on Economic, Social and Cultural Rights, General Comment 14, The right to health, UN Doc. E/C.12/2000/4 para 11.

- Health facilities goods, services and information must respect medical ethics, be culturally appropriate and sensitive to gender and life-cycle requirements in order to be acceptable.
- Health facilities, goods, services and information must also be scientifically and medically appropriate and of good ***quality***. This requires, among other things, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water and adequate sanitation[19].

Potential violations of the right to health include:

- Deliberately withholding or intentionally misrepresenting information essential for the prevention or treatment of illness or disability;
- Promoting harmful substances;
- Failing to ban or discourage harmful cultural practices;
- Failing to control activities of corporation that have adverse impacts on health;
- Failing to adopt a detailed plan for realizing the minimum core obligations of the right to health[20];

The UN Special Rapporteur on the right to health has enhanced the understanding of the right to health, including sexual and reproductive health, and mental health. The right to health is dependant and closely linked to other rights such as human dignity, life, right to food, water, health and clean environment, housing, work, education, non-discrimination, equality, freedom from torture, privacy, access to information, freedom of association, assembly and movement.

No doubt enforcement of the right to health requires States to commit resources for its realization. However, as Mary Robinson, the former UN High Commissioner for Human Rights, stated:

> *The right to health does not mean the right to be healthy, nor does it mean that poor governments must put in place expensive health services for which they have no resources. But it does require governments and public authorities to put in place policies and action plans which will lead to available and accessible health care for all in the shortest possible time. To ensure that this happens is the challenge facing both the human rights community and public health professionals.*

The right to health can broadly be divided into the following categories:

- Right to maternal, child and reproductive health
- Right to healthy natural and workplace environments
- The right to prevention, treatment and control of diseases
- The Right to health facilities, goods and services

The 1995 Constitution explicitly provides for the promotion and protection of fundamental human rights and freedoms which are regarded as inherent and not provided by the State and have to be respected, upheld and promoted by all organs and agencies of Government and by all persons[21]. Health is ranked highly in the National Objectives and Directive Principles of State Policy.

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[19] Adapted from Committee on Economic, Social and Cultural Rights, General Comment 14, The right to health, UN Doc. E/C.12/2000/4 quoted in Human rights for human dignity: A Primer for Economic Social and Cultural Rights published by Amnesty International.
[20] A. 'Violations of the Right to Health' Netherlands Institute of Human Rights,
SIM Special No.20, 1998 cited in Human rights for human dignity: A Primer for Economic Social and Cultural Rights published by Amnesty International.
[21] Article 20.

The State shall endeavour to fulfil fundamental rights of all Ugandans to social justice and economic development and shall in particular ensure that (a) all development efforts are directed at ensuring the maximum, social and cultural well being of the people; and (b) all Ugandans enjoy rights and opportunities and access to education and health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits[22].

The State shall (a) take appropriate steps to encourage people to grow and store adequate food (b) establish national food reserves: and (c) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State[23].

The State shall promote the sustainable development and public awareness of the need to manage land, air, water resources in a balanced and sustainable manner for the present and future generations[24].

Article 8 (A) provides:

(1) *Uganda shall be governed based on principles of national interest and common good enshrined in the national objectives and directive principles of state policy.*

(2) *Parliament shall make relevant laws for purposes of giving full effect to clause (*1) of this Article.

Currently, Parliament has not yet enacted the laws giving effect to the right to health and other economic, social and cultural rights, among other things that are laid out in the national objectives. Nevertheless, the government of Uganda also has international obligations to respect, protect and fulfil the right to health which forms the basis for the UHRC to monitor enjoyment of the right to health. Moreover, article 45 of the constitution provides as follows:

The rights, duties, declarations and guarantees relating to the fundamental and other human rights and freedoms specifically mentioned in this chapter shall not be regarded as excluding others not specifically mentioned.

6.2 Progress in the health sector

The health sector is currently implementing the second Health Sector Strategic Plan (HSSP II) 2005/06 – 2009/10. The main purpose of HSSP II is to contribute to the Poverty Eradication Action Plan (PEAP) and to the Millennium Development Goals (MDGs). Through the HSSP II, the Uganda government aims at providing a National Minimum Health Care package (NMHCP). According to the Uganda Demographic & Health survey 2006 (UDHS), the Annual Health Sector Performance Report 2006/07 and other ministry of health reports, there was relative improvement in performance of the sector[25].

Improvement was reported in the areas of child and maternal health; drug availability; reproductive health (family planning) and communicable disease control. HSSP II indicators that showed improvement in the financial year 2006/07 as compared to 2005/06 included:

[22] Principle XIV.
[23] Principle XXII
[24] PrinciplePrinciole XXVI
[25] WHO statistical information system; http://www.who.int/whosis/en/index.html

- Infants who received 3 doses of vaccination improved from 89% to 90%
- Deliveries in public or private not for profit (PNFP) health facilities rose from 29% to 32%
- Proportion of pregnant women receiving intermittent presumptive treatment (IPT) for malaria improved from 37% to 42%
- Under-five children who received malaria treatment within 24 hours from community drug distributors is said to have risen to 71% from 60%.
- The TB cure rate improved from 70.5% to 73%. The HSSP II annual target is 80%.

6.3 Areas of concern

Although the progress in the health sector is commendable, the UHRC is concerned about the high disease burden, inadequate and poor management of funds, Doctor to Patient Ratio, low access to health services and other determinants of health, neglected diseases.

6.3.1 High disease burden

The burden of disease remains high in Uganda. This high burden is mainly caused by preventable diseases such as the Neglected Diseases.

6.3.2 Inadequate and poor management of funds

In the financial year (FY) 2006/07 funding to the health sector was 9.6% of the national budget and the total public financial allocation to the sector declined from Uganda shillings (Ugx) 498.24 billion in FY 2005/06 to Ugx: 378.34 billion. Funds disbursed as Primary Health Care Conditional Grants (PHC CG) and are expended dropped from 88% in FY 2005/06 to 74.8% in FY 2006/07.



Despite the fact that the sector is under-funded, even the little resources that are availed are poorly utilized. There have been allegations of gross financial mismanagement in the sector (e.g. GAVI and Global Funds that are alleged to have been swindled by the then political heads of Ministry of health).

Hon. Jim Muhwezi, former minister of health in court over allegations of embezzlement of funds

6.3.3 Insufficient health professionals

Provision of sufficient numbers of health professionals is an obligation to the right-to-health. It is known that Uganda has insufficient number of health professionals with the Doctor to population ratio of 0.4 to 5000 people (1:12,500) as compared to WHO recommended ratio of 1 doctor to 5000 people[26].

In the FY 2006/7 only 38.4% of the approved posts were filled by health professionals. The insufficient numbers of health professionals could be attributed to: inadequate health budget allocation that precludes the appointment of a sufficient number of health professionals; the application of a rigid ceiling on the health budget; the "skills drain" from Uganda to income-rich countries, as well as rural-to-urban migration within Uganda; poor terms and conditions of service; and so on.

[26] *A Global Look at Public Perceptions of Health Problems, Priorities, and Donors: The Kaiser/Pew Global Health Survey DECEMBER 2007;* http://pewglobal.org/reports/pdf/256.pdf
[27] *A Global Look at Public Perceptions of Health Problems, Priorities, and Donors: The Kaiser/Pew Global Health Survey DECEMBER 2007;* http://pewglobal.org/reports/pdf/256.pdf

6.3.4 Low access to health care

Access to basic health care services (distance and affordability) is a key indicator of the right to health. New out-patient attendance in Government and Private Not for Profit (PNFP) health units is a measure of utilization of health services. It is also a proxy measure for quality and quantity of the services. The per capita attendance (number of out patient attendances per person per year) was 0.9 in FY 2006/7; a figure of less than one is an indicator of low access. The KEISER/PEW global health survey of 2007 reported that 76% of Ugandans could not access health care in 2007 when they needed it[27].



Vector control staff spraying potential breeding areas for mosquitoes which are responsible for most deaths in Uganda

Under funding of the sector and insufficient qualified health professionals are therefore closely interrelated and contribute to low access to health care. Under-funding in addition leads to other challenges like shortages of critical inputs like drugs, equipment and infra-structure which in turn lead to low access to health care. At the individual level low access to health care could be attributed to poverty (inability to seek for and/or afford the care).

6.3.5 Other determinants of health

The right to health as noted above refers mainly to health care however, enjoyment of this right is influenced by some underlying determinants such as safe water and sanitation, food and environmental health. The Uganda Demographic and Health Survey 2006 reports that 40% of the population has no access to safe water while nine in ten households use non-improved toilet/latrine facilities. The Annual Health Sector performance report uses latrine coverage as a proxy measure for sanitation in Uganda. In the FY 2006/2007 latrine coverage was at 58.5%. This fell far short of the targeted 72%.

6.4 Neglected diseases

Neglected diseases are referred to as diseases that "affect almost exclusively poor and powerless people living especially in rural parts of low-income countries." These diseases affect principally poor people in poor countries, for which health interventions are regarded as inadequate to the need. At times there are described by WHO as "tropical" or "poverty-related" diseases. In Uganda neglected diseases include lymphatic filariasis (elephantiasis), schistosomiasis (bilharzias), onchocerciasis (river blindness), trachoma, buruli ulcer, soil-transmitted Helminthes (worms), leishmaniasis, leprosy and human African trypanosomiasis (sleeping sickness). Most of these diseases are endemic in more than one district or community. Some are life-threatening, while others result in high morbidity, severe disability and deformity. Given that neglected diseases are "poverty diseases", development cannot be achieved without addressing them. They are diseases of the vulnerable poor communities hence the need for a human rights (right to health) based approach to their control.

[27] *A Global Look at Public Perceptions of Health Problems, Priorities, and Donors: The Kaiser/Pew Global Health Survey DECEMBER 2007;* http://pewglobal.org/reports/pdf/256.pdf

Table 6.1: Burden of some of the neglected diseases in Uganda 2007

Disease	Population at risk	People infected/ Annual incidence	Main prevention/treatment during 2007
Trypanosomiasis (sleeping sickness)	10 Million	362 patients diagnosed NB: *Data from one endemic district (Moyo) is missing.*	Early case detection, treatment and vector control
Lymphatic filariasis (elephantiasis)	11 Million in 44 districts	7.2 Million covered by mass drug administration. Prevalence more than 40% in North Eastern Uganda	Mass chemotherapy with ivermectin and albendazole
Schistosomiasis (Bilharzia)	16.7 Million	4 million infected. Prevalence 14.9% to 90%	Mass chemotherapy with praziquantel. 42 districts covered with mass drug administration
Soil-transmitted helminthes (worms)	27 Million	The entire Uganda population is at risk	Mass chemotherapy with albendazole
Onchocerciasis (river blindness)	2.5 Million	1.4 Million infected. Prevalence 10% to 100%.	Mass chemotherapy with ivermectin and albendazole. 4 Million benefiting from mass drug administration
Leishmaniasis	500,000	No current figures given. 408 cases in 2003	Endemic only in Nakapiripirit district
Plague	500,000	140 cases	Endemic in Arua and Nebbi districts

Source: Ministry of Health

6.4.1 Status of Neglected diseases

The prevalence of most of the neglected diseases in Uganda is unacceptable. Below is a table showing the burden of some of the major neglected diseases in the country.

Sleeping sickness is a very ancient disease but it still remains endemic. In 2007, the sleeping sickness epidemic was reported in Soroti district. Four of the patients were members of one household; an indication of inadequate access to preventive measures and health promotion information.

In the Uganda ministry of health, neglected diseases are classified under communicable diseases. Ministry of Health reports that in the FY 2006/07 only 4% of the budget for the cluster of communicable diseases was from the Uganda Government; the rest (96%) was donor funding[28]. These funds/budget support most times are provided with conditions attached.

6.4.2 Progress on recommendations made by the UN Special Rapporteur on the right to health

As was reported in the UHRC 9th report the UN Special Rapporteur on the right to health made recommendations on how to handle neglected diseases following his mission to Uganda in 2005; these were listed in the report[29]. Most of these recommendations urged government to put in place policies and strategies that could ensure that communities affected by neglected diseases access and participate in quality health care.

[28] *MoH presentation at the consultative meeting on the annual report 2007*
[29] *Report of the special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Paul Hunt; Addendum; Mission to Uganda;* http://www2.essex.ac.uk/human -rights-centre/rth/docs/uganda.pdf

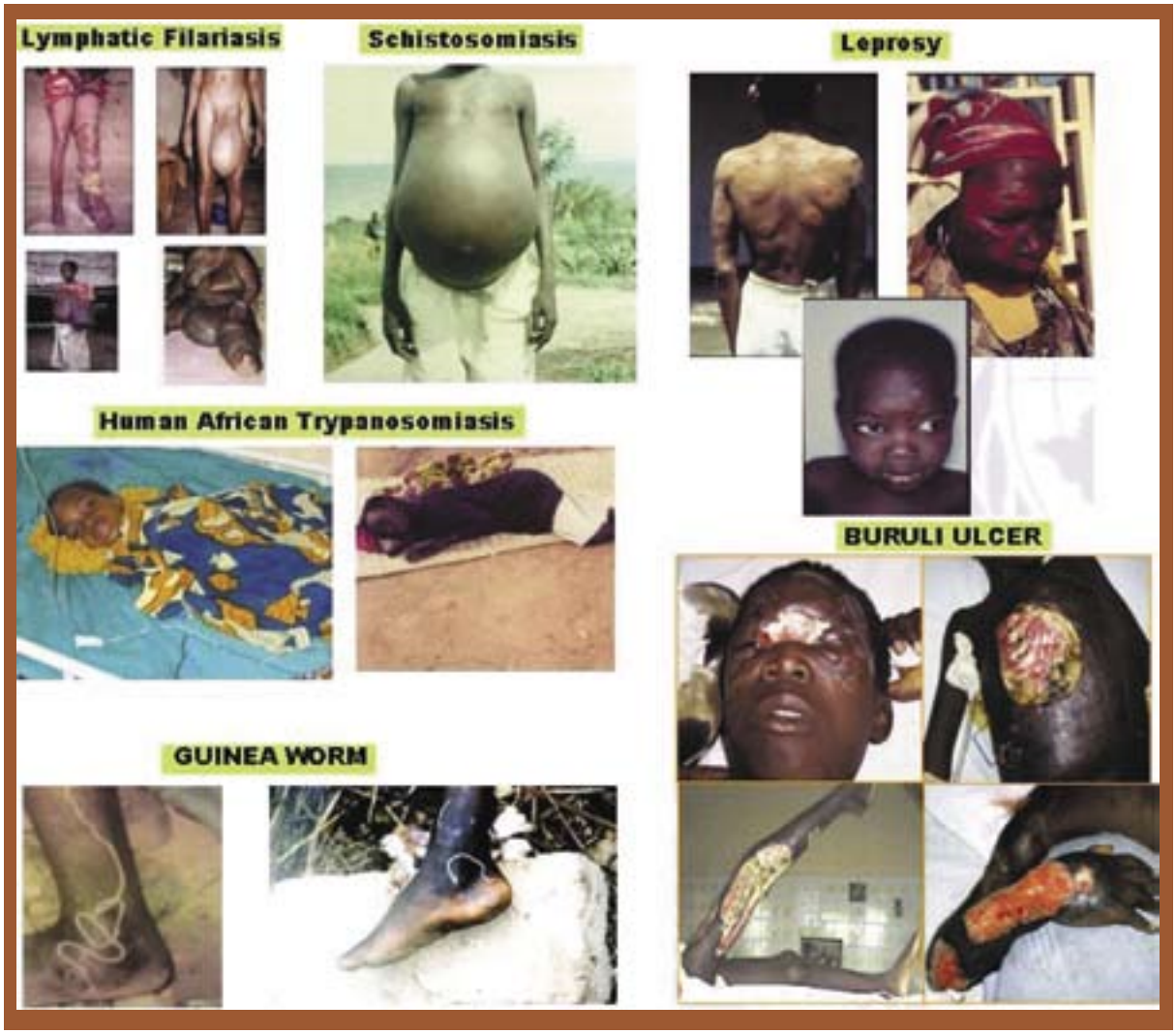
Information provided by the Ministry of Health indicates that efforts are being made to implement most of the recommendations[30]. However, most of what is reported as progress is in general terms. Refer to Appendix C that gives a summary of the progress on the recommendations of the UN special Rapporteur on the right to health. It is hoped that more specific policies will be put in place to address the recommendations. The establishment of the Right to Health Unit at the UHRC is one of the recommendations that were made and this has been fulfilled.

6.4.3 A Rights based approach to health (neglected diseases)

In the report of the mission to Uganda of the UN Special Rapporteur on the right to health in 2005, the Human Rights Based Approach (HRBA) was discussed and recommended as an approach that should be adopted in the realization of the right to health with a focus on neglected diseases.

Below are pictures of some of the physical manifestations of some of the neglected diseases endemic in Uganda.

Figure 1: Physical features of some of the neglected diseases



Source: WHO

[30] *Dr Mbulamberi D.B, Ministry of Health; Progress report on the recommendations from the 2005 mission by the UN special Rapporteur on the right to health vis-à-vis neglected tropical diseases; stakeholders' meeting; Kabira country club; 8th February 2007;*

A rights-based approach to health refers to the process of:

- Using human rights as a framework for health development
- Assessing and addressing the human rights implications of any health policy, programme or legislation
- Making human rights an integral dimension of the design, implementation, monitoring and evaluation of health related policies

It is in this context that the following key elements of a right-to-health approach to control of neglected diseases are discussed. The key elements discussed are:

- Access to health information and education
- Community participation
- Health professionals
- Stigmatization & discrimination
- An integrated health system

6.4.4 Access to health information and education

Access to health-related information and education is an important aspect of the right to health. Individuals should have access to a full range of health information that bears upon them and their communities. This includes information on preventive and health-promoting behaviour (preventive health), as well as how to access health services.

Given that the prevalence of the endemic neglected diseases is still unacceptable (elimination being the target), and with reports of outbreaks of for example sleeping sickness in Soroti and other areas, is an indication of inadequate public information on the preventive measures, health promoting behaviours and access to health services.

6.4.5 Community participation

Community participation has a vital role to play in the struggle against neglected diseases. Communities have to be involved in the identification of priorities and targets. In most cases, the local community will have a very keen sense of its health priorities. A participatory approach can help to avoid some of the top-down, technocratic tendencies.

Fortunately Uganda actively encourages participation in health decision-making. For example, the Constitution underlines the importance of "active participation of all citizens at all levels".

A major key challenge to community participation is the inadequate funding. As stated above most of the funding for communicable diseases cluster of the ministry of health under which neglected diseases are classified, is from donors. Unfortunately most times the priority utilization of the funds is determined by the donors with little or no community participation.

Uganda has a policy of decentralization in the health sector. Within district health systems, there are four levels of organization and administration, the lowest being Village Health Teams (VHT), also known as Village Health Committees (Health Centre I)[31]. These Village Health Teams have a pivotal role to play in providing grass-roots community participation in the health sector. However, Government has tended to give priority to establishing the higher levels; fortunately the lower levels (Health Centres I and II) are beginning to attract the attention they deserve. For example, some districts have completed the appointment and training of the VHTs. Where the concept of VHTs has succeeded like in Mpigi district, the local governments have played a key role. This role has included supporting the identification, training and functioning of the teams.

[31] *Annual Health Sector performance report; Financial year 2006/2007; October 2007*

The function of the village health teams is not only service-delivery, but also to ensure that health policies and programmes are responsive to local priorities. However, the effectiveness of the VHTs is hampered by lack of funding.

6.4.6 Health professionals

As stated in the overview, Uganda has an insufficient number of health professionals. This situation is worse in the rural areas that are endemic for neglected diseases.

Neglected diseases give rise to special human resource issues that require distinctive policies. Most of the disadvantaged communities afflicted by neglected diseases are located in remote rural areas far from modern amenities and it is difficult to hire and retain health professionals in these areas.

Although the Ministry of Health recognizes that there are not enough trained health workers and that the few in existence are unevenly distributed with many preferring to work in urban areas and well-placed districts, it has not yet established policies to reverse this trend yet it has a great impact on health service provision to the community.

6.4.7 Stigmatization and discrimination

Stigmatization and discrimination are major violations of the right to health. Stigmatization can lead people living with neglected diseases to avoid diagnosis, delay seeking treatment and hide the diseases from family, employers and the community at large. This in turn can lead to further transmission of the disease. Discrimination of patients with neglected diseases often leads to other human rights violations like the rights to education, food, work and housing. Of the patients with neglected diseases it is mainly those suffering from lymphatic filariasis (elephantiasis) that are stigmatized and discriminated most. This is because of the disfiguring nature of the disease and the myths and fears associated to it. Reports indicate that this is most marked in the Eastern and Northern regions of Uganda. It is the responsibility of Government to provide the necessary information and education to avoid stigmatization and discrimination.

6.4.8 An integrated health system

An integrated health system may mean one that uses an existing strategy for the control of one disease as a vehicle for the control of another. In Uganda, the Health System is not holistic; it focuses more on diseases rather than affected populations. In a holistic approach, for example interventions for HIV/AIDS, TB and malaria should incorporate the interventions of neglected diseases where they are prevalent. This therefore means having a holistic health system that considers affected populations rather than diseases during planning.

Establishing an integrated health system is an obligation of the state in fulfilling the right to health. The health system should offer equal opportunity to all people to enjoy the highest attainable standard of health; and give priority to the control and elimination of neglected diseases experienced by the disadvantaged populations.

6.5 Maternal Mortality

Maternal mortality (death of a mother due to pregnancy related issues) is a key indicator of the extent of the enjoyment of the right to health in any country. In Uganda, maternal mortality is high and dropping very slowly. Maternal mortality ratio in Uganda is 505 per 100,000 live births. This is translated to mean 6,000 pregnant women die per year or 16 per day in Uganda just because of pregnancy-related causes.

Almost all these deaths are preventable given that the main complications that may lead to death are all manageable: haemorrhage (bleeding), sepsis (infections), hypertension (high blood pressure) and obstructed labour (failed normal delivery). Inaccessibility to or delayed provision of care in the event of any of the above complications may result in death.

It is known that death of a mother due to pregnancy may be prevented through: birth spacing, skilled attendance at birth and emergency obstetric care. However there is need for political commitment and continuous monitoring for these interventions to work.

Birth spacing reduces mothers' deaths in that the less number of pregnancies and the more space between pregnancies, the less chance of complications during child birth and therefore less chance to die because of pregnancy.

