

Activities of the Commission

Introduction

1.01 During the year 2000, the Commission carried out a number of activities in line with its functions and powers as provided by Articles 52 and 53 of the Constitution. These activities included:

- (i) visiting police stations, prisons and other places of detention;
- (ii) carrying out civic education, and training;
- (iii) receiving and investigating complaints, and conducting tribunal hearings; and
- (iv) monitoring government's compliance with international human rights conventions and treaties

Visits to places of detentions

1.02 During the year, the Commission concentrated on visiting mainly Local Administration prisons in the Central Region. Due to scarce resources the Commission was unable to travel to other regions of the country.

1.03 Although the Commission planned to

visit 61 prisons during the year, 51 of which were Local Administration prisons and 10 Central Government prisons, by the end of the year only 12 Local Administration and 4 Central Government prisons from the Central Region were visited. In addition, seven Central Government prisons outside the Central Region were visited making a total of 23 prisons visited in the year 2000. Of the 23 prisons visited three Central Government and nine Local Administration prisons were visited for the first time while seven Central Government and four Local Administration prisons had follow-up visits.

Table 1.1 shows the number of prisons which were visited and the state they were in.

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November 8,
2000



Table 1.1 Prisons visited during the year 2000

Prison name	Date of visit	Number of Convicts	Number of remands	Observations
Mukono Local Administration Prison	26 September 2000	62	94	• No beddings and uniforms for inmates. No uniforms for staff. • Inadequate meals served once a day. • Inadequate medical treatment for inmates. • Used for detention of suspects arrested by Local Administration Police and were recorded as "LODGERS".
Ntenjeru Local Administration Prison	26 September 2000	37	28	• No beddings and uniforms for inmates. No uniforms for staff. • Inadequate food i.e. one meal per day. • Hire-out of prisoners' labour is rampant. • A nearby dispensary with good facilities and services to treat sick inmates. • Sick inmates were forced to work in shambas • Prisoners not allowed contact with relatives friends and outsiders generally.
Masaka Government Prison	20 January, 2000	88	678	• Newly renovated prison under the assistance of DANIDA was clean. • Food was inadequate i.e. one meal per day due to lack of cooking facilities. • Lack of beddings. • Have clean piped water. • Inadequate medical staff - there is one medical assistant and nurse to handle over 700 inmates. • Sick female inmates complained of being given injections by untrained male counterparts who had no respect for their privacy. • Lack of uniforms for both staff and inmates. • Visitation time allocated to visitors was limited to 5 minutes contrary to the legal provision of 15 minutes under the Prisons Act. • Inadequate basic utilities like plates, cups, beddings and clothings. • Beatings by the so-called BOMA RPS who are said to extort money from fellow inmates e.g. for space in wards. • Hard labour from 7:30 a.m. to 6:00 p.m. on a given day. • The prison has no vehicle. • No transport fund for discharged prisoners.
Ssaza Local Administration Prison	20 January 2000	52	43	• Adequate ventilation. • Inadequate meals (in quantity and quality) served once a day. • Lack of beddings. • Long stay on remand especially for those arrested for being in possession of forged Graduated Tax Tickets. • Complaints of severe beatings practised by Katikiros namely Afande Sentongo and Katikiro Musoke. • Lack of medical treatment.

Prison name	Date of visit	Number of Convicts	Number of remands	Observations
Ntusi Local Administration Prison	19 January 2000	8	2	• Poor ventilation • Inadequate meals. • Lack of beddings. • Lack of uniforms for both staff and inmates. • Source of water is quite far from the prison (2.5 kms.).
Kisekka Local Administration Prison	21 January 2000	12	6	• No beddings. • Lack of drugs. • Lack of uniforms.
Kabonela Local Administration Prison	21 January 2000	20	-	• No beddings. • Lack of drugs • Lack of uniforms • Poor meals served once a day.
Lwemiyaga Local Administration Prison	20th January, 2000	10	2	• Poor ventilation systems. • Served one meal a day. • Lack of medical facilities. • Lack of washing/bathing facilities.
Lukaya Local Administration Prison	21 January 2000	22	7	• Inadequate meals. • Lack of beddings. • Lack of uniforms
Ndagwe Local Administration Prison	21 January 2000	12	-	• Poor ventilation in the wards. • Inadequate meals (one meal per day). • Lack of beddings. • Lack of uniforms.
Nakasongola Government Prison	15 February 2000	89	80	• Over crowding in wards. The holding capacity of the prison is supposed to be 100 prisoners but was holding 169 inmates at the time of inspection. • Lack of water. • Lack of transport. • Lack of beddings.
Butuntumula Local Administration Prison	17 February 2000	44	101	• Poor ventilation systems • Prison infrastructure is old and is in dire need of repair. • Inadequate meals, one meal per day prepared without salt. • Lack of uniforms for both staff and inmates. • Lack of beddings, inmates sleep on a bare floor.
Kiboga Local Administration Prison	14 September 2000	30	94	• Wards were in extreme poor condition. Dirty and cracked walls. • Over crowding in wards. There were 124 inmates against planned capacity of 50 • Few blankets with a majority of inmates sleeping on bare floor with no beddings. • The prison had enough water to cater for inmates needs. • Both inmates and staff lacked uniforms.
Bugungu Young Persons Prison	4 September 2000	145	115	• Custody of many juveniles contrary to the Children Statute • Over-working and hiring out of inmates to

Prison name	Date of visit	Number of Convicts	Number of remands	Observations
				private farms. Inmates made to work from 6.30 am to 6.00 pm e.g. at Haji Bumali's farm. • Complaints that torture and beatings of inmates was rampant especially by Katikiros. Some names of notorious Kakitiros mentioned included:- Peter, Musa, Sula and Kasirye. • Lack of uniforms for both staff and inmates. • No beddings. • Lack of transport. Inmates appearing before the Njeru Court have to walk the 8 km. distance while those appearing before the Jinja Court are transported by boat. • Delayed justice - many inmates had been on remand for long periods even after being committed for trial by the High Court • Juvenile offenders mixed with petty offenders. Convicts held together with remands. Remands subjected to same treatment as convicts. • Visitation days run from Monday to Friday between 8.30 am to 3.00 pm and yet this is the time inmates are in the fields working thereby denying them contact with their next of kin/relatives and friends. • Prisons health staff inhumane to inmates. Inmates cited one nursing aide called Madam Teddy who refuses to touch the body of a patient. She was said to inject patients while holding a syringe from a distance. Instruments were said to be used unsterilised.
Uganda Government Prison Kakiika	23 August 2000	650	29	• Extreme overcrowding - the prison's capacity is 130 inmates both male and female but was accommodating 679 inmates • Inmates had enough blankets as a result of ICRC donations. • A few inmates had uniforms while the rest had personal clothing. • Meals are adequate (3 times a day). • The prison has tap water. • Overstaying on remand. A classical example was that of Gorretti Kabananki a female inmate aged over 60 years transferred from Bushenyi Prison and had been on remand for 6 years. • "Katikiros" often beat inmates while in shambas. Drinking water is denied as punishment.
Kiburara Prison Farm	22 August 2000	320	3	• Poor medical treatment. • Drinking water from a dirty pond. The water pump broke down and has since then not been replaced. • Had blankets but slept on bare floor. • Some inmates do have uniforms while the rest do not.

Prison name	Date of visit	Number of Convicts	Number of remands	Observations
				- Food was adequate and inmates received three meals per day. - Inmates practiced sports.
Arua Central capacity accommodating	26 June 2000 Government Prison	102	271	- Extreme overcrowding. The planned of the prison is 200 but was 403 at the time of inspection. - Male inmates lacked uniforms and were dressed in personal clothes. - Food was inadequate, one meal per day due to lack of cooking facilities like firewood and cooking pans. - Lack of beddings and uniforms for both staff and inmates. - Delayed trials especially for those on capital charges. The last High Court session in Arua was in October 1999.
Lira Government Prison	24 May 2000	-	-	- Beatings and torture of inmates by warders. E.g. Warder Fred Obura tortured one Alele Robinson for allegedly stealing Ushs.500/= from a fellow inmate. The victim lay in Lira Hospital paralysed in the legs, had swollen knees and ankles which had been severely beaten. - Another inmate, RA10619 Pte Epaku Geoffrey 25 was allegedly assaulted and tortured with extreme brutality on 15 and 16 May 2000 by Warders Egwar and Okeng. At the time of the visit, Epaku had large open wounds on both knees and ankles which were swollen. He could neither stand nor walk on his own. - Okwir Jimmy 16 (a juvenile) who attempted to escape while on his way from Court on 15 May 2000 was subjected to similar treatment as Epaku Geoffrey. He was re-arrested, taken to police, charged in Court and convicted on the same day. However, upon reaching the prison cells, Warder Opono set upon him with a wooden hammer and knocked out both knees and ankles creating large open wounds and swellings. - Okello Walter, 20, was allegedly tortured in the cells by Warders Opono and Ms Rose Akaki after court convicted him for attempting to escape from lawful custody. Using wooden hammers on 15 and 16 May 2000 the two warders knocked out Okello's both knees and ankles creating open wounds. At the time of the visit he could neither stand nor walk without support and by 24 May 2000 he had not received any medical attention. - Other specific cases reported in the female section: - Remand prisoner No.337, Betty Anyango, alleged to have been assaulted by Warder Rose Akaki on 21 May 2000 as other inmates looked on helplessly. She bled through her nose - hearing was partially

Prison name	Date of visit	Number of Convicts	Number of remands	Observations
				impaired as a result of the assault. - Prisoner No. 261 Akello was assaulted by Rose Akaki until she urinated on herself. - Prisoner Margaret Ogwang, a two-time caesarean case, accident victim with broken collar bone, was subjected to hard labour without medical attention. Her request to be given light work was constantly ignored. - Acan Roselyn, who was serving her sentence, was reported to have been kicked by Warders Dorothy Ajwang and Rose Akaki until she spat blood. - Catherine Amule alleged that Warder Judith Ayaa soaked her in a drum of water stripped her naked, flogged and forced her to parade naked before other female prisoners. She was further directed to mop a wet compound and to stoop at regular intervals so that her fellow prisoners can see her private parts. - Ann Acege said she was subjected to similar treatment as Amule by the same Warder Judith Ayaa.
Ragem Central Government Prison	25 October 2000	97	-	• Inmates were fed twice a day! • Lack of adequate drugs in the clinic which is small and poorly manned. • The skin disease "scabies" was rampant yet inmates were not availed drugs or soap. • Lack of uniforms and beddings. • No transport funds for discharged inmates. • Torture and mistreatment of inmates was reported to be widespread and done on a daily basis. E.g. during work, excuses of sickness or being tired are not entertained by staff on duty. Pleas for sick leave invited double work, harsh treatment and physical assault. • No.2030 Chief Warder II Francis Openyitho was named in the torture of the following inmates: Paulo Oyite, Yahaya Alahaya, Siraji Musa and Fred Bogere between 1 and 12 October 2000. There were several similar cases.
Loro Prison Farm, Apac	4 December 2000	125	-	• Poorly ventilated wards: Uniports are used as accommodation for inmates. • Lack of beddings; inmates slept on a bare floor. • Lack of uniforms for inmates. • Absence of proper latrines. Latrines have no door shutters. • Absence of a clinic. The prison relies on a hired nurse who lives within the Barracks. • Inmates died of preventable causes. In a space of 9 months three inmates had died. Prisoner No. 165/97 Okello Richard died of severe dehydration on 19 January 1999. Prisoner No.115/98 Okello Walter died of

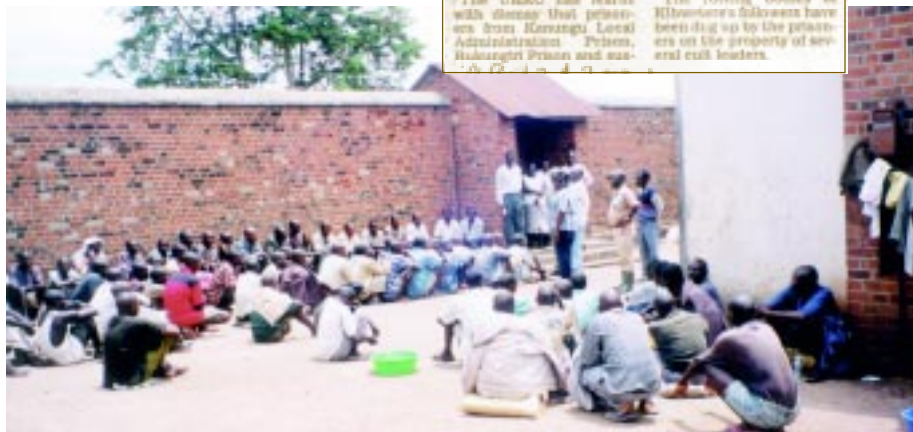
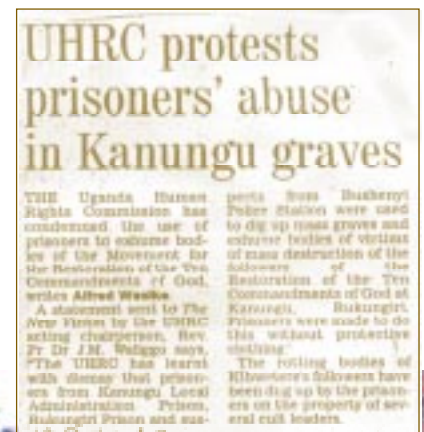
Prison name	Date of visit	Number of Convicts	Number of remands	Observations
				severe anaemia on 9 February 1999. Prisoner 65/98 Opio Bonny died of severe dehydration on 10 September 1999.
Kitalya Prison Farm, Mpigi	23 November 2000	201	-	• Absence of hygienic facilities e.g. latrine, bathrooms. • Lack of uniforms for both staff and inmates. • Water is fetched quite far away i.e. 1 km from the prison clinic. There were allegations of prison drugs being sold in the open market. • The food was poor in terms of quality and quantity. • After discharge, inmates have to stay at the prison for one more week because of transport fare. • There were allegations of beatings by prison "Katikiros" and warders during shamba work.
Gilgil Government Prison, Arua	25 October 2000	15	-	• Inadequate food; inmates are served one meal per day. • Uniforms were old and worn out. • Lack of medical drugs.