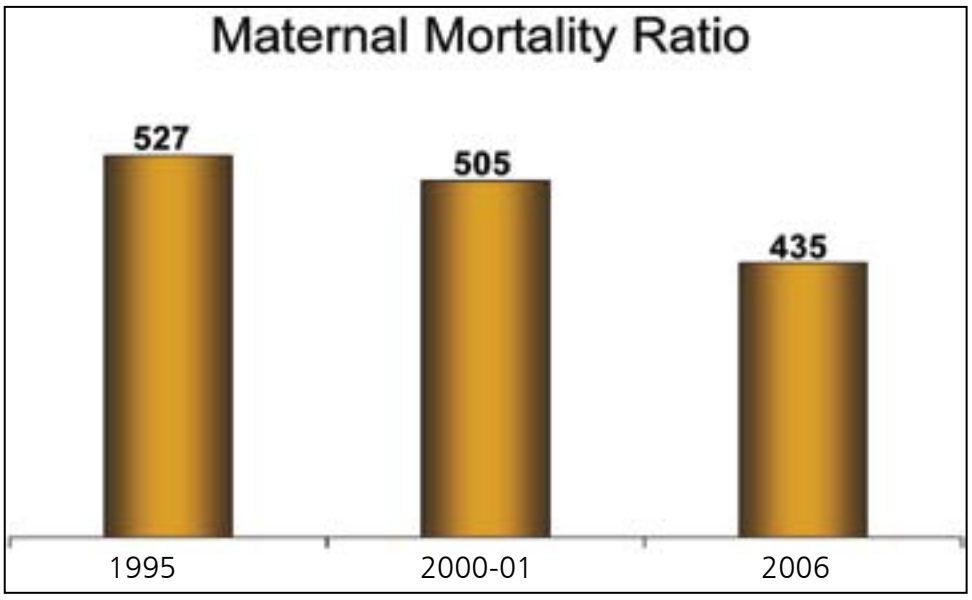
On the other hand skilled attendants at birth (doctors, midwives, nurse-midwives) are trained to manage normal deliveries and to diagnose, manage or refer obstetric complications. They are also trained to perform life-saving interventions and hence reduce maternal mortality.

Obstetric emergencies such as obstructed labour require emergency obstetric units if maternal mortality is to be reduced. If the units have to serve their purpose they should be easily accessible to all mothers, be manned by the required manpower and have the required equipment.

Uganda like other countries in 2000 agreed to reduce maternal mortality by 75 percent by 2015 as one of the UN millennium development goals (MDGs).

2007 was the seventh year since the target was set but maternal mortality has remained high. Figure 2 shows a slight reduction from 505 in 2000 to 435 in 2006; a reduction of only 65 in 6 years. According to the MoH officials, these figures could be an underestimate given that some of the maternal deaths go unreported.

Figure 2: Trend of maternal mortality ratio in Uganda 1995-2006



Source: Uganda ministry of health

According to the Uganda Demographic Health Survey 2006,

- Only 41 percent of women give birth in a health facility, with the lowest percentage recorded in the northern and western regions where only 30 percent of the women give birth in a health facility.
- Only 23 percent of women use contraceptives, majority of them in the urban areas. Only 11 percent of women in the north use contraceptives as a family planning method.
- There is low access of mothers to antenatal services and safe delivery.

Low access of mothers to antenatal services is an indicator of a wider problem of many Ugandans not having access to health care when needed.

Table 6.2: Trend of reproductive health indicators

Indicator	1995	2001	2006
Maternal mortality ratio (per 100,000 live births)	527	505	435
Antenatal clinic from skilled attendant (%)	91	92	93
Antenatal clinic 4 times (%)		42	47
Births with skilled assistance (%)	38	39	43
Birth in health facility (%)		37	41
Post-natal care (%)		8	26
Contraceptive prevalence rate (%)	15.4	18.6	24.4

Source: Annual health sector performance report 2006/07

Table 6.2 highlights the following:

- Maternal mortality is high and insignificantly dropping.
- Despite many pregnant mothers being attended to by skilled attendants during antenatal few are attended to by skilled attendants during delivery (less than 50%)
- Less than 50% of deliveries are conducted in health facilities.
- Very few mothers receive post-natal (post-delivery) care.

These indicators are a reflection of the challenges that the health sector faces as discussed above.

6.6. Recommendations

1. The health sector should adopt the human rights based approach (HRBA) to planning and delivery of health services in the country. The approach should include among other things:

    - Provision of information to the public to raise awareness of neglected diseases.
    - Strengthening community participation in health service planning and delivery especially in the control of neglected diseases. The concept of village health teams should be strengthened with the teams being trained and provided with adequate resources.
    - Drawing up policies that attract and retain health professionals especially in isolated dis-advantaged communities afflicted by neglected diseases.
    - Putting in place measures that combat all forms of discrimination and stigma associated with neglected diseases in Uganda.
    - Ensuring policies that promote equal access to health care e.g. by putting in place an integrated health system.

2. There is need to increase the availability, accessibility and utilization of quality skilled care during pregnancy, childbirth and postnatal periods at all levels of the health care delivery systems.

3. Family planning information and service provision for women and men who want to space or limit child bearing should be strengthened

4. Increased investment in the health sector is needed including getting more trained health workers and improving the infrastructure, if Uganda is to succeed in combating and averting maternal deaths.

5. In order to fulfil the above recommendations, Government should address the challenges facing the health sector especially:
   - The inadequate funding
   - Mismanagement of funds
   - The inadequate human resource in the health sector

6. In order to protect the right to health and other economic, social and cultural rights, parliament should enact laws in accordance with Article 8 A of the Constitution. Furthermore, laws should be enacted to efficiently regulate private for profit health providers.



Heath workers attending to a patient. They deserve better working conditions

Chapter 7:
THE RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT

7.1 Introduction

The right to a healthy and clean environment is a fundamental right like any other right which is enshrined in all major international, regional and national human rights instruments. The developments in Uganda regarding utilization of the environment for development as opposed to environmental conservation have caused a lot of outcry amongst environmentalists in the recent past. Exploitation of natural resources such as forests, land, water, and fisheries without sufficient protection from the state will inevitably cause startling alterations in the county's natural resource-base which will have far reaching effects on the entire population, especially the most vulnerable populations.

Worth noting is that there were attempts by Government during the year to de-gazette part of Mabira Forest and give it away to an investor, (SCOUL) for sugar cane growing. This raised a lot of public concern to the extent that a number of demonstrations were organized to protest against the government's move. The National Environmental Management Authority (NEMA) documented a number of cases during the year relating to violation of the right to clean and healthy environment. These included; noise and water pollution related complaints, illegal dumping, smoking in public places and encroachments on fragile eco-systems such as wetlands and forests. In this chapter, the Commission looks at the importance of protecting and promoting this right and analyses steps taken by the Government of Uganda to protect the environment.

7.2 Human rights and legal framework on environmental protection

There are a number of human rights and legal provisions for the protection of the right to a clean and healthy environment both at the international and national level. The International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (Paris, June 17, 1994), the Convention on the Rights of the Child 1989, ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Geneva, June 27, 1989), the Millennium Development Goals, the African Charter on Human and Peoples' Rights, (Banjul June 26, 1981), the Treaty for the Establishment of the East African Community, the 1995 Constitution of Uganda and other enabling laws have provisions on the environment.

The International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (Paris, June 17, 1994), contains numerous provisions on environmental rights, in Articles 10(2) (e), 13(1) (b), 14(2) (19) and 25. The treaty calls for an integrated commitment of all actors in environmental protection. The Convention on the Rights of the Child, 1989 refers to aspects of environmental protection in respect to the child's right to health. Article 24 provides that States Parties shall take appropriate measures to combat disease and malnutrition "through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution. Article 4 of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Geneva, June 27, 1989) calls for the adoption of special measures for safeguarding the environment of such peoples consistent with their freely-expressed wishes. The Convention 169 further calls for environmental impact assessments which should be carried out for planned development activities with the

cooperation of the peoples concerned (Art. 7(3). The Millennium Development Goals, in particular Goal Number 7, recognize that environmental sustainability is part of every county's economic and social well-being and sets out to achieve the following by the year 2015:

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources.
- Reduce by half the proportion of people without sustainable access to safe drinking water.
- Achieve significant improvement in lives of slum dwellers, by 2020.

At the Regional level, there is the African Charter on Human and Peoples' Rights, (Banjul June 26, 1981). The Charter contains several provisions relating to environmental rights. Article 21 which is relevant to the right to a clean and healthy environment provides that "All peoples shall freely dispose of their wealth and natural resources" and adds that this right shall be exercised in the exclusive interest of the people." Article 24 of the African Charter states that "All peoples shall have the right to a general satisfactory environment favourable to their development." The Treaty for the Establishment of the East African Community under Article 111 proclaims that "a clean and healthy environment is a prerequisite for sustainable development."

At the National level, there is sufficient legal and policy framework. The 1995 Constitution of the Republic of Uganda has provisions for enhancing conservation and management of the environment and natural resources. Objective XXVII of the National Objectives and Directive Principles of State Policy and article 245 of the Constitution pronounce the public trust doctrine. The Constitution also enshrines a constitutional right to a clean and healthy environment in article 39. There are also a number of enabling laws that have been put in place by parliament to protect the environment and these include; the National Environment Act CAP 153 and its subsidiary laws. It established the National Environment Management Authority (NEMA), which is responsible for environmental protection. The Act has provisions on sustainable environment management including environment planning, restoration, audit, impact assessment, standards, collection and dissemination of information, stakeholder participation and benefit sharing.

7.3 The framework environmental law and its linkages to sectoral legislation

The National Environment Act, enacted in 1995, is the framework law on environment. It provides for sustainable management of the environment and established NEMA as the principal government agency for the management of the environment. NEMA is mandated to coordinate, monitor and supervise all activities in the field of the environment.

Parliament has passed a number of sectoral laws which detail management and operations within specific segments of the environment. These include; the Water Act Cap. 152, the Land Act Cap. 227, the Investment Code, the Wildlife Act; 1996, the Mining Act 2003, the National Forestry and Tree Planting Act, 2003 and the Local Governments Act Cap. 243. Much as the enactment of these Acts has been a positive step by government, the Commission observes the need to strengthen their implementation. The duty of the government is to ensure that the right to a healthy and clean environment is protected, promoted and fulfilled.

Uganda also has a strong Policy framework on environmental protection. Some of the policies include; the National Environment Action Plan (NEAP), the National Environment Management Policy (NEMP, 1994), the National Water Policy, the National Forestry Policy, the National Wetlands Policy, the National Wildlife Policy, the Fisheries policy and the National Energy Policy. All the above policies and legislations have been put in place as an attempt to protect the

environment and promote sustainable use of the environment. For example, the National Environmental Action Plan lays down strategies for integrating issues of the environment into the national socio-economic development. The NEAP has as its main objective, maintaining sustainable social and economic development that enhances environmental quality and resource productivity on a long term-basis that meets the needs of the present generations without compromising the ability of future generations to meet their own needs.

The Policy on the environment provides strategies which if followed should guide and assist decision makers and resource users in determining priorities in the national context and also at the sectoral, private sector and individual levels. The Policy also recognizes the need for sectoral policies in addressing the specific concerns of the identified environmental sectors. The NEAP provides a basis under which several sectoral policies have been developed. These include the 1995 Water Policy, the 1996 National Wetlands Management Policy, the 1996 Wildlife Policy, the 2000 Fisheries Policy, and the 2001 Forestry Policy.

7.4 Environmental rights as human rights

There is an integral link between the right to a clean and healthy environment and other human rights. The deterioration of the environment affects the right to life, health, work and education, among other rights. Health problems caused by air and water pollution are well documented. The effect of the polythene bags popularly known as "buveras" on the fertility of soils cannot be overemphasized.

According to the NEMA on the State of the Environment for Uganda 2006/2007, it attributes 80% of all diseases in Uganda including malaria, water borne and respiratory ailments to poor environmental conditions. The 2005 Uganda Human Development Report also estimates that 80 percent of the disease burden in Uganda is associated with poor sanitation and lack of hygiene. If this is true and owing to the fact that malaria is the major killer disease in Uganda, it can therefore be argued that environmental degradation or contamination has serious consequences on the right to health.



Some of the demonstrators during the Save Mabira Crusade

7.5 Current issues affecting the environment in Uganda

7.5.1 Climate Change

The climate change and variability affecting Uganda has manifested itself through long spells of drought and floods in many parts in the year 2007. During the year, Uganda was hit by a spell of drought and floods. Floods left many people homeless and displaced in the sub regions of Teso and Lango while other regions like Karamoja were hit hard by drought. (See the chapter on human rights and emergencies). The effect of this climatic change has been much on the most vulnerable populations, whose livelihoods depend on land, resulting at

times into deaths and displacements. Government's response to disaster and emergencies is wanting. At times dismal assistance has been offered. The Commission appeals to government to put in place plans to minimize the effects of climatic change and climate variability including putting in place early warning systems.

7.5.2 High Population Growth

Uganda is experiencing high population growth estimated at 3.4% p.a with the fertility rates of 7.1 children per woman and size of over 28 million[32]. The high population growth inevitably exerts pressure on the environmental natural resource and other resources. This leads to land use changes such as deforestation as a result of agricultural expansion, encroachment on wetlands as a result of land shortage and land degradation coupled with poor agricultural practices, leading to a decline in land productivity. The high population growth and the consequent land degradation have contributed to the rising rural poverty and food insecurity in Uganda.

7.5.3 Encroachment on National Parks and Forest Reserves

Uganda's population has been growing steadily over land that is fixed in supply. The consequence of this has been land degradation and encroachment on forest and national park reserves in place. The Commission in the year 2007 received and investigated reports relating to environmental degradation. The case in point is the encroachment of the Basongola pastoralists on Queen Elizabeth National Park and the Bagisu on Mt Elgon National Park. At Mt. Elgon National Park, the Commission established that high population pressure has forced the population to encroach on the National Park, leading to land degradation and deforestation. According to the information received by the Commission, degradation of the environment on Mt. Elgon has aggravated the problem of land slides which at times lead to loss of lives. This is a typical example of how environmental degradation can have immediate far-reaching consequences on man. When the Commission visited Queen Elizabeth National Park in July 2007, it found out that what used to be a National Park with wild game had now turned into an overgrazed farm land.

The effect of human activities on forest resources in the recent past has been to a large extent devastating, partly as a result of poverty and ignorance of the importance of the environment. Also due to failure in the enforcement of policies on the environment, the country is experiencing rapid environmental deterioration. This situation is worsened by the fact that only 30% of forests are in protected areas, the rest 70% is on customary and private lands[33] where deforestation rates are high as a result of conversion of forest areas and bush land into agricultural and pastoral lands.

7.5.4 Overstocking

In places such as Mbarara, Kasese, Kapchworwa, Mubende, Kiboga, Karamoja, West Nile and Nakasongora which fall in the cattle corridor, the problem of overgrazing leading to wind and soil erosion is evident. What worsens the situation is that the activity of cattle keeping is taking place in arid and semi-arid areas which are fragile ecosystems. The number of cattle, goats and sheep is on the increase and hence there is need to pay attention to the carrying capacities of Uganda's cattle rearing districts.

[32] Uganda National Household Survey 2006
[33] The National Environmental Management Authority report on the State of the Environment 2006/2007



Pastoralists grazing their cattle freely in parts of Queen Elizabeth National Park

7.5.5 Encroachment of Wetlands

In Uganda, the wetlands are estimated to be covering about 13% of the total area of Uganda and are under serious threat. Although there is in place a 10-year Wetlands Sector Strategic Plan governing management of wetlands, wetlands degradation is still evident especially in urban centres. Reclamation of the wetlands is partly a result of a number of reasons ranging from basic survival needs of the poor, scarcity of arable land, low cost of wetlands and weak enforcement mechanisms of legislations and policies on wetlands. This is exacerbated by low levels of awareness among policy makers and rural communities on the importance of wetlands.

7.5.6 Pollution

Uganda's urban areas are increasing and so is the urban population. World wide urbanization is associated with number of problems such as pollution whether air, noise, water and solid waste. Although there is in place some standards for noise and air pollution and effluent discharge, enforcement mechanisms of these standards is still weak.

The quality of the water from available sources is reportedly contaminated as a result of pollution from residential, industrial and agricultural land use discharges into the open water bodies. The wetlands which used to act as buffer zones for such discharges are being reclaimed at a terrible rate. As long as water sources are not protected from contamination and the integrity of the wetlands respected, air and water borne associated ailments are likely to increase.

7.6 Progress made on environmental protection

As already observed, Uganda has a strong environmental policy and legal framework which if enforced would prevent environmental degradation. Even amidst political interferences, NEMA reportedly undertook some enforcement measures in the year 2007 to protect the environment. NEMA carried out eviction of encroachers from wetlands, forest reserves and other protected areas, confiscation of equipment used to dump murrum in wetlands or making noise and arrested and prosecuted suspects.



Searching for fuel wood is becoming the major source of environmental degradation

NEMA has also put in place standards for air quality, water quality, discharge of effluents into water, control of harmful smells, control of noise and vibration pollution, and soil quality. There is also in place Environmental Impact Assessment Guidelines (EIA), EIA Regulations, and EIA Practitioners Code of Conduct. There is also in place a framework for regular audits. The NEMA has registered a number of successes in the EIA process in that the number of EIAs has grown from 10 in 1996 to about 1,500 in March 2007[34]. NEMA continues to face a challenge of having its EIAs disregarded by both powerful individuals and Government. There is, therefore a need to commit political support for use of EIAs at both central and local levels.

Access to safe water and sanitation in both urban and rural areas has increased compared to the situation 10 years ago. In 1991, only 11 towns had the services of the National Water and Sewerage Corporation. By 2004, rural access to safe drinking water had increased to 57% while the urban one was at 65%. In 2007, rural water coverage stood at 60 percent and 70 percent for rural and urban areas[35] respectively. Under the Uganda Poverty Eradication Action Plan (PEAP) 2004-05/2007-08, government set itself to afford access to safe drinking water for 85% of the urban population and 75% of the rural population by 2015.

Government has also used fiscal policies such as taxation, economic and social incentives to protect the environment.[36] The disincentives approach was used in the 2006-2007 National Budget to impose an environmental tax on imports of second hand clothing and

[34] NEMA secretariat
[35] Ministry of Water and Environment
[36] For example, permits under the Water Act, Cap. 152, Laws of Uganda - 2000 edition (Uganda Law Reform Commission), licences under the National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations S I No. 5 of 1999 and the National Forestry and Tree Planting Act, 2003 (Uganda Printing and Publishing Corporation).Uganda Law Reform Commission).

motor vehicles of more than 10 years from the date of manufacture. In the 2007/2008 National Budget, government banned the importation and use of polythene bags of more than 30 microns. In the same budget, government slapped a heavy tax on the importation of polythene bags of more than 30 microns.

7.7 Challenges

7.7.1 Institutional bottlenecks

There are still a number of challenges facing environmental protection in Uganda. There is lack of sector/issue specific legislations and policies in some sectors. There are also still institutional weaknesses which make it difficult to enforce environmental laws and policies. Environmental structures at lower local government levels are still evolving while the new structure for environment and natural resources created at the district level is still in its infant stages.

There are still institutional weaknesses within NEMA, making it difficult to enforce environmental laws and policies. They include insufficient capacity of law enforcers, both in terms of environmental law and management expertise, equipment and facilitation. Environmental monitoring is also still weak.

Undue interferences by politicians undermine NEMA's work of protecting the environment. NEMA has in the past been confronted with inconsistent political positions, statements, especially during election time which not only undermine their work but also the integrity of the environment.



Some of the people residing on the slopes of Mt. Elgon assessing the damage after a land slide

7.7.2 High population growth

There are other challenges to environmental protection and planning in Uganda both at national and district level including the threat from population growth rate, structure and distribution that negatively impacts on fragile ecosystems like wetlands, rivers banks, lake-shore, hilly and mountainous areas; high dependence on wood fuel for cooking, leading to increase in deforestation and land degradation; soil erosion and land degradation due to poor farming methods.

7.7.3 Inadequate education

Environmental education and public awareness is still insufficient. Although an environmental education strategy for the formal sector was developed and incorporated in the curricula of education institutions, it is yet to yield results.

Environmental reporting is another area that needs to be addressed by NEMA. Much as NEMA releases bi-annual reports, it is disturbing that the contents of such reports are not widely disseminated. It is even very expensive for an ordinary person to acquire a copy of this report. It costs approximately twenty US dollars to acquire a copy of the NEMA report and given the fact that 31% of Uganda's population lives on less than a dollar per day, it cannot afford to access such information. The Commission therefore urges NEMA and Government to provide environmental information to the public free of charge.

7.8 Recommendations

- Government through NEMA and other agencies should increase levels of environmental monitoring and enforcement of environmental laws and policies.
- Government should formulate a national solid waste management policy and law.
- NEMA should create effective public awareness campaigns on the importance of the environment.
- The Government should integrate environmental issues in all sectors in the 5-Year National Development Plan that is being developed. In addition, NEMA should guide local governments on how to mainstream environment aspects into district development plans.
- Government should strengthen incentives and disincentives to encourage environmental protection.
- Government should offer the much needed political will in the enforcement of environmental legislations and policies
- Environmental Impact Assessments carried out by NEMA should be respected by government and its agencies.

7.9 Conclusion

There is sufficient legal and policy framework on environmental protection which only lacks enforcement. NEMA therefore needs to enforce the laws in place. However, government should provide support and sufficient funds to the environment sector to enable it carry out environment management activities including law enforcement and public awareness, information and training programmes. NEMA should be allowed to operate without interference.

Chapter 8:
CHILD NEGLECT

8.0 Introduction

This Chapter is mainly based on a study carried out by the Commission in July 2005. The scope of the study constituted both rural and urban settings in order to establish a rural-urban divide. Eight districts from the four regions of Uganda were surveyed. These were; Mukono and Kampala in the Central Region, Kamuli and Soroti in the Eastern Region, Moroto and Gulu in the Northern region and Bushenyi and Kabarole in the Western Region. A total of 534 respondents were interviewed (89 local leaders, 62 partners and stakeholders, 115 fathers, 127 mothers and 141 children).

Table 8.1: Number of respondents by category by district

District	Local leaders		Partners and stake holders		Mothers		Children		Fathers	
	No	%	No	%	No	%	No	%	No	%
Gulu	13	14.6	6	9.7	16	12.6	24	17.0	14	12.2
Mukono	10	11.2	11	17.7	18	14.2	14	9.9	12	10.4
Kamuli	13	14.6	7	11.3	17	13.4	16	11.3	16	13.9
Kabarole	10	11.2	9	14.5	13	10.2	17	12.1	14	12.2
Kampala	10	11.2	3	4.8	15	11.8	21	14.9	14	12.2
Bushenyi	9	10.1	10	16.1	14	11.0	14	9.9	14	12.2
Moroto	13	14.6	9	14.5	18	14.2	19	13.5	16	13.9
Soroti	11	12.4	7	11.3	16	12.6	16	11.3	15	13.0
Total	**89**	**100.0**	**62**	**100.0**	**127**	**100.0**	**141**	**100.0**	**115**	**100.0**

The study aimed at developing a holistic approach to handling of the rampant violations of children's rights to maintenance, by ascertaining the broad causes of child neglect. The major areas of human rights concern that are analyzed in this chapter to establish the extent of child neglect include: access to basic education, health services and shelter, provision of food and clothing, and parental love and care.

The findings indicate that child neglect generally is on the increase. Among the perceived causes of child neglect is poverty at the household level, ignorance of law and poor law enforcement, unstable marriages that lead to divorce, polygamy, and domestic violence, all of which have direct effect on the well being of the child. Other causes included culture, which segregates children according to their sex, and the poor health of some parents.