1.04 In addition to scheduled visits to prisons described above, it was sometimes necessary to make impromptu visits and inspections of prisons. Such prisons included Murchison Bay Prison, Upper Prison Luzira, Kampala Women Prison, Rukungiri Prison, Bugungu Young Persons Prison, Kanungu Local Administration Prison and Lira Central Government Prison. These prisons were visited impromptu consequent upon complaints that abuse of prisoners' rights had taken place or was being practiced as a matter of routine. Indeed, these visits confirmed the abuse of the rights of prisoners indicating that abuses tend to re-occur where the Commission does not carry out routine prison inspections. Findings on these visits are summarised in Table 1.1.

1.05 The impromptu visits to Rukungiri, Kanungu and Bushenyi Prisons followed reports that prisoners had been used to exhumate and rebury bodies from mass graves. These bodies had been buried by the religious cult called the Movement for the Restoration of the Ten Commandments following the mass killings of its followers. In carrying out their investigations, the authorities ordered the exhumation of the bodies which were already in an advanced stage of

decomposition. The Commission confirmed that remand prisoners were used to dig out the bodies, carry them out of the mass graves, and then reburied them. The prisoners had no protective clothing. Many suffered nightmares and mental disturbance while others contracted skin diseases. The rights of prisoners were clearly abused. The Commission made its position known to the relevant departments of Government. (For a much more detailed account on this see Chapter 8 of this report).

The New Vision,
April 21, 2000



Commissioner C. Karusoke addressing prisoners of Rukungiri Central Administration Prison. Some of those prisoners participated in exhuming bodies at Kanungu

1.06 In the same vein, Lira Government prison was visited after the Resident District Commissioner, Mr Joseph Arwata, brought to the attention of the Commission allegations of rampant torture in the prison. Indeed, visits by the Commission to this prison confirmed cases of systematic torture practiced by warders. Details of this findings are summarised in Table 1.1. A similar visit was made to the Luzira Women's Prison, following press reports that women inmates in Luzira were in danger (see "Rescue Luzira Women Inmates," *Monitor* 5 July 2000).

1.07 Complaints and newspapers are, therefore, useful sources of tips for the Commission. Since in the near future,

the Commission is unlikely to systematically visit all prisons in the country, it encourages people to constantly report whatever abuses occur in places of detentions. Reports of such abuse have in the past enabled the Commission to take appropriate action.

Inspection of police stations

1.08 The Commission was able to visit only a few police stations. These are shown in Table 1.2. Bushenyi police station was visited together with Bushenyi prison following reports and complaints that criminal suspects held at the station had been used to exhume and rebury secretly the followers of the Movement for the Restoration of the Ten Commandments.

Table 1.2: Police stations inspected in 2000

Date	Station	Number of suspects at the time of visit	Suspects detained beyond 48 hours	Suspects found tortured	Juvenile suspects
17 January 2000	Central Police Station Kampala	45	36	-	3
19 January 2000	Kiira Road Police Station	52	52	-	-
20 January 2000	Masaka District Police Station	6	6	-	-
20 January 2000	Sembabule Police Station	13	13	-	-
20 January 2000	Moyo Central Police Station	8	4	-	-
25 January 2000	Kabalagala Police Station	20	19	-	1
"	Old Kampala Police Station	63	12	-	2
"	Kawempe Police Station	61	7	-	10
"	Wandegeya Police Station	37	10	-	5
"	Jinja Road Police Station	64	40	-	-
15 February 2000	Nakasongola Police Station	1	-	-	-
16 February, 2000	Luwero Central Police Station	11	11	-	-
27 June 2000	Arua Central Police Station	6	-	-	-

1.09 Visits to these police stations showed progressive positive change on the part of the police in the way they treated suspects. While delays to charge suspects in court remained prevalent, cases of torture were not detected by the Commission team. In cases where persons were detained beyond 48

hours in police stations around Kampala, the persons had been detained on the orders of the Chieftainship of Military Intelligence on grounds of terrorism or treason. These detentions were mainly in Kampala Central Police Station, Kiira Road Police Station and Jinja Road Police Station.

- 1.10 Overcrowding in prison remained one of the major problems in most of the prisons in the country. For example, when the Commission visited Kakiika Central Government Prison, it found 688 locked up against its planned intake capacity of 130 inmates. The overcrowding was so bad that prisoners had to go to bed in turns.

Even then the space was not enough and the inmates had to sleep facing in the opposite direction with their legs interwoven. The situation at Kakiika had overstretched all other facilities and had negatively affected the health conditions of the inmates. Such conditions supported the spread of communicable diseases like coughs and tuberculosis

Table 1.3: Sample levels of overcrowding in prisons

	Name of prison	Number of prisoners at the time of visit	Planned holding capacity
1.	Kakiika Central Government Prison, Mbarara	688	130 117 (Ug. Prison Report)
2	Masaka Prison	766	209
3	Arua prison	404	200
4	Opendinzi prison	316	200
5	Paidha Local Administration	130	80
6	Butuntumula	169	60
7	Kigo Prison Farm	565	468 (Ug. Prison Report)
8	Murchison Bay , Luzira	1,450	602 "
9	Upper Prison	1,848	668 "
10.	Ndorwa Prison	387	71 "
11.	Fort-Portal Prison	649	281 "
12.	Rukungiri Prison	148	23 "
13.	Nakasongola (former Local Govt)Prison	146	31 "

Torture, cruel, inhuman and degrading treatment or punishment

- 1.11 Freedom from torture, which is a non-derogable right under the Constitution, continued to be violated in some prisons. The Commission noted a pattern of torture practiced on inmates who attempt to escape from lawful custody. The practice is to immobilise the prisoner by severely assaulting their ankles and knees causing severe pain and injuries at those points. In extreme cases, the ankle bones are broken.

- 1.12 In Lira Central Prison, the Commission found a prisoner, Epaku Geoffrey aged 25 years, who had been tortured by warders because of trying to escape from lawful custody. As prisoners returned from court, Epaku escaped and ran. He was re-arrested, taken to police, then to court and convicted for escaping from lawful custody. Epaku was then handed over to prison

authorities to serve his second sentence. On reaching the prison, Warders Egwar and Okeng beat him up with extreme brutality. They knocked out both knees and ankles using wooden hammers and by the time of the Commission visit, on 24 May 2000, he had not been given any medical attention. He had been severely tortured between 15 May and 16 May 2000.

- 1.13 From the same prison Okwir Jimmy tried to escape while being escorted to court on 15 May 2000. He was re-arrested, taken to police, charged and convicted. After returning him to the prison, Warder Opono set upon him, attacking him on both knees and ankles using a wooden hammer. The ankles and knees were badly injured. By the time of the Commission visit, on 24 May 2000, Okwir had large open wounds and swellings and other parts

of the legs bore visible torture marks. He had not received any medical attention. Okello Walter also a prisoner, complained that he had been tortured with a wooden hammer by Opono and Rose Akaki after he was convicted of attempting to escape. The Commission also found him with large open wounds which had not received medical attention.

1.14 The Commission also found another sad case of torture by warders at Lira Central Prison. Robinson Alele, a 16 year old boy, had been convicted of theft and sentenced to a term of imprisonment. On 24 May 2000, at the prison reception, Warder Fred Obura severely assaulted Alele in the presence of other warders and prisoners. Alele was accused of stealing Ushs.500 from a fellow prisoner, Bony Okello, who told the Commission he had lost no money. The Commission found Alele paralysed in the legs, and had swollen knees and legs. He passed blood in his urine and bore visible signs of torture. According to Dr Omara of Lira Hospital, Alele had sustained a broken pelvis. It was disturbing though that the commanding officer of the prison, one Asinja, feigned ignorance of the goings on in the prison.

1.15 In Nyabuhikye Local Government prison, the Commission found similar incidents of torture. One Ronald Twinomugisha, 18 years old, had open septic wounds from slasher cuttings when a Commission team visited the prison. According to Twinomugisha, "Katikiros" Kwekwetta and Ayibura had cut his foot, beaten him severely on the back and subjected him to kicks all over the body with the full approval of the prison officer in charge. This was done at the point of re-arrest after Twinomugisha tried to escape on his way back to prison from court. Twinomugisha had not been charged for attempting to escape most likely because of his severe condition. The officer-in-charge, Sergeant Rwakarungi Perez, feigned ignorance of Twinomugisha's condition. The Commission followed up the matter to ensure that the prisoners received treatment and that disciplinary action was taken against the officers involved.

1.16 The Commission found more cases of torture, inhuman and degrading treatment of prisoners in prison farms and Local Administration prisons. In most prisons visited, prisoners

complained of beatings by the "Katikiros" especially while working in the "shambas". The Commission interviewed some of the "Katikiros" implicated in the practice of torturing inmates. Many said that they get instructions from the warders to "discipline" prisoners who are slow at work or who break ward regulations.

1.17 The cases of torture cited above show the extent to which some prison officials are prepared to go to punish erring prisoners contrary to the Prisons Act and Regulations. They seem to do it with impunity. Although the Commission drew the attention of the relevant authorities to these issues, the officers concerned have remained unpunished and continue to work with the Prisons Department. Those who assault prisoners are criminals that ought to be prosecuted and punished.

Inadequate medical attention in prisons

1.18 Most prisons pay very little medical attention to prisoners. The prisons inspected lacked drugs, medical facilities and medical personnel. The prescription and dispensing of drugs in most of the prisons is done by untrained personnel who are unlikely to make proper diagnosis of diseases or to ascertain and appreciate ones true ailment to prescribe appropriate medical care. Indeed, prisoners complained of being forced by warders to work in the farms when they are sick. There is a general laxity on the part of prison authorities in addressing the health needs of inmates. Prisoners are only taken to hospitals or nearby clinics/hospital when they are already in a critical condition.

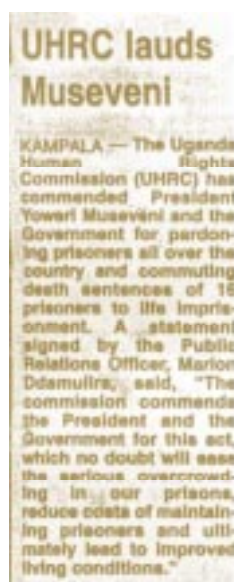
This lack of care or laxity has partly contributed to the considerable death rate registered in some of the prisons visited. Kakiika Central Government Prison, for example, registered eleven deaths in the year 2000 and by the time of writing this report (May 2001), the same prison had registered fifteen deaths for the 5 months of the year 2001. Bushenyi Central Government prison recorded five deaths in the year 2000. Fifty per cent of the prisoners who died could have survived if they had received timely treatment. The causes of the deaths of the prisoners like malnutrition/dehydration, malaria, anaemia and pneumonia were curable. These examples reflect the poor general condition of prisons which adversely affects the health of the inmates and

exposes them to the risk of disease, ill health and even death.

Delay in the administration of justice

1.19 A number of prisoners complained of the denial of justice due to delays in having their cases heard. These delays contributed to other problems like overcrowding and overstretched prison facilities. In some of the very overcrowded prisons like Kakiika, the Commission found many prisoners who had been on remand for long periods and beyond the time the law entitles them to bail. Delays were common in cases where the accused are on capital charges. Prisoners committed to the

High Court for trial remain on remand for unreasonably long periods before their cases are heard. There was the case of Gorretti Kabananki, 60 years old from Kyaruganda village, Rumuli Parish, Bunyaruguru county, Bushenyi District who was arrested in 1995. Ms Kabananki was on and off bail and was transferred from one prison to another until 12 December 2000 when charges against her were dropped. Going by her record, Kabananki spent 5 years in prison without trial and eventually discharged. Table 1.4 below show examples of long remands and delayed trials of inmates found in Kampala Women's Prison and Kakiika Prison in Mbarara.



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July 21, 2000

Table 1.4: Examples of prisoners on long remand after committal for trial by the High Court

Name	Prison	Charge	Date of committal
Eseza Mukantware	Kampala Women's Prison	Murder	4 April 1996
Gorretti Kabananki	Kakiika Prison	Murder	2 January 1997
Margaret Namugenyi	Kampala Government Prison	Murder	21 January 1998
Rebecca Naziwa	Kampala Women's Prison	Murder	8 April 1999
Winfred Namayanja	Kampala Women's Prison	Murder	May 11, 1999

Complaints resolution

1.20 The process of handling complaints at the Commission includes receiving and investigating them, and also resolving them through either mediation or tribunal hearings. In general terms, the nature of complaints received in 2000 did not differ from those in 1999. The bulk of the complaints related to the right to protection against deprivation of property (279), right to protection against deprivation of personal liberty (234) and the right to remuneration for work done (210). Another major complaint was the right to protection against torture, cruel, inhuman and degrading treatment (97). In total, the Commission received 1,188 complaints at the head office. The regional offices of Gulu and Soroti received 312 and 223 complaints respectively. These complaints were lodged by individuals, associations, constitutional bodies and NGOs. Table 1.5 shows the nature of complaints and their comparative numbers in 1999 and 2000.