8.1 Extent of Child Neglect in Uganda

Whereas children's rights are well provided for in both international and local human rights instruments, the issue of child neglect still looms at a significant rate in the Ugandan society. This is irrespective of the existence of Family and Child Protection Unit in police (FCPU), Family and Children's Courts (FCC) and other appropriate institutions that cater for child custody and violation of children's rights.

The Commission, has as reported, in its previous annual reports been registering many complaints on child maintenance. For example, in the Commission's 6th, 7th, 8th, 9th and 10th annual reports, complaints against child maintenance topped the list of the registered complaints. Worldwide, children comprise one of the most vulnerable groups of people. Children's rights are part and parcel of human rights, and children at their tender age can only get these rights if the state and the parents/guardians take responsibility and care to ensure this.

Given that over the years, the Uganda Human Rights Commission (UHRC) has increasingly been getting overwhelming cases of violation relating to child neglect, is an indicator that the rights of children are not fully respected and that the custodians have not adequately played their roles.



Starved to near death. Child neglect is still on the increase in Uganda

The Commission has tried to resolve cases of child neglect mostly through mediations. The outcome of the mediations is that parties sign a memorandum of understanding (MOU). However, whereas most parties sign memoranda, the rate of defaulting by the parents has been rising (about four in every ten memoranda are defaulted upon) and this has not yielded the desired goal of ensuring maintenance of the children. Nevertheless, the MOU is regarded as a Consent Judgement which can be enforced against the respondent.

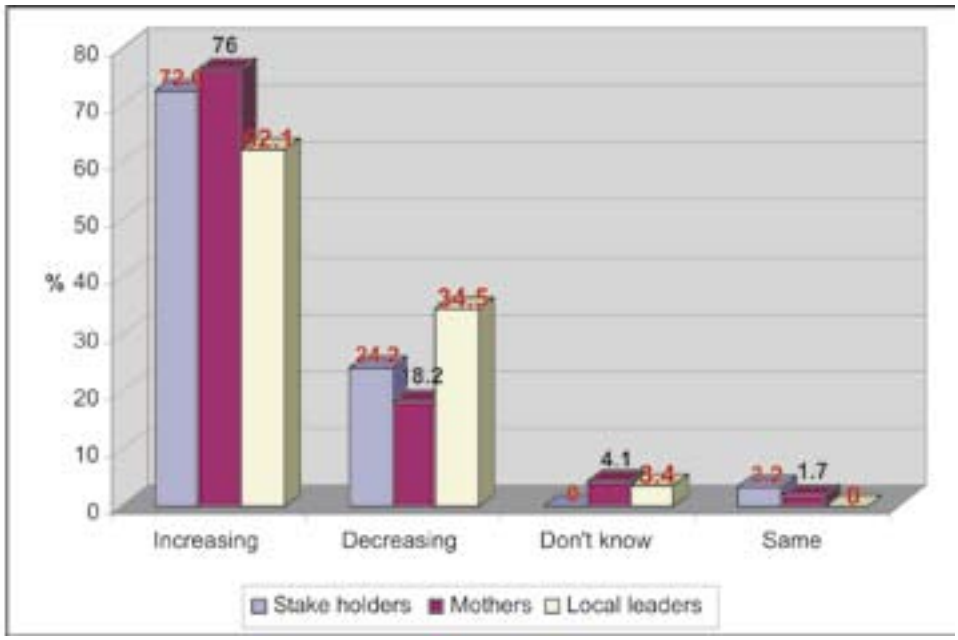
In some cases, mothers claimed that they do not obtain the desired interventions when they report neglect of their children by fathers to the Family and Child Protection units of the police because the Police either demand for bribes and sometimes, the mothers are not usually taken seriously. Child neglect is an offence and this offence is punishable under the law, with a six months imprisonment.

It is also important to note that the legislation does not commit government directly to support children leaving the primary responsibility with the parents and guardians. The law is therefore inadequate in addressing the problem comprehensively.

8.2 Findings

On average, the majority of the respondents revealed that the problem of child neglect is on the increase. According to the mothers who were interviewed during the study on the level of child neglect, it was found out that it is on increase (76%) though 18% said it was decreasing. This corresponds with the response of fathers, leaders and other stakeholders who generally said it was on increase as shown in figure 10.1 below.

Fig. A: Perception of the status of child neglect



Taking into account the nature of cases reported to leaders on child neglect, the Commission found out that child neglect takes many forms ranging from denying a child education, food, shelter, clothes and failure to provide the child with the basic necessities of life as indicated in table 8.2 below;

Table 8.2: Forms of Child Neglect/Children's Rights abuses reported to the leaders

Form of abuse	No	%
Failure to educate the child	20	32
Failure to provide food to a child	14	23
Failure to provide medical care	10	15
Negligence on general care of children	4	7
Failure to Provide shelter	6	10
Failure to provide clothes	9	13
Total	**61**	**100**

Source: Field data

According to the data gathered by the Commission on the forms of child neglect reported to leaders, the majority of the victims are deprived of education and the education materials (32%), food (23%), clothing (13%), medical care (15%) and shelter (10%).

8.2.1 Victims of child neglect

The Commission found that most neglected children are those aged 6-12 years, the primary school going age-group. Regarding gender, the girl child was found to be the most neglected (35%) as opposed to the boy child (11%). The implication of this is that issues of gender parity and sex preference still dominate the communities especially when the resources are scarce.

The Commission established through the study that children with disabilities suffer from neglect. Majority of the local leaders interviewed during the study agreed that children with disabilities (irrespective of the nature of disability) were the most neglected (81%). Even amongst children with disabilities, certain categories suffer neglect more than others depending on the nature of disability. Majority of the local leaders interviewed agreed that the lame/ crippled are the most neglected children (13%), followed by the blind (9%), then those with mental impairment (6%) and those with speech and hearing impairment (6%). One of the main reason contributing to neglect of children with disabilities' right to education cited was lack of facilities in schools. This is exacerbated by the fact that some of the facilities required by children with disabilities are quite expensive. These include; wheel chairs, hearing aids, white cane, talking calculators and disability friendly structures.

8.2.2 Indicators of child neglect

Failure to attend school

Inability to attend school was a major indicator of child neglect. A number of factors were attributed to children's failure to go to school or drop out. These included; loss of ones parents, poverty, lack of scholastic materials and lack of access especially for children with special needs.

Table 8.3: Delay in payment of school dues

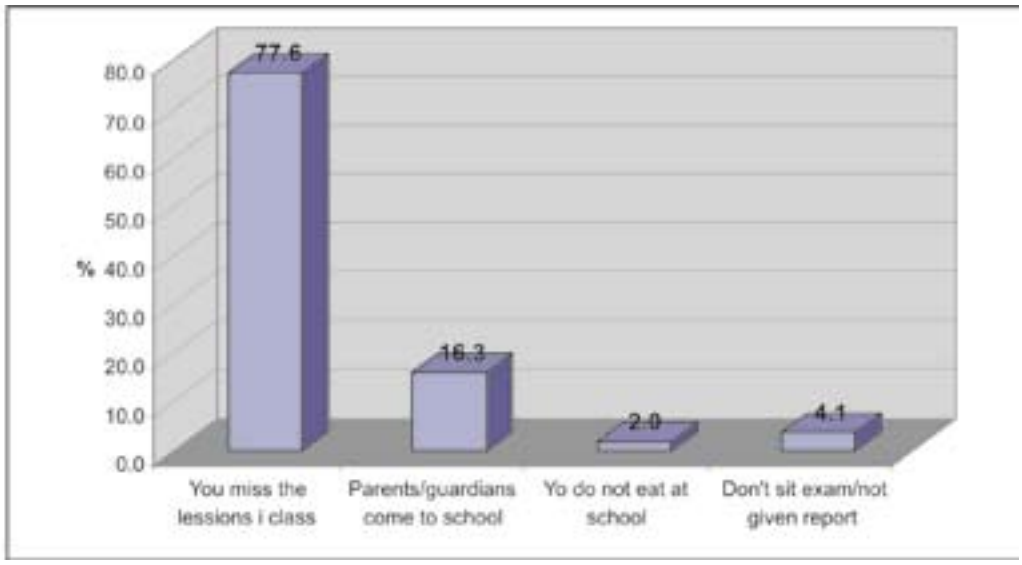
Ever delayed in paying school dues	No	%
Yes	51	41.8
No	71	58.2
Total	122	100.0
Why not pay on time		
Does not have money	45	72.6
School permits payment in instalments	10	16.1
Looks after many children	4	6.5
My father got another wife so delays to pay	1	1.6
I pay for myself	1	1.6
Others	1	1.6
Total	**62**	**100.0**

Source: Field data

During the study, children were asked if they had ever experienced any delayed payment of school fees. Forty two percent (42%) said they had to pay school fees late. The perceived major reasons attributed to this, were; lack of money (73%), schools permitting payment in instalments (16%) and parents looking after many children (7%). The lack of money is a simple reflection of the poverty levels that have been high at the household level and ultimately, the main reason responsible for child neglect. Table 8.3 above shows the response of children when asked whether they have ever experienced delays in payment of school fees and reasons for it. Seventy three percent (73%) of the children interviewed attributed it to lack of money.

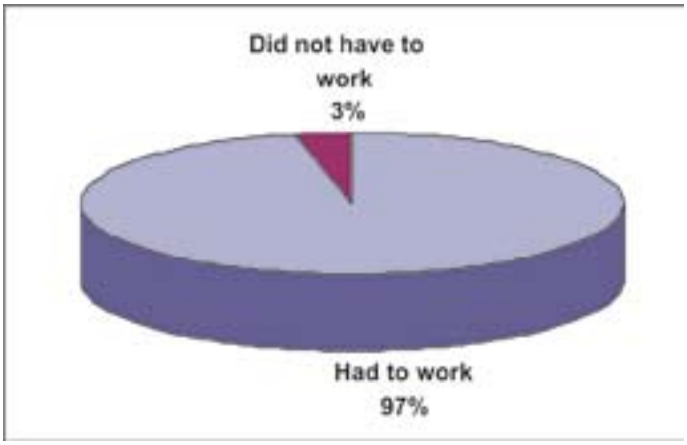
Delayed payment of school dues was reported to affect children either in quality of education received (attendance tests/exams) or quality like lowering self esteem of the child or increasing self pity of the child. As per figure 2 below 77.6% of those who delayed payment of school dues missed class, 16.3% had their parents or guardians go to school, 4.4 % did not sit for exams or missed reports.

Fig. B: What happens to children in case of delayed payment of dues?



The study revealed that the majority of children (97%) have to work in order to have their education/health needs met. However, this should be looked at in the view where parents ask the children to participate in raising family income, which in turn contributes towards school dues. The work done included the family gardens/farms and other household chores.

Fig. C: Whether children had to work in order to get basic education/health care



Desertion of Children

Child neglect in Uganda has also been in a form of parents abandoning their own children. According to the information obtained from Mulago hospital (Uganda's main Referral Hospital) during the study, a number of babies are usually abandoned in the Hospital by their mothers. Mulago Hospital acknowledged receiving other babies rescued from rubbish skips and pit latrines. Due to poverty and other factors, orphaned and abandoned babies are a relatively common occurrence in many developing countries including Uganda.

Lack of medical attention

Due to a number of factors including vulnerability of children, poverty, corruption, orphanage, low medical staff capacity and an under-resourced environment within many health facilities in Uganda, health needs of children are attended to last.

During the research, the Commission wanted to find out if children who have ever fallen sick, ever got some medical attention. The findings show that out of the children who fall sick, a big proportion (40%) do not get treatment when they fall sick. The major reason given for not taking children for treatment was lack of money and sick children being treated with local herbs. Given the fact that children are a vulnerable group, denying them the necessary medical attention is a violation of their rights.

Table 8.3: Reasons for children not being taken for treatment

Reasons for not getting treatment	No	%
No money	15	46.9
Responded with local herb medication	7	21.9
My father wasn't around	2	6.3
Due to distance	2	6.3
They thought I was disturbing them	1	3.1
Mother wasn't around	1	3.1
My parents were not keen on giving me medication	1	3.1
Was running away from LRA attackers	1	3.1
Was at night and so didn't have access	1	3.1
Failed to get appropriate medicine	1	3.1
Total	**32**	**100**

Source: Field data



An abandoned child taken to a health facility

Lack of shelter

The 1995 Constitution of Uganda states "All Ugandans shall enjoy rights and opportunities and access to decent shelter". This implies that children should be provided with shelter that is decent enough to give them a sense of dignity.

A child should not be denied their right to live because they are born into poverty. Yet this happens every day in Uganda.

Going naked

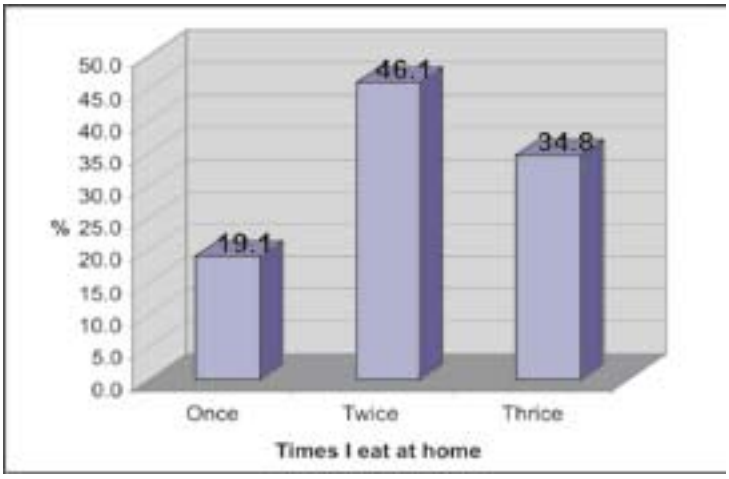
Children have a right to appear in public without shame. This right is fulfilled through having clothing. It is the obligation of parents/guardians to provide clothing to the children. This aspect was highly observed by almost all parents/guardians as most children confirmed that they had some clothes to put on (99%). Only two out of 141 said they did not have clothes (1%). Most of the children had 6 or more pairs (39%), though those with only 1 pair formed a high proportion (13%). The study however, did not cover the quality of the clothes that children had.

Access to food

In view of the fact that food is a fundamental right and the principle that a healthy population means a health state, the survey carried out by the Commission had to look at how children have access to food in terms of the number of meals they get per day, whether they eat to satisfaction, and whether they have ever gone without food and why.

When children were asked to state the number of meals they get on a typical day, it was clear that the majority get less than three meals. As shown in figure D, 19% get one meal, while 46% get two meals on a typical day. Only 35% of the interviewed children were getting three meals in a day. The number of meals the children get on a day give an indication as to whether children are underfed or are fed well.

Figure D: The number of meals the child eats at home in a day



Though the Government is bound by the Constitution to provide a framework and environment through which food can be provided, the primary providers of food for the household members are the household heads. As it is well known for most rural communities, the mothers were highly recognized by the interviewed children as providers of food in the home (28%) and the fathers were next to them (23%) while 18% said that food was not bought but rather grown by the family.

Going without food

A high proportion of children the commission talked to said they have ever gone without food (44%) and the most common reason given was having no food at home (39%) or having no one to cook it (43%). On some occasions, there was no one to buy it (8%) and other reasons as shown in the table 8.4. Since food is a basic necessity of man, and very crucial to a child's proper growth and well being, the high number of children (44%) who have ever gone without food is a serious problem which policy makers need to look at. Parents are duty bound by the 1995 constitution under the rights of the family to care for and bring up their children.

Table 8.4: Going without food

Ever gone without food	**No**	**%**
Yes	51	41.8
No	71	58.2
Total	**138**	**100.0**
Reason for going without food		
No one to cook for us	22	43.1
No food at home / garden	20	39.2
Do not know	5	9.8
No one at home to buy food	4	7.8
Denied food	3	5.9
Was sick	2	3.9
Total	**51**	**100.0**

Source: Field data

Discipline at home

Under the duties of citizens, it is stated in the1995 constitution that every citizen is duty bound to protect children and vulnerable persons against any form of abuse, harassment or ill treatment. This may imply that any punishment given to the child should not violate his/her rights.

Some of the methods used to punish the children are obvious abuse of children rights like locking children outside houses or chasing them from home, denying them food, refusing to pay school fees and canning. The neglect that children face tends to affect them even in their later years, it affects them psychologically. It is important that parents understand that punishing a child should help him/her grow into a better person rather than inflicting physical disability to the child. Some forms of punishment expose children to more danger and indiscipline.



Most children on Uganda's streets are as a result of child neglect

The examples of irresponsible ways of punishing children are many like The New Vision of 17th February 2007 highlighted a case of a young boy whose father suspended a brick on his private parts because he had wetted his bed. With such cases still in our midst, we need to appeal to the Government to come up with stronger laws for child protection.

Some children have been victims of harsh treatment for instance The New Vision of 29th January 2007 reported a girl who was tortured by her mother. The victim's back, thighs and legs were scalded with hot water. "Empower Children and Communities against Abuse," Issue 1, January/February 2007.



Akwatiddwa lwa kutulugunya muzzukulu we

Amwokezza

LUGAZI

By Mukasa Kiwanda

POLIISI e Lugazi ewonyeza omukazi agambibwa okutulugunya bamukulu be okutiibwa abaluma ababeddo bataano ng'enjuki.

Teopista Najjuma ow'e Kigenda mu ggombolola y'e Kawolo ye yawonye okuqajanbulwa abaluma oluvannyuma lw'okumusanga ng'asiibidde abaana babiri mu nnyumba ate ng'abasiibya njala.

Omu ku baana bano Nabawanuka (5) yasangiddwa nga takyasobola kukaabe ng'omukka abaka mubeke olw'obuluumi n'enjala bye yabaddemu nabyo.

Okusinziira ku mukulu wa Nabawanuka, Brenda Nakiyingi (9), najjaabwe yayokya Nabawanuka ng'amulanga kwepamira nti ye talina gakwata mu bubi.

Nakiyingi yayongeddeko nti "Buliijo jaija ataguana okufunnako wabweru ng'eyagala tusiibe mu nju nga n'emmere

Najjuma ng'alaga omwana Nabawanuka ku dityo eyamukwasizza.

The photograph shows how severely some guardians/parents can punish children who are under their care.

The picture shown was reported in Bukedde Newspaper. The story is about a grandmother who physically abused the child by burning his behind (lady holding child) and later starved him.



Bonassi Gumisiriza ng'ali ku polilsi e Mbarara ng'asituddde mu-wala we eyayokeddwa mukazi we Sarah Birungi obutuuliro. Bi-rungi eyaweereddwa eyasibiddwa emyezi 8 yamwokesezza paasi.

The picture shows a child held by his father Bonassi Gumisiriza of Mbarara district (found in the Western part of Uganda). The child's step mother, Sarah Birungi, subjected his buttocks to heat from a flat iron. The biological mother of this child had abandoned the child due to a domestic conflict

8.3 Perceived Causes of Child Neglect

From the study carried out by the Commission, the findings indicate that the most common cause of child neglect is poverty faced by the parents (90%). The parents/guardians have no resources to provide even the basic needs. Other possible causes of child neglect pointed out were ignorance of the law and poor law enforcement that would teach the parents the outcome of child neglect (53%), unstable marriages that lead to divorce, polygamy, domestic violence and other related consequences that have direct effect on the well-being of the child. Other factors mentioned include culture which emphasizes the boy child at the expense of the girl child, and beating and cruel punishments meted out on children, poor health of parents that incapacitates them from looking after the children well.

Unwanted pregnancies and the existence of non biological children at times contribute to the problem of child neglect.

8.4 Recommendations

In light of the above findings, the following recommendations have been made.

1. Government should carry out mass mobilization and sensitise the public on the rights of the child with specific emphasis on child neglect. As such, a more comprehensive base-line study on child neglect should be done, to understand the different forms of child neglect to enable the development of comprehensive solutions.

2. Government should put in place proper monitoring and evaluation programmes to monitor the progress in the fight against child neglect.

3. Since child neglect is related to the high household poverty levels, the fight against child neglect should be integrated into programs that aim at fighting poverty at household level like PEAP, PMA and others. This will help to increase the financial capacity of the rural poor parents and facilitate them to provide basic needs of their children with ease.

4. To minimize the effects of unstable marriages on children's rights, there is need to identify NGO and Government departments that are mandated with building the family institution, the personnel in these organisations should be empowered with the necessary skills to fight child neglect. It should be further noted that a troubled home leads to a troubled society and country at large. Labour policies that favour a healthy relationship between husband and wife should be explored.

5. Due to the fact that children aged 6-12 years are the most neglected, Government should intensify its efforts of providing free education to all under UPE and USE programmes and free access to basic health services with emphasis on the girl child and children with disabilities

8.5 Conclusion

Children are a very vulnerable group of people who need special care and attention from their parents/guardians in partnership with the State. However, as revealed by the findings of the study and the many complaints on child maintenance registered by the Commission, there is enough evidence that child neglect is on the increase in the country and there is therefore need to curb it. The main causes of child neglect were mainly poverty, lack of personal responsibility on the part of the parents, ignorance of the law and family instability. It is therefore vital that lasting solutions to this problem are sought to ensure that the children's rights are protected.

Chapter 9:
HUMAN RIGHTS AND DISASTERS

9.0 Introduction

Disasters cause disruption to society, causing widespread human, material or environmental losses that exceed the capacity of the affected society to cope without help. All disaster occurrences have a bearing on the human rights of the affected communities. States have an obligation to ensure that people affected by disasters have minimum requirements like water, sanitation, food, health services and shelter to satisfy their basic right to life with dignity[37]. There is need to integrate human rights in all disaster preparedness and management efforts through avoiding all forms of discrimination and dehumanization. This Chapter assesses government response to the disasters that struck Uganda in 2007 in light of international human rights standards. Government response was inadequate and the UHRC makes recommendations for the future.

9.1 International and Regional instruments relating to disaster management

Uganda has ratified several international instruments relating to disaster management[38]. The UN Convention on the rights of a Child (CRC) provides a normative framework for physical, psychological and cognitive protection of learning in emergency situations. The Minimum Common standards in disaster management are; community participation especially the disaster affected population, initial assessment of the nature of emergency and its effects, response, targeting, monitoring by collecting and analyzing information to continually measure the progress and evaluation which may be during or at the end of the response[39]. At the Regional[40] and national level Uganda has national policies, strategies and legislation that address disaster risk reduction, like the National Disaster Preparedness Policy and institutional framework, National Policy on Internally Displaced Persons. Uganda has also recognized the importance of disaster risk reduction and it is third topmost priority in poverty reduction strategic framework (PEAP).

9.2 The major disasters that hit Uganda in 2007

Uganda like so many countries in the world has faced disasters and these include natural disasters such as epidemics, pests, droughts, hailstorms, thunder storms, lightening, earthquakes; and human induced disasters like wars, fires, terrorism to mention but a few. In 2007, two major disasters hit the country and had a great impact on human rights. These were floods in eastern and northern Uganda, and Ebola Hemorrhagic Fever in Bundibugyo.

9.2.1 Floods in Eastern and North Eastern Uganda

According to experts they were caused by the La Nina weather pattern in the Pacific Ocean, a phenomenon in which oceans cool down faster, due to extremes in temperatures caused by global warming, thus causing the rainy season to come earlier and in large amounts. The resultant effects subjected people to floods. Floods devastated the Eastern and Northern parts

[37] The Spheresphere Humanitarian Charter and minimum standards in disaster response further provide clear guidelines on how effective responsereponse should be articulated to ensure minimum loss of lives and livelihoods..
[38] The UN Convention on the Rights of a Child (CRC), The Universal Declaration of Human Rights of 1948, The 1997, Sphere Humanitarian Charter and minimum standards in Disaster response and The Hyogo framework for action that was adopted by the World Conference on disaster reduction in January 2005, Japan.
[39] The Sphere Humanitarian Charter and Minimum Standards.
[40] The 2000 Dakar World Education Forum Framework for Action which promotes education for all declares as one of its aims to the government must meet the needs of the education systems affected by conflict or natural disasters and instability and conduct education programs that promote mutual understanding, peace and tolerance.



Floods in Soroti's Abuket village had a direct impact on human rights including the right to shelter

of the country in the districts of Soroti, Oyam, Lira, Kaberamaido, Nebbi, Kapchorwa, Bukwa, Manafa, Bududa Sironko, Kumi Bukedea Amuria, Katakwi, Kitgum, Gulu and Pader for nearly four months (from July 2007 to October 2007). The flooding affected the highly vulnerable area of the country where almost all households are dependant on subsistence agriculture.

9.2.2 Government's response

These heavy rains were expected, according to the Meteorology Department but the initial level of preparedness /response on the side of government and also humanitarian actors was very minimal and thus leading to adverse effects on the local population. In response to the floods devastation in Uganda in 2007, His Excellency, the President on 25th September 2007, declared a state of emergency for the north and eastern regions[41].

9.2.3 Impact of floods on Human Rights

The floods had a great impact on the right to education, the right to health, the right to shelter, the right to clean water and the right to a clean environment.

a) **The right to Education;** Education in emergencies helps to heal bad experiences, build sills and support conflict resolution. However, during the recent floods this right was not observed at all as;

- Many schools closed and students moved with their parents from water logged to safer areas. When the third term begun, 174 primary schools in the area could not re-open in the eight flood-affected districts of Amuria with 46 schools, Katakwi with 32 , 3 in Sironko, 4 in Kapchorwa, 38 in Manafwa, 10 in Bududa, 30 in Bukedea and 11 in Kumi, this excluded over 100,000 children from school therefore affecting their right to education[42].

- Access to schools was limited as communication and feeder roads and high ways were flooded. The roads linking Soroti to other districts were closed as the floods had rendered them impassable these included Mbale-Soroti (at Awoja), Katine-Kalaki, Soroti- Katakwi, and Gweri- Katakwi. A total of 169 km of feeder roads and 147 km of community roads were affected by the floods around Soroti district. The Awoja Bridge was washed away thus cutting all links to Teso Sub region.

[41] Pursuant to article 110 of 1995,constitution of the republic of Uganda, the president has constitutional duty to declare a state of emergency in any part of the country if he is satisfied that a disaster has occurred.
[42] See Joint Assessment Team Report

b) The right to Health; Everyone has a right to a standard of living that promotes good health and wellbeing which includes food, clothing, housing and medical care.[43] However Diseases like Malaria, diarrhoea, cough and eye infections were highly manifested during floods and this was attributed to use of unsafe water and stagnant water which served as a breeding ground for mosquitoes. There was an increase in water related diseases like dysentery and the turn up for health services in all health centres was high with a corresponding demand for drugs leading to critical shortages of drugs.

c) The right to life; There was reported loss of Human life, of around 10 deaths in amuria and Bukedea Districts.

d) The right to shelter; According to the Humanitarian charter every one has a right to adequate shelter. It is a critical determinant for survival in the initial stages of a disaster. Over 200 families were forced to relocate to temporally shelters; on higher grounds others sought refuge in government institutions such as schools. In Soroti, sub counties of Gweri, Katine and Atiira some houses had completely collapsed due to floods.

e) Right to water and a clean environment: In the Elgon region, because of the excessive rains this greatly affected the water sector with close to 126,303 people affected, due to the nature of their main water sources which are mainly natural springs and rivers not protected and exposed to contamination. Sanitation facilities collapsed leading to poor hygiene at household level, water points were contaminated threatening out break of diseases. In Amuria, the effect of water logging led to the deterioration of sanitation conditions whereby a total number of 465 pit latrines collapsed.

f) The right to food: The state has both progressive and immediate obligations to realize the right to adequate food. The Obligations under ICESCR are classified into three levels; the obligation to Respect, promote and fulfil the realization of right to food[44]. There is also an obligation to accept assistance from other sources in order to protect the lives and fundamental human rights of all affected people. The Karamoja region was hit by food crisis following the torrential rains and floods. This caused crop failures and food shortages in almost all homesteads. This region normally receives food from Soroti, Katakwi, Mbale and Sironko districts but because of the unfavourable weather conditions and the high prices of fuel in the region it became almost impossible to get food during that period.

The food security of close to 300,000 people in 50,000 households was affected by the floods and landslides as gardens were water logged leading to destruction of crops[45]. Crops and Livestock were affected by soil erosion, hailstorms, flood water, sliding land and rolling boulders.



Wilfred Asiimwe of UHRC at Agur Bridge before it was cut off by the floods

[43] The Universal Declaration of Human Rights articulates the right to adequate health in Article 25
[44] CESRC General Comment 12 Articles 15 and 16
[45] OCHA's report

9.3 Ebola in Bundibugyo

World Health organization on 30th November 2007 announced an outbreak of Ebola hemorrhagic fever in Uganda involving a new subtype of the virus in Bundibugyo District. According to WHO, four Ebola subtypes have previously been identified in Zaire, Sudan, Cote de'voire and Reston. To Republic of Congo, the out break was less lethal as it represented a fifth strain of the Ebola virus and the World Health Organization was concerned because the initial symptoms were milder, making it harder to diagnose.

The way it was presented, you could mistake it for malaria, at the very early stage, high fever and headache. By the time of writing this report it was reported that a total of 149 cases with 37 deaths had been reported (case fatality rate of 24.8%). Uganda's last Ebola outbreak occurred in 2000 in Gulu and involved the Sudan subtype according to CDC. In that outbreak there were 425 cases and 224 deaths were reported. Among 37 deaths, 5 were health professionals, that is, Dr. Kule Jonan (Medical Superintendent of Kikyo Health Centre), Joshua Kule (Senior Clinical Officer), Ms Pelusi Tabiita (Matron), Ms Rose Bulimpikya (Senior Nursing Officer) and an unidentified nurse[46].

9.3.1 Government's response to Ebola out Break in Bundibugyo

The Commission commends government and all the partners for their strengthened network and collaboration with other humanitarian actors like the International federation, Danish Red Cross, WHO, Medicines Sans Frontiers (MSF) and Oxfam GB. These partners provided technical support in the response to this outbreak. The District was not officially quarantined. According to the Ministry of Health the disease was controllable since it was transmitted only through direct contact with an Ebola patient or contact with body fluids from an infected person.



Health Workers in protective gear at Buhinga Regional Referral Hospital, Fort Portal during the Ebola emergency

[46] ***"Doctor dies of Ebola in Mulago Hospital"***, **The New Vision** paper reported by Anne Mugisa, Bizimungu Kisakye, Kyomuhendo Muhanga,, John Twawite and Mathias Mugisha on 5th December

9.3.2 The following measures were taken to contain the situation

- A national Ebola Task Force was set up and would meet daily to coordinate Committees that had been formed in Bundibugyo and the surrounding districts.
- A Central alert Rapid Response team was formed to respond urgently to alert cases nation wide.
- Surveillance was done in the affected district and others at risk.
- Contact training and follow-up were conducted in the affected districts.
- Community mobilization and sensitization of the populations on the symptoms and preventive measures of Ebola.
- Health workers were given peer and social support and mentoring to maintain a functional hospital and attendants of the cases in the isolation camps were trained on minimum personal protection practices and provided with supplies.
- There were experts from the WHO that provided technical support and coordinated the international response as well as working closely with MoH to contain the epidemic, logistical support to the health and isolation units[47].

9.3.3 Impact of the Ebola scourge on Human Rights

The Ebola out break had an impact on the right to life; the right to proper working conditions, as well as the right to health in particular, the right to prevention, treatment and control of diseases.

a) Right to life

During the Ebola outbreak lives were lost. According to information in the print media a total of 149 cases of ebola were registered and of these 37 resulted into death (case fatality rate of 24.8%). The victims included health professionals.

b) Right to just and favourable conditions of work

The ebola outbreak presented a challenge of safety of health professionals as they lacked protective gear such as gum boots, gloves, which exposed them to the risk of contraction of the disease and as result some of them died. Some of the health professionals who lost their lives included Dr. Kule Jonan (Medical Superintendent of Kikyo Health Centre), Joshua Kule (Senior Clinical Officers), Ms.Pelusi Tabiita (Matron), Ms.Rose Bulimpikya (Senior Nursing Officer) and an unidentified nurse. Losing one health professional means endangering the lives of over 150,000 people given the ratio of health workers to the population and it is observed, that government's response was more reactionary than proactive in nature.

c) Right to prevention, treatment &control of epidemic diseases

Although the Ministry of Health averred that the disease was controllable since it was transmitted only through direct contact with an Ebola patient or contact with body fluids from an infected person, there were no restrictions on movement of people from the district. It was highly possible or probable that people who were infected with Ebola moved to other parts of the country and the disease could have easily spread. A case in point are the cases reported in the neighboring districts of Kabarole where a woman (a patient) fled the isolation hospital; Fort portal where a 13yr old boy died ; Mbarara and Kasese also reported cases of the ebola disease.

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[46] ***"Doctor dies of Ebola in Mulago Hospital"***, **The New Vision** paper reported by Anne Mugisa, Bizimungu Kisakye, Kyomuhendo Muhanga,, John Twawite and Mathias Mugisha on 5th December

[47] WHO report and press releases

[48] See the third paragraph of the preamble of the UN Universal Declaration of Human Rights of 10th December 1948.

9.4 Recommendations

- More funds should be allocated to the ministry of disaster preparedness because in most cases when disasters hit, there are no contingency funds for such emergencies. The Commission appeals to the government to increase funding under the Department of Relief, Disaster Preparedness and Refugees.
- There is need for the formation of the disaster preparedness and disaster management Commission that will deal with both natural and man made disasters, as stipulated under Article 249(1) government should ensure that the Commission is adequately facilitated to carry out its activities.
- Mapping should be done in some areas to look at the possible hazards. What is required is to take preventive measures to reduce on negative impact of disasters.
- Measures should be put in place to rehabilitate and construct the bridges that were destroyed during floods like the Awija Bridge.
- Policy makers should incorporate environmental management into all aspects of their planning. It is especially important to take climate change into account in National Development Planning.
- In case of infectious and communicable diseases, government may have to put the appropriate restrictions in order to avoid the spread of such diseases which is in line with Article 23(1) (d) of the Constitution.
- Government should prioritize the human rights of people affected by natural disasters such that even in genuine cases of emergency situations the rule of law must prevail.
- The Commission also recommends that Government should improve the general conditions of health workers. Government should ensure that health professionals, especially in situations of emergencies, are availed with adequate and proper medical equipment to protect themselves while attending to patients.

Chapter 10:
COMMON WEALTH HEADS OF GOVERNMENT MEETING

Introduction

This Chapter presents an overview of the key activities undertaken by the Commission during the Common Wealth Heads of Government Meeting (CHOGM); in particular, the Commission's role in the Common Wealth Forum for National Human Rights Institutions (C-NHRIs) and the Common Wealth People's Forum (CPF). The Chapter also highlights the Human Rights issues in the CHOGM Communiqués and a summary of the CHOGM communiqué.

10.0 Background

Uganda hosted the Commonwealth Heads of Government Meeting (CHOGM) last year from 23rd-25rd November 2007. This meeting that is held every two (2) years brings together Commonwealth leaders to discuss global and Commonwealth issues, and to agree upon collective policies and initiatives. During this meeting the following parallel forums were held; the Commonwealth Business Forum, the Commonwealth Peoples' Forum and Commonwealth Youth Forum.

10.1 Uganda Human Rights Commission's role in CHOGM

The Uganda Human Rights Commission thought it important that space be created for national human rights institutions .This ensured that for the first time Commonwealth National Human Rights Institutions were at the forefront of ensuring observance and respect of human rights in their respective countries.

It was during the Commonwealth Conference of National Human Rights Institutions meeting held at Marlborough House in London from 26th – 28th February 2007 that the delegates explored ways to further strengthen cooperation and collaboration among Commonwealth National Human Rights Institutions. It was during this meeting that the forum was formed with the Chairperson of the Uganda Human Rights Commission; Mrs. Margaret Sekaggya nominated as the Chairperson of the Steering Committee.



H.E. Yoweri Kaguta Museveni, the President and the Queen of England

10.2 Relevance of the Commonwealth Forum for National Human Rights Institutions

The forum is an inclusive body of Commonwealth National Human Rights Institutions (C-NHRIs) and other accountability mechanisms with a human rights mandate. Its mandate is to support and encourage countries to establish Paris Principles –compliant NHRIs while taking into account the accreditation process of the International Coordinating Committee (ICC) of National Institutions for the Promotion and Protection of Human Rights. The forum will complement and support the work of the Human Rights Unit within the Commonwealth Secretariat in promoting human rights within the Commonwealth. The forum will also strengthen co-operation between national institutions in the Commonwealth, and between national institutions and international partners such as the Office of the UN High Commissioner for Human Rights to promote and protect human rights at national level.

The main objectives of the forum are to:

- Promote interaction and dialogue among NHRIs and with regional bodies and members of civil society, at and within other NHRI gatherings and the UN mechanisms,
- Allow for collective expressions of support, encouragement or concern in relation to particular events and developments in individual commonwealth NHRI for better defence and promotion of human rights.

The forum also presents a platform for strengthening the capacity of national human rights institutions to protect and promote human rights in the Commonwealth. It will usher in a new era of joint advocacy, standard-raising, and for increased collective interaction between C-NHRIs and Governments, civil society organizations and international bodies. It is against this background that the first meeting of the Commonwealth Forum of National Human Rights Institutions was held at Protea Hotel, Kampala on 19th November 2007 and national institutions from Africa, Americas, Asia, Caribbean, Europe and other international agencies were represented. The Forum was officially opened by the Commonwealth Secretary General, the Rt. Hon. Don McKinnon.

10.3 Outcome of the C-NHRIs

At the end of the C-NHRIs Forum members issued the Kampala Communiqué recommending to the heads of government the need to make the Forum a permanent feature of CHOGM. The specific recommendations of the C-NHRIs Forum to the Heads of Government called upon them to[49]:

- Grant full recognition and participation of the C-NHRIs Forum in CHOGM processes and related activities.
- Strengthen NHRIS through increased funding, timely implementation of their recommendations and establishment of mechanisms of engagement.
- Offer adequate support including funding for the Human Rights Unit of the Commonwealth Secretariat.
- Strengthening the role of national human rights commissions for the protection of human rights in the Commonwealth
- Litigating the right to health
- Disability rights: promoting non-discrimination and equality

[49] Workshop: 'National Protection of Human Rights, Violations and Abuse in the Common Wealth', Kampala Communiqué of C-NHRIs Forum.

10.4 Common Wealth People's Forum (CPF)

On 20th November 2007 the Uganda Human Rights Commission held a workshop together with Action on Disability and Development (ADD) / National Union of Disabled People in Uganda (NUDIPU) and International Centre for the Legal Protection of Human Rights (Interights - United Kingdom)/ Uganda Network on Law, Ethics and HIV/AIDS (UGANET) under CPF. The workshop's theme was National Mechanisms for the Protection of Human Rights, Violations and Abuse in the Commonwealth. The workshop discussed how to strengthen the role of National Human Rights Institutions (NHRIs) for the protection of human rights, particularly the economic and social rights in the Commonwealth and incorporated recommendation from the C-NHRI.



The UHRC Chairperson, Mrs. Margaret Sekaggya (left) and Mr. Constantine Karusoke, member, UHRC at the workshop for NHRIs.

The general discussion dwelt on the challenges of justiceability and enforcement of economic and social rights and the need to draw on existing best practices, mechanisms for NHRIs to engage with and build the capacity of the judiciary (as interpreters of the law) to enhance their appreciation of the indivisibility and interrelatedness of human rights, share information and best practices on jurisprudence, in order to enhance adjudication on economic and social rights and safeguard them.

In their recommendations, the participants called upon Commonwealth Heads of Government to[50]:

[50] Kampala CommuniqueCommuniqué of the Common Wealth Forum of National Human Rights Institutions 19th November 2007 Protea Hotel, Kampala Uganda.

1. Grant full recognition and participation of the Commonwealth National Human Rights Institutions Forum in CHOGM processes and related activities.
2. Work closely with National Human Rights Institutions in the promotion and protection of economic and social rights; take measures to domesticate the provisions of international law on these rights in order to ensure their justiceability and enforceability at the national level; and institute measures of secure redress for victims of violations.
3. Create the position of Commonwealth Commissioner on the Rights to Development in the Commonwealth Secretariat.
4. Ratify and implement the UN Convention on the Rights of Persons with Disability and adopt disability inclusive policies.



Professor Ramcharan (right) delivered the key note address at one of People's Forum workshop for NHRIs

10.5 Human Rights issues in the CHOGM Communiqués

The CPF workshops covered a wide range of Human Rights issues and the following recommendations were made to member states:

- Abolition of the death penalty as voted by the UN Third Committee.
- Work with National Human Rights Institutions in the promotion and protection of economic and social rights, and take measures for the domestic application of international law regarding those rights.
- Include human rights issues on the Commonwealth agenda, for instance the people with disabilities' rights, refugees and minority rights.

[51] Recommendations of the National mechanisms for the protection of Human Rights, Violation and Abuse in the Common Wealth, Hotel Africana, Kampala Uganda, 20th November 2007.
[52] Kampala Civil Society Statement to the 2007 Common Wealth Heads of Government Meeting: 'Realising People's Potential CPF/ statement/21st /November.

- Create a position of Commonwealth Commissioner on the Rights to Development in the Commonwealth Secretariat[51].
- Support the participation of the Commonwealth National Human Rights Institutions Forum in the Commonwealth processes.
- Establish mechanisms of engagement with governments and stakeholders in order to strengthen National Human Rights Institutions.
- Ensure that all legislation abides by international human rights standards through ratifying and implementing international human rights treaties.
- *Support* the Human Rights Unit of the Commonwealth Secretariat through providing funds.
- *Fully implement* their pledges and commitments to the promotion and protection of human rights at the UN Human Rights Council.
- *Ratify* and *implement* international human rights treaties; instructing the Commonwealth Secretariat to monitor and report progress. All legislation, especially anti-terror laws, must abide by international human rights standards;[52]
- *Fully implement* their pledges and commitments to the promotion and protection of human rights at the UN Human Rights Council;
- *Respect* human rights in any legislation or other national security measures in the name of countering terrorism;
- Include issues concerning minority rights, such as the rights of indigenous peoples, gay and lesbian people, people with disabilities, and refugees on the Commonwealth agenda;
- *Constitute* a Commonwealth Expert Group on Policing to promote better policing in the Commonwealth and further call upon Commonwealth members to review and recast police laws and anti-terrorism law affecting policing to reflect the same;
- *Strengthen* National Human Rights Institutions through increased funding, timely response to their recommendations, and establishment of mechanisms of engagement with governments and stakeholders;
- *Provide* adequate support, including funding, for the Human Rights Unit of the Commonwealth Secretariat;
- *Facilitate* the participation of the Commonwealth National Human Rights Institutions Forum in the Commonwealth processes;
- *Work* closely with National Human Rights Institutions in the promotion and protection of economic and social rights, and take measures for the domestic application of international law regarding those rights; and

[54] Memorandum to CHOGM; Commonwealth Disabled People's Conference, 4-7 November, 2007, Uganda, Kampala



Hon. James Mwanda arguing out concerns of PWDs at one of the People's Forum Workshops

10.6 The Heads of Government Statement

The final CHOGM communiqué that arose out of the deliberations of the Heads of Governments also covered a wide range of human rights including;

1) An expression of their appreciation for the Secretariat's efforts to support the work of national and regional mechanisms in promoting and protecting human rights. They also recognized the facilitating role the Secretariat could play in strengthening dialogue on and raising awareness of human rights among member countries;

2) An agreement that the Commonwealth should increase its efforts to tackle impunity and promote respect for human rights through public awareness and training for police officers, the judiciary, prison officers and security forces across the Commonwealth;
3) Transformation of society is not possible without assured and effective access to justice, including an independent judiciary and democratic policing. There is need to establish policing that is representative, responsive and accountable;

4) Expressed outrage at the position taken by the three Commonwealth Member States who voted against adoption of the UN Declaration of the Rights of Indigenous Peoples;

5) Human rights, democracy, good governance and the rule of law remain of central importance to the Commonwealth, as set out in the Harare Declaration, and that an enabling environment is required, at both the national level and Commonwealth level, in order to achieve full civil society participation within the Commonwealth;

6) The increase in cases of disappearance, occurrence of internal displacement, and the killing of innocent persons, as Commonwealth governments continue to fail to live up to their human rights commitments and, in not doing so, fail to transform societies for the realization of people's potential;

[54] Memorandum to CHOGM; Commonwealth Disabled People's Conference, 4-7 November, 2007, Uganda, Kampala

7) The tendency in the Commonwealth countries to restrict civil society space, democratic rights, freedom of expression, particularly the media and the right to dissent and the targeting of Human Rights Defenders accompanied by extreme impunity by State actors all of which are reducing the commitment of Commonwealth States to the promotion, protection, and realizing of human rights in the association;

8) An increasing number of countries have promulgated repressive legislation and taken administrative steps under the pretext of counter-terrorism measures in breach of established Human Rights instruments;

9) The need, given the current global climate of counter terrorism and resultant increase in police powers, for the development of standards and monitoring of Commonwealth police practices;

10) A Pan-Commonwealth approach is the most efficient and effective way to assist member states improve the quality of their policing, and ensure effective democracy and development;

11) Emphasis on the importance of mainstreaming and recognizing disability as an integral part of relevant strategies for sustainable development; and called upon members to ratify and implement the UN Convention on the Rights of Persons with Disability and its Optional Protocol, and adopt disability inclusive policies;[54]

12) Putting in place a Commonwealth Plan of Action for Children to provide a framework to ensure 'safe-places and enabling environment for children at all levels; and

13) Exploring mechanisms to ensure that the voice of children is heard at future Commonwealth meetings.

10.7 Conclusion

Development in the commonwealth countries, which was the focus of CHOGM, cannot be achieved without respect and promotion of human rights. The establishment of the C-NHRIs Forum was a welcome development that would ensure that member countries place human rights at the centre of their development strategies and discussions at the highest political level. The Forum therefore will ensure that human rights remain a top priority agenda for the next CHOGM meetings.