The Monitor Monday,
May 29, 2000

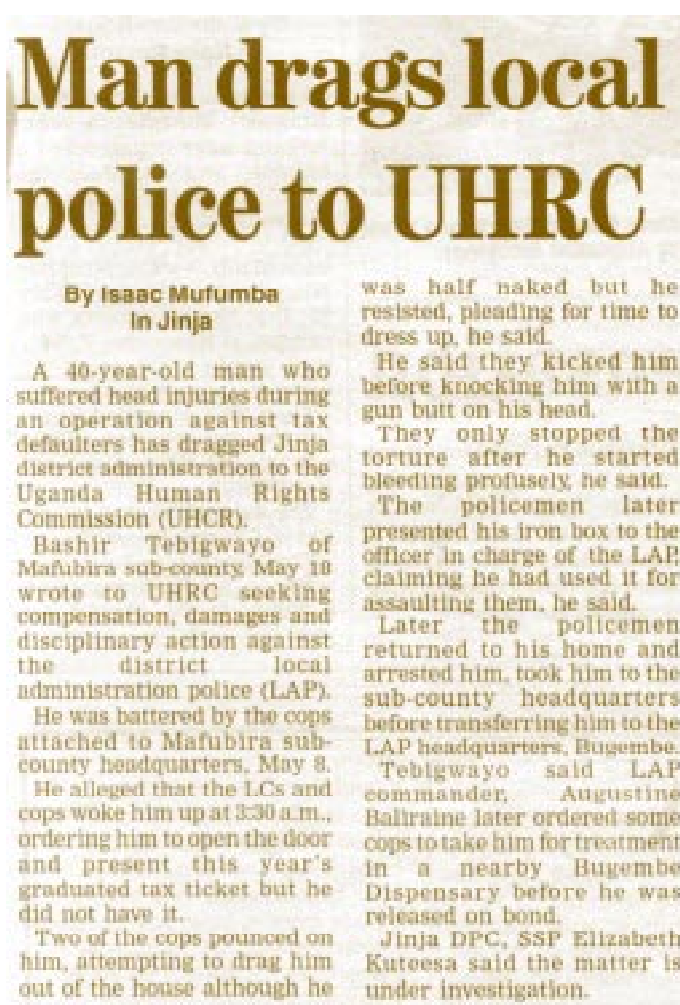


Table 1.5: The nature of complaints and their comparative numbers in 1999 and 2000

No.	Nature of complaint	Number of complaints (1999)	Number of complaints (2000)
1	Right to fair and speedy hearing	116	75
2	Torture, cruel, inhuman and degrading treatment	158	97
3	Right to liberty	189	234
4	Right to property	335	279
5	Right to remuneration	250	210
6	Right to life	41	51
7	Right of child to maintenance	63	72
8	Right to work	34	65
9	Right to education	31	27
10.	Refugee rights	10	15
11.	Right to clean environment	03	3
12.	Right to worship	04	2
13.	Right against discrimination	04	-
14.	Right to vote	1	1
15.	Right to assembly	0	3
16.	Abuse of office	-	5
17.	Domestic violence	-	3
18.	Right to clean food/drink	-	1
19.	Racism	-	2
20.	Defamation	-	1
21.	Discrimination on the basis of homosexuality	-	1
22.	Right to shelter	-	10
23.	Right to medication	-	10
24.	Maternity/paternity	-	10
25.	Right to privacy	-	6
26.	Environmental/natural resources	-	1
27.	Political rights	-	1
28.	Prisoners' rights	-	6

1.21 Of all the total complaints brought to the Commission in the year 2000, women filed 236 complaints compared to 857 filed by men. Associations, NGOs and groups of persons filed a total of 21 complaints. Table 1.6 shows the kind of complaints filed by women, men, NGOs and associations.

1.22 In comparative terms Table 1.6 above shows a slight drop in the number of women and men who complained or sought assistance from the Commission. It is important to point out, however, that the people who came to the Commission were still largely urban women and men. The population in the rural areas especially women are not yet coming to the Commission for various reasons ranging from ignorance and fear to the difficulty in accessing the services of the Commission.

Table 1.6: Category of complaints

Complainants	Number of complaints			Nature of complaints
	1998	1999	2000	
Women	201	358	236	Child rights, property rights, remuneration, liberty, torture
Men	724	860	857	Torture, liberty, property, remuneration etc
Groups, associations, NGOs	35	24	21	Liberty, torture, refugee, prisoners' rights.

Table 1.7: Category of respondents accused before the Commission in the year 2000

No.	Respondents	Total Number	Nature of complaints of complaints
1	Private individuals	438	Property, remuneration, maintenance, education, liberty.
2	Organisations i.e. companies, parastatals, schools, embassies, hospitals.	177	Work, remuneration, property.
3	Police	189	Life, liberty, torture, work, remunerations.
4	Government ministries	42	Remuneration
5	Local government authorities	67	Liberty, property, work, remuneration
6	Judiciary	35	Delayed trials
7	UPDF	81	Liberty, torture, remuneration, life
8	Intelligence services	45	Liberty, torture, life
9	Prisons	17	Torture
10.	DPP	16	Delayed/fair trials
11.	State	20	Remuneration, liberty
12.	Local councils (LCs)	8	Delayed/fair trials, property

1.23 Table 1.7 above shows that in the year 2000, like in 1999, many complaints were filed alleging failure by employers to pay wages. This accusation was common against private security firms, individuals and companies. The Government was also accused of failure to pay pensions or retirement benefits.

1.24 Several people who feel aggrieved, and are seeking assistance, have often come to submit their grievances. Many such complaints may be outside the mandate of the Commission. Others may be better dealt with by other institutions. Such complaints came to the Commission in the year 2000. The Commission referred the complainants to the appropriate bodies who then assisted them.

Table 1.8: Number of complaints referred to other bodies

No.	Institution	Number of referrals
1	Police	85
2	IGG	5
3	Court	216
4	Legal Aid Project	37
5	Administrator General	23
6	DPP	19
7.	Chief Registrar	31
8	FIDA	20
9	UNHCR	10
10.	Labour	43
11.	Ministries	39
12.	Attorney-General	4
13.	Other institutions	122
14.	Electoral Commission	1
15.	Law Council	2
16.	Other government departments	15
17.	Parastatals/companies	2
Total		657

Investigations of complaints

1.25 Many complaints were set down for investigations during the year. Out of 175 complaints to be investigated only 110 were fully investigated. Table 1.9 below is a catalogue of complaints investigated in the year 2000.

Table 1.9: Complaints investigated by the end of the year 2000

UHRC No.	Complainant(s)	Respondent(s)	Alleged violation(s)	Observations
625/99	Galabuzi Abbas	UPDF, Police and others	Torture Speedy trial	Investigations completed
688/99	Pascal Awor. Z	Tororo Local Gov't	Property	Investigations completed
1068/99	Sarah Nambasa	Ali Kasim	Property	Investigations completed
1128/99	Kabagenyi. B	CMI	Personal liberty	Investigations completed
872/98	Semugenyi Paulo	Prof. Ssali Charles	Property	Investigations completed
326/99	David Omoding	Min. of Defence	Torture	Investigations completed
742/99	Kyatesa Andrew	Kakembo and others	Right to education	Investigations completed
868/98	Kinyera Walter	Sgt. Odoi	Torture & liberty	Investigations completed
1085/99	Muhamud Adam	Lt. James Adriko and others	Personal liberty	Investigations incomplete
260/99	Musisi Lawrence	Police, Bujoko Police Post	Personal liberty	Investigations incomplete
446/99	Kabbaba David	Eng. J.D Mwendele	Right to property	Investigations completed
506/99	Sirambi Hamuza	Bogere Namakula & others	Personal liberty &	Investigations completed
527/99	Nambale Ketty	Mrs Jackline Nsubuga	Personal liberty & Right to property	Investigations completed
167/2000	Nampago Robert	Wandegeya Police Station	Personal liberty	Access to his kins during detention Investigations incomplete
556/99	Oscar Kambona	Peter Johanes	Personal liberty & Right against torture	Investigations completed
597/99	Oluka John Francis	Kampala Junior	School Right to property	Investigations completed
735/99	John Ssemakula	Entebbe Hospital	Right to life	Investigations completed
737/99		Auma Esther	Havana Hotel Personal liberty	Investigations completed.
769/99	Kayiwa Sande	Katwe Police Station	Personal liberty	Investigations completed
851/99	Mary Lillian. Agasiru	DPC Wandegeya Police Station	Right to property	Investigations incomplete
964/99	Ndagire. M	Guilu. N & CPS Kampala	Cruel, inhuman & degrading treatment	Investigations incomplete
980/99	B. Sseguya	Kinoni Police	Personal liberty	Investigations incomplete
1004/99	Bamwite. M.J	O/C CID Jinja CPS	Personal liberty	Investigations incomplete
1017/99	Nsubuga Sambu	CMI & Prisons	Right to life	Investigations incomplete
45/2000	Edward Kikonyogo	UPDF	Personal liberty	Investigations completed
681/99	Kato Hussein	Police, Kawempe	Personal liberty	Investigations incomplete
761/99	Senabulya Abdu	CPS Kampala	Personal liberty	Investigations incomplete
871/99	Lamech S.W.M	Commissioner of Lands	Property	Investigations Completed
952/99	Alifonsi Kigundu	Frank Shenyanteko	Torture	Investigations incomplete
954/99	Bongomin Santo	Maj. Kakooza Mutale	Personal liberty	Investigations incomplete
958/99	Kiku Emanuel	AIP Ssemakula	Property, Torture, cruel Inhuman and degrading treatment	Investigations Completed
997/99	Kiyingi Robert	C/M LCII Gayaza	Personal liberty	Investigations incomplete
1108/99	Y. Nsubuga	Magala Prison	Right to life	Investigations incomplete

Table 1.9: Continued

UHRC No.	Complainant(s)	Respondent(s)	Alleged violation(s)	Observations
1114/99	K.K Pesajange	Padere M	Personal liberty Torture	Investigations incomplete
1213/99	Milly Sajjahi	LCI Executive Nabisaalu	Liberty	Investigations incomplete
919/99	Otheno Geoffrey	Mukasa Kelement	Torture	Investigations incomplete
1038/99	Oyuru Geoffrey	UPDF	Torture Liberty	Investigations incomplete
1126/99	Nsibambi Fred	Asiimwe Richard	Personal liberty	Investigations completed
1148/99	Nakalembe Damali	Kizito Christopher	Property	Investigations completed
1234/99	Womoli Paul	DMI	Liberty, Torture	Investigations incomplete
1150/99	Mwebesa Steven	Muhumuza & Kyayi Police Post	Personal liberty	Investigations incomplete
1136/99	Musa Nakabare	H/M Gombe S.S	Torture	Investigations incomplete
589/99	Jooga George	LCIII Namayumba	Liberty	Investigations incomplete
1253/99	Kagoro John	Masindi L/A Police	Property	Investigations incomplete
210/99	Stephen Gidudu	UPDF	Right to personal liberty	Investigations completed
316/99	Kayemba Nicholas	Pharmaceutical Industries	To form trade union Servitude, racism & harsh treatment	Investigations completed
1185/99	Bamwine Nelson	Makindye Military Police	Torture	Investigations completed
607/99	Kizito	Mpigi Police Station	Personal liberty	Investigations incomplete
1152/99	Kyabagu	UPDF Masaka	Personal liberty Life	Investigations completed
1182/99	Lukyamuizi	Cpt. Kayanja	Torture Personal liberty	Investigations completed
1183/99	Simbwa	KCC	Torture, cruel, inhuman degrading treatment	Investigations completed
1188/99	Kigozi Charles	Rhoda Busagwa & Kira Rd. Police Station	Liberty, Torture	Investigations completed
1205/99	Niyirinda	Old Mulago Police	Torture	Investigations completed
1206/99	Bagonza	Kambugu	Personal liberty	Investigations completed
1232/99	Asiimwe	Dodo	Property	Investigations completed
008/2000	Kiyaga Abdala	DMI	Personal liberty	Investigations completed
20/2000	Watante	Okoth O/C Kajjansi	Personal liberty Torture, cruel inhuman & degrading treatment.	Investigations completed
030/2000	Onyokor	Kisugu Police	Personal liberty	Investigations completed
1125/99	Edisa Milly Kabanda	Chairman LCI	Kyabunyansi, Luwero. Torture, cruel, inhuman & degrading treatment	Investigations incomplete
017/2000	John Tibihwa	Uganda Police	Personal liberty Right to personal liberty	Investigations incomplete
1215/99	Mugisha A.N.K	Anguyo, LDU	Torture	Investigations completed
1217/99	Waninga. J	CPS Mbale	Right to life	Investigations completed

Table 1.9: Continued

UHRC No.	Complainant(s)	Respondent(s)	Alleged violation(s)	Observations
48/2000	Kamanyire Bon	UPDF et al	Personal liberty	Investigations completed
1202/99	Muhamudu K	D. M. I	Personal liberty	Investigations completed
1095/99	Ssepuiya Bashir	Sgt. Wamboka and others	Torture, cruel inhuman & degrading treatment.	Investigations incomplete
1159/99	Maggwa Samuel	O/C Ntwetwe Police Post	Torture, cruel inhuman & degrading treatment.	Investigations completed
98/2000	Muliika Matia	KCC	Personal liberty	Investigations incomplete
79/2000	Apollo S.P Balyedusa	KCC	Torture	Investigations completed
633/2000	Sunday K	Maj. Muhindo	Torture, Liberty	Investigations incomplete
165/2000	Naiga Anifa	UPDF	Personal liberty	Investigations completed
173/2000	Manase Katsigazi	Alex, Mpigi Police	Torture Personal liberty	Investigations incomplete
158/2000	Tazenya Jackson	Uganda Police	Torture, cruel, inhuman & degrading treatment, liberty, fair trial	Investigations completed
278/99	Lugolobi Baker	Naggalama Police Post	Personal liberty Torture, cruel inhuman & degrading treatment	Investigations completed
14/2000	Wadelo Charles	Kakuru Ernest	Form trade union	Investigations completed
1036/2000	Goerge William Obita	Uganda Police	Liberty	Investigations completed
272/2000	Obneya C	UPDF	Personal liberty	Investigations completed
360/2000	Masereka Musa	DPC Jinja	Personal liberty	Investigations incomplete
206/2000	Kasabo Saul	CPC Lusambu et al	Torture Personal liberty	Investigations incomplete
357/2000	Kabasaala Stephen	DMI	Medical treatment, personal liberty, cruel, inhuman & degrading treatment.	Investigations incomplete
405/2000	Masereka Musa	ISO, Police & Impregiro	Personal liberty, Torture	Investigations completed
337/2000	Walugembe B	Mengo Hospital	Liberty, fair hearing	Investigations completed
317/99	Senzoga Joseph	James Kato	Personal liberty	Investigations completed
60/2000	FHRI	UPDF	Liberty	Investigations incomplete
393/2000	Matovu Mohamed	Capt. Kapsenene, D.M.I	Personal liberty torture, Inhuman & degrading treatment Property	Investigations incomplete
802/2000	Nassuna	Serwanika et al	Torture, cruel, inhuman treatment or punishment	Investigations incomplete
721/2000	Hajji Abas Hassan	C.M.I	Liberty	Investigations incomplete
152/99	Oketcho John	Gomba Adonyo et al	Torture, cruel, inhuman & degrading treatment.	Investigations incomplete
136/99	Mutanda Jane	Police		