The UHRC is chairing the C-NHRIs for the next two years. The Commission hopes to steer the Forum diligently to achieve the objectives for which it was set up, bearing in mind the limited resources and capacity; the principles of inclusiveness, complimentarity and non-duplication, as well as transparency. Under the guidance of the Chairperson, UHRC, the Forum will define its specific roles in engagement and interaction at the different levels with the ICC, HRC, HRU, and CHOGM. The Forum will strive to create an impact in the promotion and protection of human rights in the Commonwealth so that its relevance and contribution as a permanent feature of CHOGM is felt.

Chapter 11:
HUMAN RIGHTS IMPLICATIONS OF THE LAND BILL

11.0 Introduction

The mandate and function of the Uganda Human Rights Commission (UHRC) is clearly spelt out in articles 48, 49, 51 -55 of the 1995 Constitution of the Republic of Uganda as mainly the promotion and protection of human rights. As part of fulfilment of its mandate the UHRC analyses and reviews bills to ensure that they are respectful to human rights as enshrined in our constitution and in the ratified international human rights instruments and that they are not conflicting with other laws. It is in this respect that the UHRC presents its position on the land bill. The chapter gives a background and summary of contents in the bill, points out the positive aspects of the bill and the areas of concern and then concludes with recommendations.

11.1 Background

The 1995 Constitution in article 237 declares that the land in Uganda shall be vested in the citizens of Uganda as opposed to the government to be owned in freehold, mailo, leasehold and customary tenure. Non citizens may own land in Uganda but only in leasehold. Among other things, the Constitution reinstates Mailo and freehold tenures that had been abolished by the Land Reform Decree. A policy and a law to effect the provisions in the Constitution would be passed.

The Land Act was passed without a clear and comprehensive national land policy to guide the provisions and to streamline the objectives and guard against contradictions and inconsistencies. The Act was meant, among other things, to provide security of tenure to land users including customary tenants, lawful and bonafide occupants on registered land, to resolve the problem of the double ownership between owners of mailo, freehold and lease hold land on the one hand and lawful occupants and to provide a decentralized system of land management and administration. However, the Land Committees and tribunals failed and no certificates were issued, no rent was fixed and there was no resolution of conflicts that land tribunals were meant to effect at the district and county level. The Land Act has so far been amended twice since its enactment. This was by the Land Amendment Act, 2001 and the Land Amendment Act, 2004. The recent proposed amendment is the one which was published in the Uganda Gazette on 28 December 2007 by the Minister of Lands, Housing and Urban Development published in the Uganda Gazette Bill No.2. The Land (Amendment) Bill 2007 also amends the Land Act and its objective is to enhance the security of occupancy of lawful and bonafide occupants and those with customary interests on registered land.

The recent bill sparked off a lot of protests amidst suspicions that there was an attempt by the government to take over peoples land especially in Buganda. It was argued that in the absence of a clear policy on land it is useless to keep amending the law. Ideally a law should follow policy. Moreover, some have alleged that consultations on the land policy have not been adequate. It is not clear why there is a rush to amend the law when the causes of the unlawful evictions have not been adequately investigated. Most of the unlawful evictions, it is alleged, have been by government officials and investors with the help of government agents such as the Uganda Peoples' Defence Forces and the Uganda Police Force especially on public land. It has been alleged that there is no attempt to prosecute the perpetrators under the current laws which are sufficient and that another law would not address the issues. Moreover, it was argued that the Bill does not serve to protect the peasants who occupy Buganda's communal land which was expropriated by the Government of Uganda in 1966 and is now

called "public land". This land is popularly referred to as the '9,000 sq. miles' or 'Mailo Akenda'. Furthermore, the bill does not resolve several other issues requiring urgent attention or legislative reform such as the mess in the land registry, powers and constitution of land tribunals and land boards. The amendments were perceived as a threat to institutional land owners, such as Buganda Kingdom and religious institutions.



Police beating up suspects of riots over Buliisa land wrangles

11.2 Contents of the Bill

The Bill provides the following:

1. S.1 Amendment is an amendment to S.31 of the Land Act by including subsection (3d) where the Minister is given power to determine nominal ground rent in the event that the Board fails to do so within thirty (30) days. The rent payable under this section shall be paid within one year after the Minister has approved. Furthermore subsection 6 of S.31 of the Land Act is amended by substituting the period of 'two years' with the words 'one year' for notice by a registered owner to a tenant requiring him or her to show cause as to why the tenancy should not be terminated for non payment of rent.

2. Insertion of S.32A which stipulates the circumstances under which lawful and Bonafide occupants can be evicted. Notably, a lawful or bonafide occupant can only be evicted by an order issued by a court for non payment of the annual nominal ground rent. A person who attempts to evict or participate in the eviction of a lawful or bonafide occupant from registered land without an order commits an offence and is liable to conviction to imprisonment not exceeding 7 years. Such a convict can be ordered by court to pay compensation or damages to the person who was evicted or make an order for restitution in favour of the person who was evicted.

3. Insertion of S.32 B which particularly provides for persons claiming interest in land under customary tenure who can only be evicted by a court order. A court cannot issue an order of eviction unless:

(a) The court has heard the person claiming the interest in the land on the matter;
(b) Adequate compensation has been paid to the person claiming the interest in the land, except where the person has abandoned the occupancy;
(c) The court has visited the locus in quo and conducted a hearing; and
(d) The court has received a report from the land committee of the area on the status of the occupants on the land.

A person who had been allowed to temporarily occupy or use land under customary tenure cannot claim interest in the land and does not need a court order to be evicted. Just as is the case for lawful and bonafide occupants, a person who attempts to evict, evicts or participates in the eviction of a person claiming an interest in land under customary tenure, without an order of eviction under this section commits an offence and is liable on conviction to imprisonment not exceeding seven years. Where a person is convicted the court may order that person to pay compensation or damages to the person who was evicted or make an order for restitution in favour of the person who was evicted.

4. Amendment of S.35 of the Land Act which criminalizes the act of a tenant by occupancy failing to give the owner of the land the first option of taking the assignment of the tenancy. Such a tenant is liable on conviction to a fine not exceeding ninety six current points or imprisonment not exceeding four years or both. Furthermore, any transaction for the sale of the interest in land by the owner made without giving the tenant the first option to buy the interest is invalid and the Commissioner shall not make an entry on the certificate of title in respect of that transaction.

5. Amendment of S.92 increases the penalty for wilfully occupying the land of another without consent at 96 currency points or imprisonment or imprisonment not exceeding 4 years from 25 currency points or imprisonment not exceeding 6 months.

11.3 Current law

11.3.1 Domestic law

The Constitution provides that everyone has the right to own property[55] and further stipulates that land in Uganda is vested in its citizens[56]. The State can only take over land where it is necessary for public use or in the interest of defence, public safety, public order, public morality and public health[57]. Furthermore, in such circumstances it is required that fair and adequate compensation be paid and that any person who has an interest or right over the property has the right of access to a court of law[58]. The procedures for such compulsory acquisitions of land are further detailed in Land Acquisition Act. Evictions by individuals or private entities are governed by the Land Act particularly in cases of non payment of ground rent and the bill strengthens this position.

11.3.2 International human rights law

Uganda is party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. In international human rights law it is generally recognized that the right to adequate housing means that people should

[55] Article 26.
[56] Article 237.
[57] Article 26 (2) (a).
[58] Article 26 (2) (b).

be protected by law against unfair evictions from their homes or land. The right to housing also includes the right to live somewhere in peace, dignity and security. The International Covenant on Civil and Political Rights complements the right not to be forcefully evicted without adequate protection in article 17.1. The provision recognizes among other things the right to be protected against 'arbitrary or unlawful interference' with one's home in other words one should have legal security of tenure. Legal Security of tenure takes a variety of forms including rental (public and private), accommodation, lease, owner, occupier, emergency and informal settlements including occupation of the land or property. Under General Comment 4 on the right to adequate housing the committee stated that:

> *Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. State parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection in genuine consultation with affected persons and groups.*

State Parties are called upon to take measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection. Indeed increasing access to land by the landless or impoverished segments of society should constitute a central policy goal in order to promote the principle of equality and non-discrimination. The State must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Furthermore, policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others.

Legislation against forced evictions is regarded as an essential basis upon which to build a system of effective protection[59]. Such legislation should include measures which provide the greatest possible security to occupiers of houses and land, conform to the Covenant and are designed to control strictly the circumstances under which the evictions are carried out.[60] Legal remedies should include legal appeals aimed at preventing planned eviction or demolitions through the issuance of court ordered injunctions; legal procedures seeking compensation following an illegal eviction or complaints against illegal actions carried out or supported by land lords in relation to rent levels or discrimination among other things.

States have the obligation to review relevant legislation and policies to ensure that they are compatible with the Covenant and repeal or amend any legislation of policies that are inconsistent. Procedural protections which should be applied in relation to forced evictions include:

a. An opportunity for genuine consultation with those affected
b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction
c. Information on the proposed evictions and where applicable on the alternative purpose for which the land or housing is to be used to be made available in reasonable time to all those affected
d. Especially where groups of people are involved, government officials or their representatives to be present during an eviction
e. All persons carrying out the evictions to be properly identified

[59] General Comment No.7 Paragraph 9.
[60] See General Comment No.7 Paragraph 16.

f. Evictions not to take place in particularly bad weather or at night unless the persons affected consent otherwise

g. Provision of legal remedies

h. Provision, where possible, of legal aid to persons who are in need of it to seek redress from courts

Where individuals are rendered homeless or vulnerable to violation of other human rights and are unable to provide for themselves, the government must take all appropriate measures to the maximum of its available resources to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is availed.[61]

11.4 Positive aspects of the Bill

11.4.1 Protection against unlawful evictions by private individuals

The Bill provides for legal protection against unlawful evictions by private individuals and entities, which is key in the enjoyment of the rights to property, land and housing as guaranteed under the Ugandan Constitution and international human rights law.[62]

11.4.2 Judicial process is required before eviction

The Land (Amendment) Bill makes it mandatory for any person trying to evict a lawful or bona fide occupant or a person claiming interest in land under customary law to go through a judicial process to obtain an eviction order from a court (S. 32A(1) and 32 B(1)). This requirement for



(R-L) The Chief Justice, B. Odoki, Justice Wangutusi and Principle Judge Ogoola during an induction course for land tribunals. Illegal land evictions are still rampant

[62] ICESCR and General Comment 7
[63] General Comment 7, Para 13

a court order before eviction is more protective than the requirement in General Comment 7 which obliges the state to provide for legal remedies to challenge an eviction.[63] This requirement is protective of the tenants especially the vulnerable ones such as women, children, youth, older persons, indigenous people, ethnic minorities and other vulnerable individuals as it guarantees that all persons, are protected against arbitrary or unlawful evictions.

11.4.3 Adequate and reasonable notice is given before eviction

The requirement for the court to state the date by which the person is expected to vacate the land in the order of eviction which should be no less than six months after the order complies with the procedural requirement under General Comment No.7 for adequate and reasonable notice for the lawful and bonafide occupants.

11.4.3.4 Provides for compensation and damages for a person who has been unlawfully evicted

The requirement that a person who attempts to evict, evicts or participates in the eviction of the lawful or bonafide occupant from registered land may be ordered to pay compensation or damages to the person who was evicted; or court can make orders for restitution in favour of the person who was evicted is in line with International human rights law which requires an effective remedy and the right to adequate compensation.[64]

11.4.3.5 Criminalizes unlawful evictions

Criminalization of unlawful evictions is in line with General Comment 7 which provides that states could "if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies"[65]. Nonetheless the state has an obligation to ensure that criminal procedures are in compliance with human rights norms enshrined in the constitution and international human rights instruments in relation to the right to fair trail.[66]

11.5 Areas of concern

There are areas of concern in the bill which should be addressed. For example:

11.5.1 Rent

Rent should be determined by the tenant and the registered owner and in the event that they fail to agree it can be determined by the Board. The rent should be affordable and tenants should be protected by appropriate means against unreasonable rent levels or rent increases. The Minister should not be involved in determining rent. If he is to determine rent it should be based on specific set criteria and the decision should be able to be appealed from in case one of the parties is dissatisfied. The criteria can include the location, value and usage of the land, among other things. However, under the Constitution, District Land Boards should be independent in the performance of its functions and the minister's involvement could amount to interference. Moreover, the Minister may be perceived as political and biased to make an objective decision. The period for non-payment should be reduced to three months. A year is too long to deprive the landlord of rent.

11.5.2 Bonafide Occupants

The idea or principle of bonafide occupants could be used to facilitate people who have illegally occupied other peoples' land without their consent to acquire legitimate interest in the land.

[64] General Comment No. 7, para 13
[65] General Comment No. 7, para 9
[66] Article 28 Constitution of the Republic of Uganda and article 14 International Covenant on Civil and Political Rights. See further General Comment 32 of the Human Rights Committee (http://www2.ohchr.org/english/bodies/hrc/docs/gcart14.doc)

11.5.3 Courts of jurisdiction

- It is not clear which court will be responsible for issuing the eviction orders.

11.5.4 Customary interest in land

The law should be clear on who has a customary interest in the land. Customary law is not codified or written down and the bill if passed may cause confusion as to who has a customary interests and rights in the land. Furthermore, the law should clearly mention the grounds under which eviction of a person claiming interest in land under customary tenure is justifiable under S.32 B. The requirement for the court to state the date by which the person is expected to vacate the land in the order of eviction is not given for evictions under customary tenure as is the case for lawful and bonafide occupants.

11.5.5 Punishment should be commensurate with the crime

Punishment should be commensurate with the crime. The sentence of 7 years for unlawful evictions is on the high side and there should be an option to pay a fine. There is no distinction in punishment between an attempt and an actual unlawful eviction. This provision also has to be further considered in light of the fact that there are other provisions in the Penal Code that would achieve the same purpose. It appears that these provisions have not been implemented and a new law will not solve the problem.

11.5.6 Process of eviction is long and dependant on other factors

The process of eviction is quite long and will be largely dependant on the existence and effectiveness of the land committees. These committees have failed in the past. What guarantee is there that they will work after the amendment?

11.5.7 Failure to criminalize transactions by a tenant without the consent of the landlord

Although, the bill criminalizes the act of a tenant by occupancy failing to give the owner of the land the first option of taking the assignment of the tenancy it does not criminalize a sale. Furthermore, the sentence on conviction of the tenant for such offence in terms of the fine is too low. Transactions by a tenant on land without the consent of the landlord or without giving the landlord the first option to purchase should be invalid.

11.5.8 Failure to deal with obnoxious tenants

There is no provision for dealing with obnoxious tenants for example those involved in environmental degradation but pay ground rent or those who damage the property without reasonable cause. This is contrary to the requirement under General Comment 7 for the relevant authorities to ensure that where evictions are justifiable they should be carried out in a manner warranted by a law which is compatible with the Covenant on Economic, Social and Cultural Rights and that all the legal recourses and remedies are available to those who are affected.

11.5.9 No procedural requirements for evictions

The bill does not provide for the following procedural requirements as required under General Comment 7, paragraph 15:

- Monitoring of the actual eviction by government officials or representatives
- Ensuring that those persons who are carrying out the evictions are properly identified
- Ensuring that evictions do not take place under bad weather or at night unless the affected persons consent otherwise

- Provision of legal aid, where possible, to persons in need of it to be able to seek redress in court.

11.5.10 Ineffective protection for those who are rendered homeless and unable to provide for themselves

The bill does not put any obligation on the government where individuals are rendered homeless or vulnerable to violation of other human rights and they are unable to provide for themselves. In such circumstances, the government must take all appropriate measures to the maximum of its available resources to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.[67]

11.6. Conclusion and recommendations

The controversy raised by the recent amendment bill is a sign of weaknesses in the whole land system which stems right from the 1900 agreement. There is no clear land policy to guide the provisions in the land law, streamline the objectives and guard against contradictions and inconsistencies. The issues raised by the bill range right from demands for federalism, claims for the "mailo akenda", citizenship, and poor implementation of the current laws on evictions, failures of district land tribunals and committees and globalization. The bill has become overly sensitive, politicized and has the potential to polarize people. This is because of the significance of land in the livelihood of most Ugandans.



Residents neighbouring Mt. Elgon National Park discuss with their leaders their impending eviction recommendations

[67] See General Comment No.7 Paragraph 16.

In light of the above factors, we recommend that there should be more meaningful and participatory consultations to resolve the land issues. This can be done by an independent Commission to coordinate the consultations, findings and recommendations and resolve most of the land issues rather than the piecemeal offered by the amendment. It is important to fully investigate and find out those who are truly vulnerable in unlawful evictions. This Commission could also help in the development of a comprehensive land policy. The Commission would also consider and make recommendations on what should be done about the demands for 9000 square miles, establish who has acquired land unlawfully and if so how much and who facilitated them? The Commission would also investigate the root causes of evictions and the perpetuators of unlawful evictions. Moreover, it would also make recommendations on how best the current land law can be implemented and how to sort out the mess in the land registry.

If it is not possible to postpone this bill, we make the following recommendations:

- Rent should be determined by the tenant and the registered owner and in the event that they fail to agree it can be determined by the Board. The criteria for determining the rent can include the location, value and usage of the land, among other things. The rent should be affordable and tenants should be protected by appropriate means against unreasonable rent levels or rent increases. The Minister should not be involved in determining rent. The period for non-payment should be reduced to three months. A year is too long to deprive the landlord of rent.

- The Bill should mention in Sections 32A(1) and 32B(1) the court granted jurisdiction to issue an order of eviction.

- Punishment for unlawful evictions should be commensurate with the crime and there should be a distinction in punishment of those who attempt to unlawfully evict and those who actually commit the crime. There should be provision for payment of a fine especially for those who merely attempt. This provision also has to be further considered in light of the fact that there are other provisions in the Penal Code that would achieve the same purpose. It appears that these provisions have not been implemented and a new law will not solve the problem.

- The idea or principle of bonafide occupants should be reviewed to ensure that it will not be used to facilitate people who have illegally occupied other peoples' land without their consent to acquire legitimate interest in the land.

- The law should be clear on how someone can have a customary interest in the land. Furthermore, the law should clearly mention the grounds under which eviction of a person claiming interest in land under customary tenure is justifiable under S.32 B. It should also provide for the period of notice as is the case with bonafide and lawful occupants in line with the procedural requirements to ensure an adequate and reasonable notice.

- The process of eviction is quite long and will be largely dependant on the existence and effectiveness of the land committees. The government has to ensure these land committees are in place and adequately facilitated to ensure that the law will be implemented when it is passed.

- The bill should criminalize both the assignment and sale of the tenancy where the landlord is not given the first option. The sentence of a fine on conviction where a tenant

assigns without giving the landlord the first option should be increased from 96 currency points.

- Be specific on which officials will monitor the actual evictions and how the persons carrying out the eviction can be properly identified.
- Provide that the eviction does not take place under particularly bad weather or at night unless the affected persons consent otherwise.
- Provide guidance as to how obnoxious tenants should be dealt with so as to provide redress and remedy to affected land owners. The provision on obnoxious tenants should not be phrased in a way that will be abused for personal vendetta for example on allegations of witchcraft, because one of the family members is a criminal and so on.
- Ensure that legal aid is provided, where possible, to persons who are in need of it to seek redress from the court.
- Where individuals are rendered homeless or vulnerable to violation of other human rights and are unable to provide for themselves, the government must take all appropriate measures to the maximum of its available resources to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

Chapter 12:
GOVERNMENT COMPLIANCE WITH UHRC'S RECOMMENDATIONS

12.0 Introduction

The Commission has over the years made a number of recommendations to government and other stakeholders aimed at improving the human rights situation in the country. Some of these recommendations have not been implemented such as enactment of a law on torture and ratification of the OPCAT, decentralization of accountability, minimum wage, elimination of safe houses. Others have been partially implemented such as the establishment of Human Rights Committees at the Districts, payment of tribunal awards, access to places of detention, conditions in prisons, funding to the UHRC, among others. Some recommendations have beensuccessfully implemented. This chapter tracks progress on some of the recommendations made by the Commission to government over the years. See Table 12.5 showing a summary of government compliance with key UHRC recommendations.

12.1 Continuous Civic Education

In its 9th Annual Report, the Commission appealed to the Government and development partners to restore the NCEP or start a similar programme to address the need for a sustained human rights programme nationwide. A continuous programme for civic education is necessary for increased awareness about human rights in Uganda. The EU has so far shown interest in supporting civic education. The government of Uganda should also support this essential undertaking.

12.2 Establishment of District Human Rights Committees

In its previous Annual Reports, the Commission advocated for the establishment of District Human Rights Committees in those districts that had not yet set them up, in order to advance the promotion and protection of human rights at district level. In addition to the District Human Rights Committees that had been formed previously, more were formed in the districts of Kitgum, Kabarole, Mbale, Sironko, Soroti, Bundibugyo, Gulu and Kasese. However, many other districts have not established these committees. The Commission therefore recommends that districts that have not yet set up District Human Rights Committees to do so in order to support the protection and promotion of human rights.

12.3 Commission Tribunal Awards

The Commission continues to face the challenge of government delaying in compensating victims of human rights violations as awarded by the Commission Tribunal in cases brought against the Attorney General. The Commission has over the years made awards to victims of human rights violations whose cases were proven successfully. The majority of the victims awarded compensation have not been able to access it. The Commission has in its previous annual reports made recommendations to government for timely compensation but to no avail. The Commission has noted efforts by the Ministry of Justice and Constitutional Affairs/ Attorney General to pay off these awards although they remain wanting. The mode of payment itself leaves a lot to be desired. For example, someone who was awarded compensation worth Ug. Shs. 59,000,000 had as at 31st December 2007 been paid in two installments but still remained with an outstanding balance of Ug. Shs. 15,321,111. This mode of payment defeats the purpose of the Commission Tribunal in making such awards.

Table 12.1: UHRC Tribunal Awards – Amount Outstanding as at 31st December 2007

NO	FILE NO.	NAME	AMOUNT AWARDED	AMOUNT PAID	BALANCE
1	UHRC/318/02	Nsiimenta Justus	2,200,000	2,200,000	Nil
2	UHRC/232/01	Hatega B. George	20,000,000	20,000,000	Nil
3	UHRC/312/00	Abdu Ntambwe	10,000,000	5,000,000	5,000,000
4	UHRC/1072/98	Kasekende Idirisa	40,000,000	7,000,000	33,000,000
5	UHRC/112/99	Ssajabi Christopher	34,828,500	34,828,500	Nil
6	UHRC/210/99	Gidudu Stephene	59,000,000	43,678,889	15,321,111
7	UHRC/357/2000	Kabasaala Stephene	29,000,000	11,000,000	18,000,000
8	UHRC/J/35/03	Kiwule Peter	15,000,000	10,000,000	5,000,000
9	UHRC/382/98	Komakech Joseph	10,000,000	Nil	10,000,000
10	UHRC/S/242/02	Musisi Sam	9,000,000	Nil	9,000,000
11	UHRC/1150/99	Mwebaze Stephene	3,000,000	3,000,000	Nil
12	UHRC/G/41/2003	Okello Donato Lacika	25,000,000	13,000,000	12,000,000
13	UHRC/G/172/01	Oneka Atumya	9,000,000	Nil	9,000,000
14	UHRC/38/01	Sonko Richard	3,000,000	3,000,000	Nil
15	UHRC/281/2000	Senyondo Emm	3,524,122	3,165,600	358,522
16	UHRC/G/204/00	Trustees of Chruch of Uganda	8,000,000	Nil	8,000,000
17	UHRC/100/97	Twaha Kabusera	27,000,000	5,000,000	22,000,000
18	UHRC/S/156/03	Higenyi Abbey	100,000	Nil	100,000
19	UHRC/J/01/03	Isabirye Omulago	40,000,000	20,000,000	20,000,000
20	UHRC/1128/99	Kabagenyi Beatrice	17,000,000	10,000,000	7,000,000
21	UHRC/191/2003	Kaliisa Joseph	7,000,000	Nil	7,000,000
22	UHRC/732/00	Kimuli Wilson	5,000,000	Nil	5,000,000
23	UHRC/208/2003	Lwere Ibrahim	7,000,000	5,000,000	2,000,000
24	UHRC/G/99/01	Ojera Denis	7,000,000	Nil	7,000,000
25	UHRC/G/68/00	Onyach Kenneth	6,000,000	6,000,000	Nil
26	UHRC/032/99	Oryem John Bosco	18,000,000	10,000,000	8,000,000
27	UHRC/249/02	Peace Nshemereirwe	30,000,000	Nil	30,000,000
28	UHRC/358/01	Tumuhimbise Lilian	1,500,000	Nil	1,500,000
29	UHRC/227/97	Amone A.A. Peter	15,000,000	8,000,000	7,000,000
30	UHRC/G/112/2004	Awanyo Geofrey	280,000	Nil	280,000
31	UHRC/34/02	Bateganya Ramazan	800,000	Nil	800,000
32	UHRC/232/01	Hatega. B. George	20,000,000	10,000,000	10,000,000
33	UHRC/69/02	Kasuka Godfrey	3,000,000	3,000,000	Nil
34	UHRC/041/03	Leonard Mugerwa	8,000,000	Nil	8,000,000
35	UHRC/270/2002	Nangumya Fred & Tumwine	36,000,000	27,300,000	8,700,000
36	UHRC/S/350/02	Ojangole David	500,000	Nil	500,000
37	UHRC/173/02	Okello Joseph	2,000,000	2,000,000	Nil
38	UHRC/G/153/03	Okot Nelson	5,000,000	Nil	5,000,000
39	UHRC/S/377/02	Olupot John Bosco	100,000	Nil	100,000
40	UHRC/S/339/04	Omadi Hidro Joram	1,300,000	Nil	1,300,000
41	UHRC/222/2003	Mutenderwa Faddy	18,493,500	Nil	18,493,500
42	UHRC/517/99	Muganzi Magembe	1,007,000	Nil	1,007,000
43	UHRC/13/02	Alele Robinson	24,000,000	Nil	24,000,000
44	UHRC/519/01	Bagole Fred	66,000,000	Nil	66,000,000
45	UHRC/392/198	Birungi Godfrey	30,000,000	13,000,000	17,000,000
		Total:	**677,633,122**	**275,172,489**	**402,460,633**

Source: Directorate of Civil Litigation, Ministry of Justice and Constitutional Affairs

Information got from the Solicitor General over the years indicates that as at 31st December 2007, government had so far paid out a total of Uganda Shillings **692,143,543**. This figure is a total sum of the figures received from the Solicitor General over the years including the most recent ones of 2007, amounting to Uganda Shillings **265,172,989.** There are however discrepancies in the records of the Solicitor General as to the exact amount government owes victims of human rights violations in cases decided by the Commission Tribunal. Information got from the Solicitor General indicates that as at 31st December 2007 (see table 12.1) government had during the year paid a total of Uganda Shillings **275,172,489** as compensation in cases decided by the Commission Tribunal, with an outstanding balance of **402,460,633** making a total of Uganda Shillings **677,633,122.**

According to the Commission records, government still owes victims of human rights awarded compensation by the Commission Tribunal Uganda Shillings **1,484,005,664.00**. This figure was calculated on the basis of the awards the Commission Tribunal has made since 2003 as shown in the tables below. The list of names in table 12.2 were drawn from a list submitted by the Solicitor General in 2006 and published in the Commission's 9th Annual Report as having been partially paid but disappear in the list submitted by the same office as at 31st December 2007 (see table 12 .1) totaling to Uganda Shillings **22,328, 072**. The Commission has no information as to whether these balances were eventually paid as there is no official communication from the Solicitor General's office over the matter. Furthermore, the Commission also considered the outstanding balance captured in the records of the Solicitor General as at 31st December 2007 totaling to Uganda Shillings **402,460,633** (see table 12.3 or 12.1). The amount in awards owed by government to victims of human rights violations also includes a list of beneficiaries of the decided cases not captured in the Solicitor General's records (see table 12.4) totaling to Uganda Shillings **1,059,216,959**.

Drawing from the Solicitor General's records, government has only paid a paltry **692,143,543**, leaving an outstanding balance of Uganda Shillings **1,484,005,664**. This means that government has only paid **31.8%** of total awards by the Commission Tribunal amounting to Uganda Shillings **2,176,149,207**. The Commission therefore urges government to allocate sufficient funds to the Ministry of Justice and Constitutional Affairs or sets up a Victims' Compensation Fund for this purpose.



Hon. Kiddu Makubuya, the Attorney General, has the responsibility to ensure timely compensation to victims

Table 12.2: Victims who were partially paid in 2006 but there is no indication as to whether they were paid in 2007

NO	FILE NO	NAME	AMOUNT AWARDED	AMOUNT PAID	BALANCE
1	UHRC G 088/2002	Atto Margaret	11,202,480	10,000,000	1,202,480
2	UHRC 527/1998	Dullu Bernard	14,949,647	13,400,000	1,549,647
3	UHRC 269/2001	Keisire Eriya	17,640,000	6,000,000	11,640,000
4	UHRC 1150/1999	Mwebazi Stephen	3,396,251.00	3,180,000.00	216,251
5	UHRC	SGT. Cherop Jackson	39,834,631.00	37,645,640.00	2,188,991
6	UHRC180/2002	Nanyonga Janat	9,000,000.00	4,500,000.00	4,500,000
7	UHRC/128/97	Walusimbi Ssebagala	13,030,703.00	12,000,000.00	1,030,703
		Total	**109,053,712**	**86,725,640**	**22,328,072**

Table 12.3: UHRC Tribunal Awards – Amount Outstanding as at 31st December 2007 as per Attorney General's records

NO	FILE NO	NAME	AMOUNT AWARDED	AMOUNT PAID	BALANCE
1.	UHRC/312/00	Abdu Ntambwe	10,000,000	5,000,000	5,000,000
2.	UHRC/1072/98	Kasekende Idirisa	40,000,000	7,000,000	33,000,000
3.	UHRC/210/99	Gidudu Stephene	59,000,000	43,678,889	15,321,111
4.	UHRC/357/2000	Kabasaala Stephene	29,000,000	11,000,000	18,000,000
5.	UHRC/J/35/03	Kiwule Peter	15,000,000	10,000,000	5,000,000
6.	UHRC/382/98	Komakech Joseph	10,000,000	Nil	10,000,000
7.	UHRC/S/242/02	Musisi Sam	9,000,000	Nil	9,000,000
8.	UHRC/G/41/2003	Okello Donato Lacika	25,000,000	13,000,000	12,000,000
9.	UHRC/G/172/01	Oneka Atumya	9,000,000	Nil	9,000,000
10.	UHRC/281/2000	Senyondo Emm	3,524,122	3,165,600	358,522
11.	UHRC/G/204/00	Trustees of C.O.U	8,000,000	Nil	8,000,000
12.	UHRC/100/97	Twaha Kabusera	27,000,000	5,000,000	22,000,000
13.	UHRC/S/156/03	Higenyi Abbey	100,000	Nil	100,000
14.	UHRC/J/01/03	Isabirye Omulago	40,000,000	20,000,000	20,000,000
15.	UHRC/1128/99	Kabagenyi Beatrice	17,000,000	10,000,000	7,000,000
16.	UHRC/191/2003	Kaliisa Joseph	7,000,000	Nil	7,000,000
17.	UHRC/732/00	Kimuli Wilson	5,000,000	Nil	5,000,000
18.	UHRC/208/2003	Lwere Ibrahim	7,000,000	5,000,000	2,000,000
19.	UHRC/G/99/01	Ojera Denis	7,000,000	Nil	7,000,000
20.	UHRC/032/99	Oryem John Bosco	18,000,000	10,000,000	8,000,000
21.	UHRC/249/02	Peace Nshemereirwe	30,000,000	Nil	30,000,000
22.	UHRC/358/01	Tumuhimbise Lilian	1,500,000	Nil	1,500,000
23.	UHRC/227/97	Amone A.A. Peter	15,000,000	8,000,000	7,000,000
24.	UHRC/G/112/2004	Awanyo Geofrey	280,000	Nil	280,000
25.	UHRC/34/02	Bateganya Ramazan	800,000	Nil	800,000
26.	UHRC/232/01	Hatega. B. George	20,000,000	10,000,000	10,000,000
27.	UHRC/041/03	Leonard Mugerwa	8,000,000	Nil	8,000,000

28.	UHRC/270/2002	Nangumya Fred and Tumwine	36,000,000	27,300,000	8,700,000
29.	UHRC/S/350/02	Ojangole David	500,000	Nil	500,000
30.	UHRC/G/153/03	Okot Nelson	5,000,000	Nil	5,000,000
31.	UHRC/S/377/02	Olupot John Bosco	100,000	Nil	100,000
32.	UHRC/S/339/04	Omadi Hidro Joram	1,300,000	Nil	1,300,000
33.	UHRC/222/2003	Mutenderwa Faddy	18,493,500	Nil	18,493,500
34.	UHRC/517/99	Muganzi Magembe	1,007,000	Nil	1,007,000
35.	UHRC/13/02	Alele Robinson	24,000,000	Nil	24,000,000
36.	UHRC/519/01	Bagole Fred	66,000,000	Nil	66,000,000
37.	UHRC/392/198	Birungi Godfrey	30,000,000	13,000,000	17,000,000
	Total:				**402,460,633**

Table 12.4: Victims of human rights violations who were awarded compensation against the Attorney General but there is no indication as to whether they were paid or not

NO	FILE NO	NAME	AMOUNT AWARDED	AMOUNT PAID	BALANCE
1	UHRC/219/1998	Lydia Nabuwembo	10,000,000		10,000,000
2	UHRC/882/1998	Lutalo Ronald	10,000,000		10,000,000
3	UHRC/202/1998	S Muwonge	4,900,000		4,900,000
4	UHRC/397/1998	Erau Stephen	10,816,000		10,816,000
5	UHRC/387/1998	Ocircan Y Marley	4,000,000		4,000,000
6	UHRC/335/1998	Hafasha James	1,500,000		1,500,000
7	UHRC/G/76/1998	Akera Eric Bosco	22,000,000		22,000,000
8	UHRC/110/1998	Mahmood F.E Hassouna	18,712,967		18,712,967
9	UHRC/776/1998	Tugume Marriam Rajab	36,000,000		36,000,000
	Total		**147,928,967**		**147,928,967**
	Decided Cases in 2004				
10	UHRC/G/153/2000	Akora Patrick	18,334,392		18,334,392
11	UHRC/G/172/2001	Onek Atunya Jervasio	9,000,000		9,000,000
12	UHRC/G/263/2000	Aluku Martha	13,200,000		13,200,000
13	UHRC/G/07/2000	Juma Abukoli	24,000,000		24,000,000
14	UHRC/405/2002	Kamayi Chris	8,000,000		8,000,000
15	UHRC/G/326/1999	David Omong et al	22,000,000		22,000,000
16	UHRC/S/180/03	Ajuro Teresa	200,000		200,000
17	UHRC/S/46/2002	Mayu Babylon Yusuf	2,250,000		2,250,000
18	UHRC/G/129/2001	Alfred Okelo Obua	1,500,000		1,500,000
19	UHRC/G/122/2000	Onek Manasi Latigo	2,000,000		2,000,000
20	UHRC/167/2000	Cpl.Nampogo Robert & D/C. Tumwesigye Moses	32,540,500		32,540,500
21	UHRC/G/181/03	Maurentio Paito	2,006,000		2,006,000
22	UHRC/J/10/2003	Edirisa O. Isabirye	54,777,500		54,777,500
23	UHRC/283/2002	Abby Juma Kayira	5,000,000		5,000,000
	Total		**194,808,392**		**194,808,392**

Decided Cases in 2005					
24	UHRC/S/224/2001	David Adelimo	2,900,000		2,900,000
25	UHRC/G/45/2000	Moro Keneri	6,400,000		6,400,000
26	UHRC/G/271/2003	Langol Justine	900,000		900,000
27	UHRC/G/93/2003	Onek.F. Albino	7,200,000		7,200,000
28	UHRC/1182/1999	Lukyamuzi Peter	6,000,000		6,000,000
29	UHRC/10/02	Akisoferi Rwabwire	900,000		900,000
30	UHRC/141/2004	Lukwago Musa Et Al	45,000,000		45,000,000
31	UHRC/G/577/1999	Aber Aziza Juma and Talibu Abdu Juma	33,578,000		33,578,000
32	UHRC/MBA/2/2003	Patrick Koraho	4,000,000		4,000,000
	Total		**106,878,000**		**106,878,000**
	Decided cases in 2006				
33	UHRC/S/254/2004	Ocen Robert	2,000,000		2,000,000
34	UHRC/G/18/2003	Opio Thomson	15,000,000		15,000,000
35	UHRC/S/143/2001	Acau Margaret & Otim Ignatius	5,500,000		5,500,000
36	UHRC/1095/1999	Ssepuya Bashir	6,000,000		6,000,000
37	UHRC/FP/44/03	Rusoke Leo	22,000,000		22,000,000
38	UHRC/G/263/2003	Ojwang Mark	10,000,000		10,000,000
39	UHRC/G/49/2003	Okema David Odokonyero	7,016,000		7,016,000
40	UHRC/FP/155/2002	Kapunju Zaverio	14,000,000		14,000,000
41	UHRC/S/421/2003	Etiau Gusberito	2,000,000		2,000,000
42	UHRC/266/2003	Musa Ssali	2,000,000		2,000,000
43	UHRC/MBA/006/2004	Nakabugo Loyce	5,000,000		5,000,000
44	UHRC/FP/09/2002	Sunday Benson	8,000,000		8,000,000
45	UHRC/FP/048/2003	Ruhweza Seperiano	6,000,000		6,000,000
46	UHRC/FP/064/2003	Yozefu Serukeera	20,000,000		20,000,000
47	UHRC/FP/050/2003	Rwinkesha.W.K	13,650,000		13,650,000
48	UHRC/007/2003	Charles Kazibwe	17,000,000		17,000,000
49	UHRC/FP/061/2002	Faisi Nyakaisiki	2,000,000		2,000,000
50	UHRC/MBA/019/2003	Rubihirwa Boniface	5,295,600		5,295,600
51	UHRC/MBA/5/2002	Baguma J.B	3,500,000		3,500,000
52	UHRC/FP/058/2003	Tibahwa Stephen	12,000,000		12,000,000
53	UHRC/G/151/2004	Opio Yuventino Et al	700,000		700,000
54	UHRC/MBA/383/2001	Twinomugisha. R	4,500,000		4,500,000
55	UHRC/381/2001	Nyanzi Sengooba Dennis	12,000,000		12,000,000
	Total		**195,161,600**		**195,161,600**
Decided Cases in 2007					
56	UHRC 222/2003	Mutenderwa Faddy	17,000,000.00		17,000,000.00
57	UHRC 345/2003	Desire Njalwe	2,500,000.00		2,500,000.00
58	UHRC 22/2004	James Watetena	5,000,000.00		5,000,000.00
59	UHRC 313/2004	Kalanzi Christine	12,600,000.00		12,600,000.00
60	UHRC 388/2002	Sulaiman	10,000,000.00		10,000,000.00
61	UHRC 55/2003	Kibate Joseph (Gwiita Maureen)	16,350,000.00		16,350,000.00

62	UHRC 462/2003	Begumanya Bosco Etal	1,800,000.00		1,800,000.00
63	SRT/91/2003	Olupot Stephen	8,000,000.00		8,000,000.00
64	SRT/243/2004	Akello Gladys	4,000,000.00		4,000,000.00
65	SRT/36/2005	Among Jessica	200,000.00		200,000.00
66	SRT/19/2005	Alubo Stella	5,000,000.00		5,000,000.00
67	SRT/253/2003	Kubai Alex et al	41,000,000.00		41,000,000.00
68	SRT/438/2004	Etimu Opio Sam	20,000,000.00		20,000,000.00
69	SRT/24/2004	Malisa Ernest	17,000,000.00		17,000,000.00
70	SRT/61/2005	Oluka Edison	20,000,000.00		20,000,000.00
71	FPT/25/05	Tusiime Bruce	18,000,000.00		18,000,000.00
72	FPT/70/02	Masereka Venesio	3,000,000.00		3,000,000.00
73	FPT/51/04	Byaruhanga Yusuf	7,000,000.00		7,000,000.00
74	FPT/5/04	Kisembo	7,000,000.00		7,000,000.00
75	FPT/30/04	Yongiri Tadeo	10,000,000.00		10,000,000.00
76	S/243/2004	Akello Gladys	4,000,000.00		4,000,000.00
77	G/132/2004	Atare Vinansio	1,000,000.00		1,000,000.00
78	G/110/2004	Pte. Felix Byamugisha	18,000,000.00		18,000,000.00
79	G/55/2004	Nimanoni O. Okidi	20,000,000.00		20,000,000.00
80	G/150/2004	Okello V. Lajany	23,000,000.00		23,000,000.00
81	G/127/2004	Opio Nicholas	5,000,000.00		5,000,000.00
82	G/64/2004	Madara Alex	18,000,000.00		18,000,000.00
83	G/335/2003	Kocheng N. Odongmon	2,000,000.00		2,000,000.00
84	G/74/2004	Ebong Levi	30,275,000.00		30,275,000.00
85	G/643/1998	John B. Bongomin	5,000,000.00		5,000,000.00
86	G/07/2004	Omach Robert	5,500,000.00		5,500,000.00
87	G/295/2002	Ojok Richard	20,000,000.00		20,000,000.00
88	G/145/2004	Simon Okema	13,000,000.00		13,000,000.00
89	G/253/2003	Ouma Christopher	3,000,000.00		3,000,000.00
90	G/068/2004	Leza Nicholas	8,000,000.00		8,000,000.00
91	G/75/2002	James Bongo Etal	200,000.00		200,000.00
92	G/68/2003	Oculi David Livingstone	500,000.00		500,000.00
93	MBA/241/2003	Muhumuza Isaac	30,000,000.00		30,000,000.00
94	MBA/082/2002	Alifunsi Nyirankwaya	12,515,000.00		12,515,000.00
	Total		**444,440,000.00**		**444,440,000.00**
	Total amount owed by the Attorney General as at 31.12.2007				
			1,484,005,664		**1,484,005,664**

of human rights violations

12.4 Peace Efforts in Uganda

In its 9th Annual Report the Commission recommended that parties to the Juba Peace talks should, as soon as possible, reach a comprehensive agreement that addressed the long standing marginalization of Northern Uganda putting into consideration special needs of women and children and also maintain the momentum created by the resolution of the first three Agenda items. There was commitment by both parties over the five agendas in 2007; bringing hope for peace, although the core issues – justice, security and livelihoods – are still to be resolved and require difficult decisions on the fate of LRA leaders whom the International Criminal Court (ICC) has indicted. The 2 May 2007 agreement on comprehensive solutions to the conflict and the 29 June agreement on reconciliation and accountability revived momentum for the year-old talks in the southern Sudan town of Juba. However, a comprehensive agreement is yet to be reached.

12.5 Karamoja Disarmament

The Commission in its previous Annual Report recommended that Disarmament must continue but the Army should ensure that the removal of guns is done in a manner that does not infringe on the rights of innocent Karamojong especially the vulnerable groups such as children, women and the elderly. The Operational Strategy has been revised to involve the combined arms element in a people driven campaign. On 2 Feb 08, the neighbouring tribes, Didinga of Sudan and Dodoth of Uganda celebrated together at Kidepo, the peace they have been enjoying. Road ambushes have reduced from over 90% in 2001/02 to approx: 7% in 2007/08[68].

The security situation in Karamoja also greatly improved because the operational strategy is a combined arms element in a people driven campaign. As a result over 90% has been made in as far as checking arms trafficking is concerned. Anti Stock Theft Units [ASTU] were deployed in strategic positions along the border in Karamoja in order to beef up security. The army further developed capacity to track, recover and transparently hand over recovered animals to the rightful owners through local leadership. However, some individual soldiers and warriors have continued to violate the rights of both soldiers and civilians.

12.6 Access to detention places

In the previous reports, the Commission recommended that there should be unrestricted entry into all places of detention to monitor the conditions of inmates. During the period under review, the Commission accessed most detention facilities without restriction. However, access to certain detention cells at the Central Police Station was denied. It was suspected that the cells had inmates from other security agencies, which include: Joint Anti-Terrorism Task Force (JATT), Chieftaincy of Military Intelligence (CMI) and Internal Security Organization (ISO). These "special inmates" can stay in police detention as long as the detaining authority wishes. The Commission discussed the issue with the Inspector General of Police (IGP) who regretted the incident and promised to sort it out.

12.7 Conditions in Local Administration Prisons

In its previous Annual Reports, the Commission recommended closure of some Local Administration Prisons due to the extremely appalling conditions they were in even after

[68] Mentioned by UPDF Spokesperson, Major Paddy Ankunda, 21st Feb 2008 at the UHRC 10th Annual Report consultative meeting

they were merged with central government prisons. Some of the prisons which were recommended for closure included Bubukwanga Local Government prison in Bundibugyo district and Amuria Local Government prison in Amuria district. UPS has hired a consultant to draw a merger plan. We hope that the Consultant will do a good job and that the recommendations made for improvement of the situation in Local Administration Prisons will be implemented.

12.8 Rule of Law, Freedom of Assembly and Association

12.8.1 Construction of more courts

In 2007 the Commission recommended that more courts be constructed in order to avoid incidences of lack of access to justice. During the period under review, 12 new Magisterial Areas were created under the Magistrates Courts Act [Magisterial Areas] Instrument 145 of 2007, at Makindye, Nabweru, Kitgum, Kapchorwa, Ibanda, Kotido, Hoima, Pallisa, Busia, Mityana, Kiboga and Nakasongola.

This increased the number of magisterial areas from 26 to 38. Some courts were also elevated to grade1 courts: Kasangati, Buwama, Buliisa, Kigumba, Kagadi, Lyantonde, Anyeke, Amolatar, Dokolo, Isingiro, Abim, Kaboong, Kiruhura, Nakapiripirit, Kaliro, Busembatia, Bududa, Malaba, Dokolo, Phaida, Amuru, Nakaseke, Wobulenzi, Nakifuma, Bwera, Buikwe, Bukedea, Budaka, and Butaleja. In addition, the instrument established Magistrate Grade I and Grade II Courts at the Law Development Centre[69]. The Commission notes that the development is good; however, it necessitates recruiting more magistrates and Administrative staff.