Table 1.9: Continued

UHRC No.	Complainant(s)	Respondent(s)	Alleged violation(s)	Observations
225/99	Sheem Sherika Babu	Patrick Tibasigwaho and others	Property	Investigations incomplete
466/99	Waiswa Paul	Katwe Police Station	Personal liberty	Investigations completed
66/2000	Aloysious Gonzaga	Wamimbi Robert and others	Cruel, inhuman & degrading treatment	Investigations completed
344/2000	Musoke David	DPC Mbarara	Personal liberty & assembly	Investigations completed
375/2000	Kato Joseph	Capt. Mazima. S et al	Torture, cruel, inhuman & degrading treatment	Investigations incomplete
710/2000	Oketa et al	Military Police et al	Personal Liberty	Investigations completed
440/2000	Francis Onach	UPDF	Personal liberty, torture, cruel inhuman & degrading treatment	Investigations incomplete
529/2000	Elau Jacob	Wera, Police Station	Torture Fair hearing Rights of a prisoner	Investigations incomplete

1.26 Of the state institutions which were complained against, the police, the army (UPDF) the Chieftaincy of Military Intelligence (CMI) and the Internal Security Organisation (ISO) figured high. The complaints against these institutions were torture, illegal detentions and the violation of the rights to property. There was, however, a reduction in the number of these complaints (see Table 1.9).

The New Vision, Saturday, December 2, 2000

Sekaggya attacks Police, ISO over illegal arrests

By Milton Otopot

THE Uganda Human Rights Commission (UHRC) has expressed concern over illegal arrests and detention by the Police, CMI and ISO.

Mrs. Margaret Sekaggya, while addressing a news conference yesterday, said a recent visit to Central Police Station by the commission revealed that people had been detained

between 10-174 days on the orders of the three organs.

Sekaggya handed over a copy of the UHRC 1999 Annual Report to the Deputy Speaker of Parliament Edward Ssekandi, who received it on behalf of the Speaker of Parliament.

Ssekandi promised that Parliament would consider the reports, including those of 1997 and 1998

that have since been lying in Parliament awaiting approval and implementation.

According to the report, the Police, complained to the Commission of interference in their work by politicians and the military. They complained of receiving orders which when carried out violated human rights.

The report said the human rights situation in

Uganda was good, particularly in the area of civil and political rights. It indicated that there were continued positive trends in the enjoyment of freedom of speech and expression, freedom of religion, conscience and belief.

"The practice of torture, cruel, inhuman and degrading treatment continued on the part of the security forces," the

report said.

The Commission also expressed concern over the continued imposition of restrictions on political parties. It recommended that the restrictions be minimised and the opposition be given direction to constructive criticism.

"Democracy thrives where the voice of everybody, even the minority, is taken into account," the report said.

Challenges in investigations

1.27 Investigations remained one of the most challenging responsibilities facing the Commission. That is why there were delays in completing investigations. The impediments to the commission's investigations can be summarised as follows:-

- Complainants often provided insufficient information. To overcome this problem, a new detailed complaints

form has been designed and it has been ensured that complainants who physically came to the Commission are personally interviewed as much as possible by officers handling complaints.

- Responses to the Commission's letters are slow partly because of the inefficient postal system and partly because of the bureaucracy in government departments or institutions.
- Responses to the Commission's letters

were sometimes irrelevant. The Commission has responded to this by framing specific issues which respondents must answer.

- Tracing parties have remained a problem. The new complaint forms now require much more detailed information about parties including alternate contacts. The problem will however, still continue in complaints which are filed through letters. These often lack material particulars resulting in difficulty in following up such complaints.
- Many complaints remained pending at the Commission because complainants lost interest in them. Complainants lose interest for a number of reasons: when they obtain immediate relief they lose interest in the ultimate solution which had been sought; other complainants fear pursuing cases against state institutions particularly against the military intelligence; others simply decide not to follow up their complaints - such complainants do not bother to respond to the Commission's letters.

education, the Commission has decided to hold public hearings to tackle human rights problems affecting society. In these hearings, a topic is chosen and witnesses are invited to narrate their experiences, and to offer recommendations. Such public testimonies serve to focus discussion on a particular subject. The public is thus educated through the publicity surrounding such hearings on the issues concerned.

- 1.29 In the year 2000 the Commission conducted a public inquiry into issues affecting persons with disability. The hearings were conducted region by region starting with Kampala, followed by Mbale, then Fort-Portal, Mbarara and Lira. The response to this inquiry was good and a lot of problems facing persons with disability were brought to the forefront.
- 1.30 The report on this public hearing is being compiled for publication. It will discuss the problems affecting persons with disability in various sectors namely:



Public Hearing Panel and witnesses on Disability in Lira

PUBLIC HEARINGS

- 1.28 Experience in the last four years of the Commission's existence indicate that resolutions of individual complaints alone may not have the desired effect of changing behaviour and attitudes leading to respect for human rights. This is because the Commission in the past focused on solving the problems of individual complainants rather than groups. The impact of the Commission's resolution of complaints, investigations on society may therefore be limited since only a few may get the message. Therefore, in addition to civic

health, education, transportation, justice, marriage, land holding, employment and social security. It will highlight the shortcomings of policies intended for the equalisation of opportunities for persons with disabilities.

- 1.31 The public hearing did take evidence from Mubende Army Rehabilitation Centre where injured or disabled soldiers are accommodated for rehabilitation and assistance. It emerged that these soldiers do not like the idea of being kept at the barracks. It

also emerged that there is no legal guarantee of compensation for soldiers who either get killed or injured in the course of duty. (see also chapter 4, paragraph 4.53 - 4.55).

It is the recommendation of the Commission that a law be enacted providing for some kind of social security for soldiers who get injured on duty and for the families of those who get killed while on duty. The soldiers who get injured and cannot continue in effective service would then be discharged. The families of those killed on duty would also then be told to leave the barracks after payment.

The Commission found that this course of action is supported by most of the soldiers at Mubende. Social security should be a right for soldiers who get injured on duty and for the families of those who die in action.

EDUCATION AND TRAINING

- 1.32 Civic education and training was a major activity of the Commission in the year 2000. It was a major Commission strategy to promote awareness and respect for human rights. The target was the general public, security and law enforcement agencies, and government officials. The Commission continued to use the mass media, workshops, seminars and commemoration of human rights days to enhance public awareness of human rights and human rights-related issues.