12.8.2 Recruitment of more Judicial Officers

In the previous Annual Reports the Commission recommended that more Judicial Officers should be recruited, especially magistrates and Judges in order to manage the growing backlog of cases. The Commission has, however, established that no new Judges have been appointed since 2003 despite the go-ahead given by Parliament to appoint 5 High Court Judges every year until their total number reaches 50. Work in the Judiciary remains hampered by shortage of human resources, especially Judicial Officers.

This calls for additional staffing because Judges were last appointed to various courts in October, 2004 and since then a number of Judges and Justices have either passed away or retired. Two Judges of the High Court have also retired and another one is due to retire at the end of February 2008. Since 2003/2004 Financial year, the recommended recruitment of 19 Judges for the High Court over the medium term has stalled due to the inadequate wage bill provisions for the Judiciary. The High Court currently has only 24 Judges and all upcountry High Court circuits except Mbale have one resident Judge each instead of two.

The proposed amendment to the law [The Judicature [Amendment] Act 2006, to increase the number of Supreme Court Justices to 11 and those of the Court of Appeal to 12 is pending approval by the appointing authority. The Supreme Court continues to get challenges of lack of quorum especially in Constitutional matters, while the Court of Appeal is struggling to contain an ever increasing backlog of cases. Therefore, there is need to appoint additional staff as a matter of urgency in order to enable the Judiciary to efficiently and effectively carry out its activities so as to reduce on the backlog of cases.

Recently, the President nominated 16 Judges some of whom are for the High Court while

[69] Mentioned by Registrar High Court, 21st Feb 2008 at the UHRC 10th Annual Report consultative meeting

others are for the Court of Appeal. However, the recent nominations still do not cover the gaps sufficiently.

12.8.3 Access to Justice in War Torn Areas

The Commission's previous Annual Reports observed a tendency to keep prisoners awaiting trial for a long period, especially in war torn areas. During the period under review, special programmes were set up to dispense justice in war torn areas while efforts to bring peace in these areas are being made. Special criminal sessions were organized in the north and eastern parts of the country under the Northern Uganda Reconstruction Programme. However, dispensing justice in war torn areas still remains a big challenge due to lack of adequate infrastructure among other things.

12.9 Freedom of Assembly and Association

The Commission's 9th Annual Report recommended that Government should make guidelines on management of public demonstrations which often ended up causing human rights violation. The Commission drafted the guidelines on demonstrations after consulting a number of stake holders on how best to manage public demonstrations. The stakeholders consulted were; Justice Law and Order Sector [JLOS], Uganda Police Force [UPF], Civil Society Organizations[CSOs], Uganda People's Defence Forces [UPDF], Political Parties and Religious groups among others. These guidelines have been widely circulated but were not considered when the SI was passed.

12.10 Cost of ARVs

The Commission in its 8th Annual Report recommended that ARVs should be provided for those who need them the most. The background is that by 2002, a major concern with ARVs was their high cost as well as the possibility of manufacturing them in Uganda. The situation improved in June 2004 when the government introduced and rolled out its programme of availing ARVs freely to the patients. With this consignment, the government was able to meet a demand of about 3,000 patients out of the targeted 62,000 patients in 26 sites. The supply of ARVs further improved with the Global Fund monies that were used to purchase more ARVs thus increasing the number of patients accessing free ARVs. A survey conducted in December 2007 estimated an increase in the number of patients accessing free ARVs to a total of 314,000 patients by December 2008. Of the 314,000 patients, the government has met a demand of 134,000 patients by March 2008. In addition, the government of Uganda in the new budget (2008-2009), pledged 60 billion shillings to the free ARVs vote. Furthermore, there is a distribution system in place to help and assist people access ARVs freely. The ARVs are distributed to the National Medical Stores (CMS) and the Joint Medical Stores (JMC). The CMS is charged with distribution of ARVs to Public sites and NGOs that exist beyond the radius of 50km while the JMC is responsible for sites within the radius of 50km and distribution to the sites is done every two months and it will depend on the supply of these drugs by the government.

On the whole it is observed that the government has the necessary resources and monies to purchase the ARV drugs and avail them freely to the people of Uganda and currently there are 313 sites active that are distributing free ARVs to HIV/AIDS patients. However, there is a challenge in accessing these funds in time due to the lengthy procedures. This in turn has created a shortage of the drugs in the sites and this has kept pushing patients to purchase the drugs from private pharmacies and health units. Those involved in the distribution should find

creative and innovative ways to fulfill their procedural obligations without negatively affecting the availability of the ARVs.

12.11 Recommendations about the IDP Return Programme [Progress and Challenges]

12.11.1 Assistance to IDPs

The Commission's 9th Annual Report recommended that Government should move faster to support returning IDPs by improving conditions and quality of life in the IDP camps and the areas of return by supplying food, and other basic necessities until they have built sufficient capacity to sustain themselves. The government developed a strategic plan on resettlement and reintegration and it is being implemented under the Emergency Humanitarian Action Plan, overseen by the Joint Monitoring Committee. The objectives of the plan include, Cessation of Hostilities and Regional Security, Peace building, Enhanced Protection of IDP Population, Improved conditions of displaced persons in camps and Continued planning for return of IDPs as part of the Peace, Recovery and Development Plan (PRDP) Process. Under this plan funds were released and distributed under the various Government sectors, to implement activities contributing to achievement of the above objectives, which would eventually trigger of development in the area.

12.11.2 Strengthening Police presence for IDP protection

The Commission recommended that Government should consider deploying experienced police officers to facilitate in fighting crime and impunity in areas of return and IDP camps. The Government released funds for reopening of police posts especially in the IDP return areas and Anti Stock Theft Units (ASTUs) along the border with Karamoja. There are now police posts in every sub county in all the districts and ASTUs were deployed in areas along the border of Karamoja. Police constables were also recruited, trained and deployed, in order to beef up police presence in Northern Uganda.

12.11.3 Challenges faced during IDP Return, Resettlement and Reintegration

There are still some challenges on the Return, Resettlement and Reintegration of IDPs despite the progress made during the period under review. Such challenges include:

- **The delayed peace talks in Juba**
  There is still some degree of uncertainty among the IDPs about the peace talks going on in Juba. Most people express their reservations on going back to their villages before the peace agreement is signed between the government and the LRA rebels, and that is why most of them opt to settle in transit camps or to have two homes in the meantime.

- **Compensation Issues**
  Landlords of land where camps are located expect compensation from Government, and so do camp leaders who expect to be paid for their services, and in some camps are actually discouraging IDPs to return home because they will miss out on this. The host communities are also expecting a token of appreciation from Government, including compensation over their land that has been occupied by IDPs in camps for all these years. Alternative means of restoring people's land, that is, through tree planting should be done.

- **Lack of social services in return areas**
  Lack of social services like schools, water facilities, access roads and health services are the biggest hindrance to the process of return in all the districts where IDPs still exist.

As a result, some parents are returning to their villages leaving their children in camps where they can access such services. This exposes children to abuses like defilement and beatings.

- **Extremely Vulnerable Individuals**
  Extremely Vulnerable Individuals exist in all camps though in varying numbers. These include the elderly, the chronically ill, HIV/AIDS patients, orphans and child headed households [most of these were born in camps and have faint knowledge of their ancestral villages]. The Extremely Vulnerable Individuals therefore need support in terms of building houses, transportation and social support to enable them move to their places of origin.

- **Land Conflicts**
  There are a number of land disputes in the districts that were affected by the conflict in northern Uganda. As people are encouraged to voluntarily return back home, much of their land is occupied by camps and army detaches, there is need to relocate these army detaches to other places so that rightful owners of land can settle in. In case of Gulu, Area land committees have been established to handle land related matters at that level.

12.12 Enactment of a Law prohibiting Torture

The Commission in its previous Annual Reports recommended to parliament to enact a law to prohibit acts of torture, cruel, inhuman and degrading treatment. The law has not been enacted and no efforts have been made by Government at drafting the bill on torture. Failure to enact a law criminalizing torture contravenes the obligations undertaken by the government under the UN CAT. We commend the efforts of Civil Society Organizations under the Coalition against Torture under the leadership of the African Centre for the Treatment and Rehabilitation of Torture Victims for taking the lead in drafting the bill. The Commission will work closely with Civil Society to ensure that the draft bill is completed. We urge the Members of Parliament to support the bill when it is ready.



Roger Mugenyi allegedly died as a result of police brutality in October 2007. The matter is before the High Court

12.13 Ratification of the OPCAT

The Commission's 9th Annual Report appealed to the Government to ratify the Optional Protocol on the Convention against Torture and other cruel inhuman degrading treatment [OPCAT]. Uganda has not yet ratified the OPCAT and thus the Commission therefore continues to appeal to Government to ratify the OPCAT. Ratification of the OPCAT will among other things improve and strengthen the monitoring mechanism of places of detention with a two pillar system at the national and international level. Furthermore, among other benefits, there

is provision for a fund to implement the recommendations made by the international visiting body.

12.14 Establishment of the Victims' Compensation Fund

The Commission has in the past expressed concern about the delay in compensating victims of human rights violations whose cases were proved successfully by the Commission Tribunal. In light of the reasons advanced by the Attorney General for the delay, which is attributed to lack of sufficient funds, the Commission recommended the establishment of the Victims' Compensation Fund to enable timely compensation of victims of human rights violations whose cases have been successfully proved. The modalities for governing the administration of the fund were left to the responsible ministry. Government had not at the time of drafting this report put in place the Victims' Compensation Fund. Victims of human rights violations awarded



Such a victim needs compensation to enable him to get rehabilitation and treatment

12.15 Passing of the Domestic Relations Bill (DRB)

Owing to the delay in the passing of the DRB into law, the Commission has in its previous annual reports urged Government to pass it. The Domestic Relations law is an amalgamation of all domestic related laws, namely marriage, divorce, separation, inheritance and property rights. The passing of the Domestic Relations Bill would in effect put in place laws that conform with the Constitution, in particular those articles regarding the rights of women including children, widows and orphans. Passing the DRB into law would also improve on government's compliance with its international obligations under the Convention on the Elimination of Discrimination against Women, among others. The Bill has since been split into three and there are efforts by the Uganda Law Reform Commission to review them. The three Draft Bills are on Domestic Relations, Administration of Muslim Personal Law and Domestic Violence.

12.16 Submission of the Periodic Report on Economic, Social and Cultural Rights

The Commission has in its previous annual reports urged government to submit its periodic report to the UN Committee on Economic, Social and Cultural Rights. Uganda ratified the International Covenant on Economic, Social and Cultural Rights (1966) in 1986 but has never submitted a periodic report as required under the Covenant. Various excuses have been given for this delay including limited capacity to draft the report and disagreements as which ministry is responsible for drafting the report. It is important for the government of Uganda to make this report in order to fulfill its obligations.

There are initiatives by some Civil Society Organizations (CSOs) spearheaded by Makerere Human Rights and Peace Centre to draft a "shadow shadow" report on Uganda's compliance with the International Covenant on Economic, Social and Cultural Rights as a way of stimulating government to embark on the ESCR report.

12.17 Commission of inquiry on child sacrifice

Given the escalating problem of child sacrifice, the Commission re-echoed in the 9th Annual Report its recommendation of setting up a commission of inquiry to investigate the problem. Government has not implemented this recommendation.

12.18 Elimination of 'Safe Houses'

The Commission has always advocated for the elimination of 'safe houses' The UHRC has noted a significant reduction in the number of complaints of detention in safe houses. Nonetheless, 'safe houses' have to be completely eliminated because their existence and usage is a violation of human rights.

12.19 Law on Minimum wage

In its previous Annual Reports the Commission appealed to Government to establish a minimum acceptable standard of living for all workers by enacting a minimum wage law. No operational minimum wage has been established therefore the Commission continues to appeal to Government to enact a law on minimum wage. Failure to fix a law on Minimum Wage affects the enjoyment of other rights such as the right to food, health care and shelter, among others.

12.20 Funding to the Commission

The Commission appealed to Government to increase its funding in order to be able to carry out its activities effectively. In the financial year 2006/2007, the Commission's budget estimates were 4,514,175,000; the Government released 2,890,000,000; reflecting a deficit of 1,624,175,000. In the financial year 2007/2008, the Commission's budget was 4,814,518,311; by the time of writing this report the Government had released 3,512,207,801; leaving a balance of 1,302,310,510.

There was an increase in the wage bill by 400,000,000; in the financial year 2007/2008. However, the Commission is still encroaching on the non-wage releases to pay salaries leaving insufficient funds for non-wage activities of the Commission. The Commission therefore urges Government to increase funding so that it can be able to execute its activities.

12.21 Conclusion

The Government has made some progress on the recommendations made by the Commission; however, there is still a lot to be done. The Commission therefore urges Government to continue taking steps in addressing recommendations that have not yet been implemented.

Table 12.5 showing a summary of government compliance with some key UHRC recommendations

Recommendation		No Compliance	Partial Compliance	Full Compliance
1.	Continuous Civic Education	X		
2.	Establishment of District Human Rights Committees		XX	
3.	Timely honouring of Commission Tribunal Awards		XX	
4.	Peace Efforts in Uganda.		XX	
5.	Karamoja Disarmament.		XX	
6.	Unrestricted access to army detention places		XX	
7.	Improving conditions in Local Administration Prisons		XX	
8.	Construction of more courts.		XX	
9.	Recruitment of more Judicial Officers		XX	
10.	Access to Justice in War Torn Areas.		XX	
11.	Freedom of Assembly and Association		XX	
12.	Making ARVs more accessible		XX	
13.	Assistance to IDPs		XX	
14.	Strengthening Police presence for IDP protection.		XX	
15.	Ratification of the OPCAT	X		
16.	Enactment of the law on Minimum wage	X		
17.	Enactment of a Law on Torture.	X		
18.	Elimination of Safe Houses.	X		
19.	Increased funding to the Commission		XX	
20.	Decentralizing liability for human rights violations.	X		
21.	Decongestion of prisons		XX	
22.	Elimination of torture in prisons		XX	
23.	Passing the Disability Law			X
24.	Passing the Domestic Relations Bill	X		
25.	Passing the Equal opportunities Act			X
26	Ending long remands		XX	
27	Submitting a report on ESCR	X		
28	Establishing a victim compensation fund	X		
29	Establishing a Commission of Inquiry on Child Sacrifice	X		

Chapter 13:
FINANCE AND ADMINISTRATION

13.1 Introduction
This chapter highlights the sources of funding for the Commission activities in 2007. It covers also aspects of the wage bill, staff gratuity, domestic arrears, staffing and transfer of the Commission to the Justice, Law and Order Sector (JLOS). The Commission appreciates the improvements in funding reflected in the 2007/08 Financial Year Budget Allocations, but the issue of inadequate funding still remains to be addressed comprehensively if the Commission is to fully fulfil its constitutional mandate of promoting and protecting human rights in all parts of the country.

13.2 Government Funding in 2007
The Commission received financial support from the GOU totalling to UGX 3,369,625,038, broken down in table 13.1 below:

Table 13.1: Government funding to the Commission in 2007

Vote	Allocation (UGX)
GOU – Wage	1,537,902,050
GOU – Non Wage	1,652,029,988
GOU – Development	79,693,000
GOU – Domestic Arrears	-
Total	**3,369,625,038**

13.3 The Wage Bill
Since 2001, the Commission has been requesting the Government of Uganda to increase on the wage bill to match the increase in the number of staff as a result of opening regional offices in a bid to bringing services closer to the people. The Commission now has 8 regional offices, namely Arua, Central (Kampala), Fort Portal, Gulu, Jinja, Mbarara, Moroto and Soroti.

There was an increase in the wage bill by Uganda shillings 400,000,000 in the 2007/08 Financial Year Budget Allocation, making a total of 1,825,795,000. The increase was however inadequate in that the Commission encroached on the non-wage releases to pay salaries during the 2007/08 Financial Year, leaving very insufficient funds for non-wage activities of the Commission. For the half year covering the period from July to December 2007, shillings 57,238,321 was re-allocated from non-wage releases to close the gap in the wage bill.

13.4 Funding of the Commission's Core Activities
The Commission appreciates the slight increase in the non-wage bill by shillings 100,000,000 in the 2007/08 Budget Allocation. However, funding of non-wage activities by the Government remains grossly inadequate. This coupled with encroachment on non-wage releases to pay staff salaries, means that Government only contributes minimally towards funding of the Commission's core activities, leaving it to the donors.

The existing situation is that it is the Basket Fund Donors and other development partners who largely fund the core activities of the Commission, namely complaints handling and investigations; tribunal hearings; monitoring and inspections; and research, education and



Some members and staff of the Commission attending the donor review meeting in 2007

documentation. In addition, the donors fund some capital expenditure, notably procurement of motor vehicles and equipment like computers and accessories. The Basket Fund Donors also fund the administrative expenses of the 8 regional offices and CMCCs in Teso and Karamoja. They also pay allowances of volunteers at the Commission and CMCCs in Teso and Karamoja, while OHCHR has been paying for the operations and volunteer allowances for CMCCs in Northern Uganda.

The Government of Uganda currently funds payment of salaries and allowances of all established staff of the Commission; administrative expenses at the head office; procurement of some capital items; and clearing of domestic arrears.

While the Commission appreciates assistance from the donors, dependence on donor support is not sustainable in the long run. Government has a constitutional obligation to fund the core activities of the Commission, while donor support is only meant to supplement Government funding. In this regard, it should be noted that donor funding to the Commission has of recent been decreasing. In the FY 2005/06, it amounted to shillings 2,311,871,398, while in the FY 2006/07 it dropped to shillings 1,829,824,935. The Basket Fund Donor contribution to the Commission for the FY 2007/08 was shillings 1,762,733,904, which represents only minimal increase over the previous year's contribution of Uganda shillings 1,700,431,840 even though the number of regional offices have increased from 6 to 8. The overall donor contribution during the 2007/08 Financial Year is Uganda shillings 2,067,141,517.

The following table shows the donor funding over the past 3 years, with the amounts received from the Basket Fund Donors, UNDP, OHCHR and UNAIDS indicated for each period.

Table 13.2: Donor support to the Commission

Donor	Project	FY 2005/06 Shs.	FY 2006/07 Shs.	FY 2007/08 Shs.
Basket Fund	HUGGO	2,268,263,749	1,700,431,840	1,762,733,904
UNDP	Capacity Building.	43,607,649	-	
UNDP	CPAP (Good Governance)		12,835,000	182,718,308
OHCHR	Support to UHRC and CMCCs in Northern Uganda	-	98,490,800	121,689,305
UNAIDS	Developing Hand Book on HIV/AIDS and Human Rights	-	18,067,295	-
TOTAL		**2,311,871,398**	**1,829,824,935**	**2,067,141,517**

13.5 Staff Gratuities

The Commission is grateful that the Government has started the process of settling accumulated staff gratuity arrears. During the year under review, the Office of the Accountant General verified staff gratuity arrears from 1st July 1999 to 30th June 2006. Basing on available records, the verified gratuity arrears for the period amounted to shillings 1,333,101,311 and this was provided for in the FY 2007/8 Budget. Though no releases were made to pay the arrears by the end of 2007, by the time of writing this report, a half of the total gratuity arrears had been released and paid out to staff. There was commitment from the Ministry of Finance, Planning and Economic Development to release the remaining balance before the end of 2007/08 Financial Year. The Commission hopes that staff gratuity arrears for the FY 2006/07 will be incorporated in the FY 2008/09 Budget after being verified by the Office of the Accountant General.

The Commission is reserving funds for payment of gratuity at the end of the 2007/08, and no arrears in this regard are anticipated. We hope to continue receiving sufficient funds to pay staff gratuity in the financial years during which they fall due.

13.6 Domestic Arrears

The Commission carried over from FY 2006/07 a domestic arrears stock of shillings 252,253,859 owed to domestic suppliers in the past years, which had reduced to shillings 210,255,335 by 31st December 2007. The GOU, in the budget for FY 2007/08, provided only Uganda shillings 22,000,000 for settling the arrears and none of this money had been released and disbursed by December 2007. It is expected to be released before the end of the financial year, but this will make little impact in clearing the domestic arrears as it is only about 10% of the domestic arrears stock brought forward from previous years.



The Chairperson UHRC Mrs. Margaret Sekaggya (right) with the Royal Netherlands Ambassador, H.E. Jeroen Verheul during the donor review meeting

13.7 Capital/Development Releases

The Commission received UGX 79,693,000 during the year, compared to UGX 115,000,000 released in the previous financial year. This is a decrease at a time when the Commission urgently needs to replace old motor vehicles and equipment, especially computers and accessories.

13.8 Directorates and Regional Offices

The Commission has five (5) Directorates; namely the Directorate of Complaints, Investigations & Legal Services (CIL); the Directorate of Regional Services (RS); the Directorate of Research, Education & Documentation (RED); the Directorate of Monitoring & Inspections (M&I); and the Directorate of Finance and Administration (FAD).

The Commission had eight (8) regional offices during the year under review, namely:-

- Fort Portal, serving the Western Region
- Mbarara, serving the South Western Region
- Gulu, serving the Northern Region
- Moroto, serving the North Eastern (Karamoja) Region
- Soroti, serving the Eastern Region
- Jinja, serving the South Eastern Region
- Kampala, serving the Central Region
- Arua, serving the West Nile Region

13.9 Funding of the New Commission Structure

As pointed out in the 9th Annual Report, the restructuring and staff rationalisation process made it necessary for the Commission to develop a new staff structure. The new structure with a total of 151 members of staff was approved by the Ministry of Public Service.

The new structure requires a wage bill of Uganda shillings 3,109,328,459 and a non-wage bill of Uganda shillings 1,527,939,584, which the Ministry of Finance, Planning and Economic Development has agreed to fund with effect from the 2008/09 Financial Year.

13.10 Staffing

The Commission had a total of 123 established staff and 26 volunteers at the end of 2007, who were deployed as follows:

a) Established Staff as of 31st December 2007

Office of the Chairperson

No.	Name of Staff	Designation
1.	Margaret Sekaggya	Chairperson
2.	Patricia Nduru	Senior Human Rights Officer
3.	Jacque Kasoma	Human Rights Officer
4.	Margaret Luwaawo N.	Senior Personal Secretary
5.	Constantine Magumba	Tribunal Clerk
6.	Shaban Kitente	Senior Driver

The Commission

No.	Name of Staff	Designation
1.	Adrian M. Sibo	Commissioner
2.	John Mary Waliggo (Dr.)(RIP)	Commissioner
3.	Constantine Karusoke	Commissioner
4.	JM Aliro-Omara	Commissioner
5.	Mariam Fauzat Wangadya	Commissioner
6.	Veronica Eragu Bichetero	Commissioner
7.	Teddy Katenta	Personal Secretary
8.	Bernadette Nabasirye	Personal Secretary
9.	Elizabeth Bbosa	Personal Secretary
10	Felistas Odyek	Personal Secretary
11.	Mary Nyanzi Immaculate	Personal Secretary
12.	Celine Rose Alonyo	Personal Secretary
13.	Najib Kiza Maganda	Driver
14.	Patrick Kabuye	Driver
15.	Paul Byaruhanga	Driver
16.	Tomson Obel	Driver
17.	Badru G. Kafuleka	Driver

Office of the Secretary

No.	Name of Staff	Designation
1.	Gordon T. Mwesigye	Secretary to the Commission
2.	Thaddeus Sempijja	Internal Auditor
3.	Sulaiman Omitta	Systems Manager
4.	Rose Mary Kemigisha	Senior Human Rights Officer/Editor
5.	Stella Kirenga	Personal Secretary
6.	Prossy A. Nakirya	Procurement Officer
7.	Maxwell Onyait	Transport Clerk
8.	Samuel Sserunjogi	Driver

Directorate of Finance and Administration

No.	Name of Staff	Designation
1	Atu Nyakoojo	Director Finance & Admin
2	Patrick Opio Otim	Human Resource Manager
3	Lucy Margaret Ejang	Senior Accountant – GOU
4	Christopher Turigye	Senior Accountant - Projects
5	Florence M. Munyirwa	Public Affairs Manager
6.	Justus K. Muhanguzi	Assistant Public Affairs Manager
7.	Francis Kabwisho Borgia	Building Superintendent
8	Kaampe Joan Wasswa	Human Resources Officer

9.	Loiy Rose Nantale	Assistant Records Officer
10.	Hope Twongyeirwe	Records Assistant
11	Denis Kaketo	Assistant Accountant - GOU
12	Robert Odeke Omongin	Asst. Accountant – Projects
13	Joseph Ndebwoha	Store Keeper
14	Mariam Ssewanyana	Receptionist /Tel. Operator
15	Samuel K. Kamya	Machine Operator
16	Robert Mugenyi	Office Attendant
17	Margaret Nantume	Kitchen Attendant
18	Timothy Munialo	Driver
19	Felix Odida	Gate Keeper

Directorate of Research, Education and Documentation

No.	Name of Staff	Designation
1.	Bolla Dorah Kabuye	Director
2.	Elizabeth Ndyabaje	Human Rights Officer
3.	Margaret Rubaire	SHRO/Librarian
4	Carol Nalule	Human Rights Officer
5	Kamadi Byonabye	Human Rights Officer
6	Farouk Nyende	Human Rights Officer
7.	Harriet R. Kajobe	Human Rights Officer
8.	Bernnet Sekibuule	Driver

Directorate of Monitoring and Inspections

No.	Name of Staff	Designation
1.	Roselyn Karugonjo Segawa	Director
2.	Arthur Beingana	Senior Human Rights Officer
3.	Willy Agirembabazi	Human Rights Officer
4.	Faustine Maiso (Dr.)	Health Professional
5.	Gloria Namuleme	Human Rights Officer
6.	Priscilla Nyarugoye	Human Rights Officer
7.	Peter Nyakana	Driver

Directorate of Complaints, Investigations & Legal Services

No.	Name of Staff	Designation
1.	Christine Birabwa-Nsubuga	Director
2.	Patricia Achan Okiria	Human Rights Officer
3.	Ruth Nalugo Ssekindi	Human Rights Officer
4.	Caleb S. Katwebaze	Human Rights Officer
5.	Rose Atim	Human Rights Officer
6.	Henry Ddamulira	Driver

Directorate of Regional Services

No.	Name of Staff	Designation
1.	George Paliel Ufoyuru	Director
2.	Augustine Ntaganda	Driver

Gulu Regional Office

No.	Name of Staff	Designation
1.	Bernard Turyashemererwa	Regional Human Rights Officer
2.	Melody Ginamia Ngwatu	Human Rights Officer
3.	Joel Ogwang	Accounts Assistant
4.	Anna Grace Akello	Stenographer Secretary
5.	Patrick A.H. Egir	Driver
6.	Dick Henry Ojut	Office Attendant

Soroti Regional Office

No.	Name of Staff	Designation
1.	Charles N. Kwemoi	Regional Human Rights Officer
2.	Celestine Alou	Human Rights Officer
3.	Agnes Rebecca Tino	Human Rights Officer
4.	Lydia Namulondo	Accounts Assistant
5.	Harriet Akajo	Stenographer Secretary
6.	Francis Akol	Driver
7.	Peter Ariku	Office Attendant

Mbarara Regional Office

No.	Name of Staff	Designation
1.	Wilfred Muganga Asiimwe	Regional Human Rights Officer
2.	Theopista Twembi	Human Rights Officer
3.	Emmanuel Bamwitte	Human Rights Officer
4.	Obich Dennis Awio	Accounts Assistant
5.	Mouda Kambeera	Stenographer Secretary
6.	Deus Katiti	Driver
7.	Joan Komugisha	Office Attendant

Fort Portal Regional Office

No.	Name of Staff	Designation
1.	Francis Ogwal	Regional Human Rights Officer
2.	Valerious Ndagije	Human Rights Officer
3.	Restetutah Birungi	Human Rights Officer
4.	Harriet Byangire	Accounts Assistant
5.	Justine Mwesigwa Kaahwa	Stenographer Secretary
6.	Issa Mugabe	Driver
7.	Hussein Madina	Office Attendant

Jinja Regional Office

No.	Name of Staff	Designation
1.	Sarah Nakhumitsa	Regional Human Rights Officer
2.	Esther Nassiwa Jjuko	Human Rights Officer
3.	Tom K Kibukutu	Human Rights Officer
4.	Lawrence Mugisha	Accounts Assistant
5.	Juliet Ndagire	Stenographer Secretary
6.	Emmanuel Kabunga	Driver
7.	Patrick Lwaze	Office Attendant

Moroto Regional Office

No.	Name of Staff	Designation
1.	Anthony Androa	Regional Human Rights Officer
2.	Paul Otim	Human Rights Officer
3.	Dorothy Okwong	Human Rights Officer
4.	Samuel Omatum	Accounts Assistant
5.	Sophie Betty Nangiro	Stenographer Secretary
6.	Philip Loyok Herds	Driver
7.	Irene Tino Rita	Office Attendant

Central Regional Office

No.	Name of Staff	Designation
1.	Ida Nakiganda	Regional Human Rights Officer
2.	Steven Mbarushimana	Human Rights Officer
3.	Betty Enangu	Human Rights Officer
4.	Rebecca Nassuna	Human Rights Officer
5.	Harriet Nantumbwe	Human Rights Officer
6.	Christine Oroma Gakumba	Accounts Assistant
7.	Evelyn Arinaitwe	Stenographer Secretary
8.	Geoffrey Katangula	Process Server
8.	Edward Semakula	Driver
9.	Oliver Namukwaya	Kitchen Attendant

Summary

Office of the Chairperson	6
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Office of the Secretary	8
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Regions	50
Total	**123**

b) Volunteers:

The Commission

1. Pamela Karamagi
2. Doreen Elima

Office of the Secretary to the Commission/ Systems Unit

3. Winfred Logose

Directorate of Research, Education and Training/ Library

4. Henry Muhairwe

Directorate of Complaints, Investigations and Legal Services

5. Fred Ssekindi

Directorate of Monitoring and Inspections

6. Emily Ninsiima

Directorate of Regional Services

7. Imela Prossy Oidu

Gulu Regional Office

8.	Judith Max Adong	Gulu Regional Office
9.	Fiona Abalo Opoka	Gulu CMCC
10.	J osephine Akello	Pader CMCC
11.	Polly Pauline Achola	Lira CMCC
12.	Andrew Ogwal	Kitgum CMCC

Soroti Regional Office

13.	Juliet Logose	Soroti Regional Office
14.	David Obutai	Soroti Regional Office
15.	Robert Ademu	Soroti CMCC
16.	Moses Ewayu	Kumi CMCC
17.	Morris Okollo	Katakwi CMCC
18.	Ezekiel Emitu	Kaberamaido CMCC

Mbarara Regional Office

19. Enock Twinamatsiko

Moroto Regional Office:

20.	Godffrey Ogwang	Moroto Regional Office
21.	Evelyn Natyang	Moroto Regional Office
22.	Sarah Akwaso	Moroto CMCC
23.	Emmanuel Lopeyok	Kaabong CMCC
24.	David Aleper Ochen	Kotido CMCC
25.	John Longolio	Nakapiripirit CMCC
26.	Christopher Ogwang	Abim CMCC

13.11 Transfer of the Commission to JLOS

The Commission was transferred from the Public Administration Sector to the Justice, Law and Order Sector (JLOS) during the year at its own request. The Sector comprises the Ministry of Internal Affairs; the Judicial Service Commission; the Uganda Law Reform Commission; the Uganda Human Rights Commission; the Directorate of Public Prosecutions; the Uganda Police Force; the Uganda Prisons Service; the Judiciary; Law Development Centre; and the Ministry of Justice and Constitutional Affairs.

The Commission considers its membership in JLOS to be important because one of the key roles of the sector is the protection and promotion of human rights by the JLOS institutions. The sector is therefore a logical place for the Commission. However, the Commission retains the independence of executing its oversight mandate, not withstanding membership of JLOS.

13.12 Recommendation

- Given the declining financial support from donors, the Government of Uganda should move towards increasing funding for the Commission's core activities as mandated by the Constitution.

Appendix A:

Some of the books received in the library in the year 2007:

S/N	Author	Title	Publisher	Year of publication
1	Office of the United Nations High Commissioner for Human Rights	Human rights and Prisons: A compilation of International human rights instruments concerning the administration of justice	UN	2005
2	REDRESS	Seeking reparation for torture survivors: Enforcement of awards for victims of torture and other International crimes	The Redress Trust	May 2006
3	Office of the United Nations High Commissioner for Human Rights	Economic, social and Cultural rights Handbook for National Human Rights Institutions Manual on human rights training for Prison officials	UN	2005
4	Wenche Barthand and Eide Kracht	Food and human rights in development Volume II: Evolving issues and emerging applications	Intersentia	2007
5	The Commonwealth Secretariat	Comparative study on mandates of National Human Rights Institutions in the Commonwealth	The Commonwealth Secretariat	2007
6	Jagannath Mohanty	Teaching of human rights. New trends and innovations	Deep and Deep publications PVT. Ltd	2005
7	WHO	25 questions and answers on health and human rights	WHO	2002
8	Jyotsna Tiwari	Child abuse and human rights	Isha Books	2004
9	Nijhal Jayawickrama	The Judicial application of human rights law: National Regional and International jurisprudence	Cambridge University Press	2006
10	Jonneke M.M. Naber and Rob Watson	A training manual for African Faith based Communities. Advancing justice and reconciliation in relation to the ICC, FENICC&CJR	2006	
11	OECD	Integrating human rights into development: Donor approaches, experiences and challenges and development	Organisation for Economic co-operation	2006
12	Rwakafuzi (editor)	Environment legislation of Uganda Reports	Kampala Law	2006
13	Rwakafuzi	Civil Practice legislation of Uganda	Kampala	2006
14	WHO	The right to health	WHO	2002
15	WHO	WHO ethical and safety recommendations for monitoring sexual violence in emergencies	WHO	2007

S/N	Author	Title	Publisher	Year of publication
16	WHO	25 Questions and answers on health and human rights	WHO	2002
17	WHO	International migration health and human rights	WHO	2003
18	OHCHR	Legislative history of the convention on the rights of the child. Vol. II.	UN	2002
19	Thomas Pogge (editor)	Freedom from poverty as a human right : who owes what to the very poor	Oxford University Press	2007
20	Commonwealth Secretariat	Comparative study on mandates of Human Rights Institutions in the Commonwealth	Commonwealth Secretariat	
21	Paul Hunt	Neglected diseases : A human rights approach	WHO	2007
22	Ford Foundation	Delivering on a premise to advance human welfare	Ford Foundation	
23	UNHCR	Human rights and refugee protection	UN	2006
24	OHCHR	The Rights of Non – citizens		
25	UNHCR	Agenda for protection , 3rd edition	UN	2003
26	UNESCO	Human Rights : Major International Instruments	UNESCO	2007
27	University of Burns Project on IDP	When displacement ends. A framework for durable solutions	The Brookings Project	2007
28	World Vision	World Vision Uganda; Twenty five years of transforming lives	World Vision	2007
29	Andrew Coyle	A human rights approach to prison management: A handbook for prison staff		
30	Raising Voices	Creating safer schools	Ford Foundation	2006
31	Commonwealth Secretariat Project	Abuja guidelines on the relationship between Parliament, Parliamentarians and Commonwealth National Human Rights Institutions	Commonwealth Secretariat	2003
32	Commonwealth Secretariat Project	Handbook for Commonwealth National Human Rights Commissions: Building an effective media and Communication programme	Commonwealth Secretariat	2003
33	Commonwealth Secretariat Project	Model guidelines on Planning Public Inquiries	Commonwealth Secretariat	2003
34	Commonwealth Secretariat Project	Survey of the use of public inquiries and formal hearing by Commonwealth National Human Rights Commissions	Commonwealth Secretariat	2003
35	Commonwealth Secretariat Project	Recommendations for promoting the rights of people with disabilities: Towards a news UN Convention	Commonwealth Secretariat	2003

Appendix B:

Places of Detention Inspected by the Commission in the Year 2007

	Detention places visited	Total No. of inmates	Convicts	Remands
1.	Kasangati Government Prison	260	55	204
2.	Sentema Government Prison	85	18	66
3.	Kihingu Government prison	34	18	16
4.	Butenga Government Prison	13	6	7
5.	Kitanda Government prison	24	22	2
6.	Bukoto Government Prison	36	36	
7.	Lwengo Government Prison	24	13	11
8.	Kyanamukaka Government prison	20	11	9
9.	Kalisizo Government prison	51	6	45
10.	Kasaali Government Prison	25	12	13
11.	Rakai Government Prison	21	18	3
12.	Lwamagwa Government Prison	31	25	6
13.	Kacheera Government Prison	18	11	7
14.	Nakifuma Government Prison	50	27	23
15.	Ntenjeru Government Prison	27	10	17
16.	Bulaula Government Prison	141	141	--
17.	Kangulumira Government Prison	45	25	20
18.	Lugazi Government Prison	84	35	49
19.	Ngogwe Government Prison	48	27	21
20.	Nyenga Government Prison	16	9	7
21.	Kauga Government Prison	116	17	95
22.	Buvuma Government Prison	10	10	--
23.	Masafu Former Local Administration Prison 83			
24.	Buyinja former LAP	19		
25.	Bugiri Prison Farm Former LAP	83		
26.	Busesa Prison former LAP	13		
27.	Namungalwe – Kigulu County Headquarters Prison former LAP	30		
28.	Imanyiro former LAP	6		
29.	Bufulubi Central Prison Farm.	287		
30.	Ikulwe Farm Prison Central Government Prison (Remand Prison)	49	6	43
31.	Kamuli Government Prisons	54	28	26
32.	Kisoko former LAP	9	9	-
33.	Mukuju former LAP	25	23	2
34.	Budaka former LAP	17	14	3
35.	Kamuge former LAP.	94		

36.	Kangulumira Government Prison	45		
37.	Bukunghu Government Prison	160	100	60
38.	Ngongwe Local Administration Prisons	42	36	6
39.	Kaliro Prison Farm	45		
40.	Nabwigulu Government Prison			
41.	Namalu Central Government Prison Farm	281	281	--
42.	Moroto Central Government Prison	129	34	95
43.	Mubuku Prison Farm	401	287	114
44.	L. Katwe Prisons	20	11	
45.	Bwera Prison	57	17	40
46.	Rwimi Prison Farm	390 males	383	7
47.	Muhokya Prison	14	11	3
48.	Ibuga Prison Farm	244 males	244	-
49.	Nyabirongo Prison	52	32	20
50.	Kitswamba former LAP	21	11	10
51.	Rukooki LAP	78	13	65
52.	Kikorongo S/C Cells/ LAP			0
53.	Butiiti Prison	69	28	41
54.	Kyegegwa former LAP	29	20	9
55.	Kakumiro former LAP	24	24	
56.	Kibaale former LAP	50	11	39
57.	Kyakasengura Prison Farm	14	6	8
58.	Mambugu Prison	93	36	57
59.	Isimba Prison	241	241	-
60.	Maiha Prison	10	10	-
61.	Biiso Prison	10		10
62.	Masindi Female Prisons	30 + 6 children	16	14
63.	Masindi Male Prison	602	166	437
64.	Ihungu Remand Home	11		11
65.	Kigumba Prisons	22	15	7
66.	Buliisa former LAP	12	2	10
67.	Kiryandongo Prison	38	2	36
68.	Pece Local government	32	09	23
69.	Amolatar Local government	45	--	45

Some of the police detention places inspected in 2007

	Police Station/Post	No. of suspects at the time of inspection
1.	Aloi Police Post	2
2.	Amolatar Central Police Post	07
3.	Kayago Central Police	02
4.	Aceng Aryeny	--
5.	Bangala Police post	--
6.	Anaka	04
7.	Purongo	06
8.	Aloi Police Post	02
9.	Nakapiripirit Police Station	2
10.	Amudat Police Post	4
11.	Namalu Police Post	--
12.	Nabilatuk Police Post	--
13.	Kayunga Kayunga Police Station cells	6
14.	Lugazi Police Station cells	12
15.	Mukono Lugazi Police Station cells	15
16.	Busia CPS	8
17.	Masafu County Police Unit	0
18.	Masaba Sub County Police Unit.	1
19.	Bugiri CPS	24
20.	Muwayo Police Post	2
21.	Kayango Police Post	0
22.	Buluguyi – Buwayo Police Post.	0
23.	Iganga CPS	27
24.	Namungalwe – Kigulu Police Post	0
25.	Mayuge CPS	12
26.	Kamuli CPS	17

Appendix C:

Progress Report on the Recommendations of the 2005 Mission by the UN Special Rapporteur on the Right to Health

	Recommendations	Progress Made
1.0	**Access to Health Information and Education**	
1.1	The Government of Uganda should adopt public information campaigns targeting disadvantaged rural and urban communities in slum areas as well as internally displaced persons in camps, using the most appropriate methods e.g. churches and other faith-based networks, schools etc	1.1.1 Appropriate messages have been designed on important health issues, including neglected tropical diseases, and periodically aired on local FM radios in local languages. 1.1.2 Sensitization meetings on important health programmes, including neglected tropical diseases periodically conducted for local leaders, NGOs and community based organizations(CBOS) 1.1.3 Collaboration has been established with other stakeholders e.g. MOE & /s, NGOs to produce and distribute educational materials targeting the youth e.g. magazines and newspaper pull-outs. 1.1.4 Film shows are being used to continuously, educate and sensitize communities about neglected tropical diseases, among other priority health programmes.
2.0	**Community Participation**	
2.1	The recruitment, training and facilitation of village Health Teams should be speeded up for strategic use as a delivery mechanisms of interventions for the prevention and control of neglected diseases.	2.1.1 Village Health Teams (VHTs) have been recruited and trained in 11 (eleven) districts, so far, under the ADB Project, using appropriately designed training manuals. 2.1.2 The strategy is being pilot tested in another 20 districts. 2.1.3 Guide lines for supervising Village Health Teams have been developed and produced for use.
2.2	Steps should be taken to ensure that there is smooth and effective coordination, cooperation and collaboration between the local political structures and Health Centres 1 -IV	2.2.1 In the 11 Districts, the district authorities have been sensitized about their role vis-a`-vis the activities of VHTS 2.2.2 However, there is a constraint about the motivation of these VHTs
3.0	**Health Professionals**	
3.1	In cooperation with development partners, the Government must urgently re-examine the issue of human resources and devise a coherent strategy, and costed plan of action for human resources for health.	3.1.1 A Uganda Human Resource for Health Strategic Plan, 2005 – 2020, has been developed and produced
3.2	Compelling incentives should be introduced to attract health professionals to, and get retained in isolated disadvantaged communities.	3.2.1 An incentive scheme to attract and retain health workers in isolated disadvantaged communities is under formulation.

3.3	On qualifying, all health professionals should be required to work in isolated disadvantaged communities for a certain period of time.	3.3.1 The Ministry of Health embraces the recommendation and a mechanism for its implementation will be worked out in due course.
4.0	**Tackling Stigmatization and Discrimination**	
4.1	The Government of Uganda should formulate and implement health related laws and policies which confront discrimination in the public and private sectors.	4.1.1 Government of Uganda through its relevant sectors and agencies, has put in place polices to address the issue of stigmatization and discrimination with regard to HIV/AIDS and the same is being done for neglected tropical diseases. 4.1.2 In addition, there is increasing involvement of persons living with HIV/AIDS in the delivery of interventions for preventions and control at various levels and the same is being worked out for victims of neglected tropical diseases
4.2	Human rights training for health professionals should be integrated into the curricula of health training schools in Uganda	4.2.1 Integration of human rights training in the curricula of health training schools is beginning to receive the attention and consideration of both the Ministry of Health and that of Education and Sports
4.3	The government is encouraged to take measures to ensure that health polices and practices promote equal access to health services and integrate a gender perspective throughout its policies and programmes.	4.3.1 Both the National Health Policy and Health Sector strategic plan strongly address the question of the poor as well as gender main streaming.
4.4	The Government of Uganda, and its development partners as well as other factors should support and foster vital community-based initiatives such as the 'Obalanga Human Rights and Health Care Association'	4.4.1 Both the National Health Policy and Health Sector strategic Health plan strongly support community-based initiatives
5.0	**An Integrated Health System Responsive to Local Priorities**	
5.1	The Ministry of Health should examine the existing mass drug administration delivery mechanisms and identify those that can be synergetically integrated	5.1.1 Since May 2005 interventions for the prevention, control and elimination of some of the neglected tropical diseases (Lymphatic filariasis, Bilharzia, Soil-transmitted helminthes and soon trachoma) have been delivered using the integrated approach. 5.1.2 These interventions are integrated with Child Days which are implemented bi-annually over a period of one month. 5.1.3 Accordingly, child Days have been re-designated as Child Day Plus (CDP).
5.2	Further research should be conducted to assess the safety of multiple drug administration at the same time.	5.2.1 Appropriate research to fine-tune the integrated approach for the delivery of interventions for disease prevention and control as well as to address the interaction of co-administered drugs is planned.

5.3	Global initiatives like Global Fund against tuberculosis, malaria and HIV/IDS, should be co-ordinated closely and effectively with a view to exploring the possibility of using their activities to enhance interventions for other diseases that are health priorities in particular locations.	5.3.1 In Uganda some of the Malaria control activities constitute part of the package delivered during Child Days Plus e.g. net-retreatment.
6.0	**Research and Development**	
6.1	The Uganda Patent Act should be revised to take full advantage of the TRIPS " flexibilities" as reaffirmed by the Doha Declaration.	6.1.1. The Ministry of Health is more that ready and prepared to join the other stakeholders to get Uganda Patent Act revised in such a way that it take full advantage of the TRIPS "flexibilities" as reaffirmed by the Doha Declaration.
6.2	Government should ensure that Uganda National Health Research Organization (UNHRO). Is established and adequately facilitated to promote and strengthen National Health Research, particularly in the areas of development and implementation.	6.2.1 Ministry of Health is doing everything possible to ensure that the draft bill for the establishment of the Uganda National Health Research Organization (UNHRO) is taken to Parliament for debate and subsequent enactment into law at the earliest opportunity possible. 6.2.2. After this bill has been enacted into law, the Ministry of Health will ensure that UNHRO engages in research and development that take into account the control of neglected tropical diseases as well.

Source: Ministry of Health, Uganda