Human rights training for the police:

- 1.33 In February 2000, a Police Human Rights Training Manual prepared by the Commission in conjunction with the Danish Human Rights Centre and the Police was launched by the Commission. It was designed as a reference book for the trainers of the Uganda Police. It contains human rights curriculum meant to equip the police with human rights knowledge and how to apply it in their day to day duties as law enforcement officers.
- 1.34 Human rights workshops for the police were conducted in Masaka, Mbale and Lira. Those workshops trained the police on how to enforce the law and to maintain law and order without violating human rights. The participants were sensitised on ethical issues involved in police work and also about the rights of refugees and asylum

seekers. The workshops were held when the police faced many challenges in fighting terrorism which had emerged in the country. It was crucial to discuss the methods used in fighting terrorism taking into account the rights of victims and those of suspects.

Human rights seminars

- 1.35 Out of the 13 projected district seminars for the year 2000, 12 were conducted. These seminars were held in Kitgum, Gulu, Lira, Katakwi, Tororo, Fort-Portal, Kiboga, Hoima, Bushenyi, Kasese, Buvuma Islands in Mukono district. The seminars focused on the role of the Commission in human rights protection and promotion, the need for district human rights committees, the international human rights instruments and the rights of vulnerable groups, specifically women and children. The seminars targeted district officials and heads of various departments.

Training workshops for prisons officials

- 1.36 The Commission in conjunction with the Prisons Service organised two training workshops for prisons officials in northern and western Uganda. The workshops were conducted over a period of two days, each and were attended by officers from the central and local government prisons. Participants found the workshops useful and recommended that more such workshops should be organised for prisons officials.



TOP: The then Minister of State for Defence, Steven Kavuma (centre) at the opening of the training workshop in Bombo.
BELOW: UPDF Soldiers who attended the workshop.

Table 1.9: Workshops organised for prisons officials in the year 2000

Date	Place	Number of participants	Objectives	Topics/theme
29 October 1 November 8 - 9 May	Lake View Hotel, Mbarara Gulu	61 52	1 Explain the concept of human rights 2 Describe good prison practices and assess prison conditions 3 Describe international human rights conventions, rights conventions related to prison work. 4 Explain the mandate, functions, powers of the UHRC 5 Delineate the importance of community service as an alternative to imprisonment. 6 Explain the human rights and Prisons Code of Ethics 7. Explain the importance of discipline, safety and security of prisons 8. Describe human rights implications involved in the administration of justice 9. Delieate rights and the confinement of juveniles	i) Good prison practice and an assessment of prison conditions ii) The concept of human rights iii) The mandate, functions and powers of the Uganda Human Rights Commission iv) The international & regional conventions related to prisons work. v) Health conditions in prisons vi) Human rights and the Prisons Code vii) Discipline, safety and security in prisons with special emphasis on dynamic security viii) Women in prison ix) Community service as an alternative to imprisonment x) Human rights and confinement of juveniles and young children Human rights and the administration of justice

Workshops for other security agencies

1.37 During the year the Commission held a two-day workshop for all the security agencies including the army, police, prisons and all the intelligence organs; namely the Internal Security Organisation (ISO) and External Security Organisation (ESO). The workshop was intended among others to make an objective evaluation of the performance of the security organs in respecting human rights and constitutionalism. It was also attended by the members of the diplomatic corps, the academia, the media and members

of civil society. Participants drew up the "Kampala Declaration" which the members of the security forces committed themselves to observing and implementing. (See appendix)

Workshop for the media

1.38 As part of its wider programme to ensure human rights coverage in the media, the Commission organised a five day residential workshop for the media at Lweza Training Centre. The workshop focused on human rights reporting, the relevance of the international human rights instruments

to the media, and the practical experiences in media coverage of human rights. This workshop resulted in the formation of the Uganda Human Rights Media Association. The workshop was useful in strengthening linkages and co-operation between the Commission and the media which had been established by the media workshop conducted earlier on in the year 1999.

Other human rights seminars

1.39 The Commission had planned to organise 13 seminars at the district level for heads of department and other

district officials. These were meant to benefit districts which had not been covered in the previous years. Of the 13 planned seminars 12 were conducted, each for the districts of Kitgum, Gulu, Lira, Katakwi, Tororo, Fort Portal, Kiboga, Hoima, Bushenyi, Kasese and Kalangala. The seminars discussed the role of the Commission, the importance and roles of district human rights committees, international human rights instruments, rights of women and children. Table 1.10 below shows the district seminars held in the year 2000 and the topics discussed.

Table 1.10: District seminars held in 2000

District	Date	Number of participants	Objectives	Theme/topics covered
Kitgum	29 August	91	1 To empower participants with human rights knowledge.	i) The concept of human rights.
Gulu	31 August			
Lira	23 May			
Katakwi	25 May		2 To discuss mandate, functions, powers, activities and strength and weaknesses of the Human Rights Commission.	ii) The functions, duties powers and mandate of the Uganda Human Rights Commission.
Tororo	26 May			
Fort Portal		79		
Kiboga				
Hoima				
Bushenyi	21 September		3 To discuss how best the Uganda Human Rights Commission can serve the respective district.	iii) The rights of vulnerable groups.
Kasese	20 September			
Buvuma Islands		66		
Ssesse Islands (Kalangala)			4 To explain the task of the district leaders of protecting and promoting human rights and sensitising people on their civic obligations.	iv) The way forward for district human rights committee reproductive health and human rights.
			5 To discuss the rights of vulnerable groups and how they should be protected and promoted in the district.	
			6 To discuss the concept of peace and security and how they relate to human rights.	

Radio programmes

1.40 The dissemination of human rights messages through the radio continued in the year 2000 in 4 major languages of Uganda: Luganda, Lwo, Runyankole-Rukiga, Runyoro-Rutoro (4 Rs) and English. The programmes focused on education about the Constitution: informing the public about various aspects of the Constitution including the supremacy of the Constitution, its value and the need to defend it by citizens and the duties of citizens, and the promotion and protection of human rights.

1.41 The Commission began radio programmes on human rights four years ago. Judging from written responses to the programmes seeking clarifications on certain topics, and suggesting issues the programmes should deal with the public has been responding well to this initiative. It is clear enough that through their observations, the public has appreciated the value of human rights. Some people suggested that human rights should be explained in the cultural context of local communities so that these rights are easily understood and valued by ordinary Ugandans.

Human rights curriculum for primary schools

1.42 Important studies were made towards the development of a human rights curriculum for primary schools. This was done by the Civic Education Co-ordination Committee chaired by the Commission and composed of representatives from various civic education stakeholders like other constitutional bodies (Electoral Commission, NEMA, IGG, etc.) and non-governmental organisations. When the committee considered the curriculum, the Ministry of Education and Sports had just published a new curriculum and, therefore, it was too late to incorporate the committee's recommendations. It was, therefore decided to explore other entry points into the school education system pending the review of the curriculum by the Ministry of Education and Sports which is done every five years. At the time of writing this report, the committee had secured funding from the UNDP to support the development of the curriculum and civic education programmes for schools.

FINANCE AND ADMINISTRATION MATTERS

1.43 During the year, the Commission undertook measures to strengthen performance. These measures focused on planning, training, recruitment and the provision of equipment. Generally, the capacity of the Commission to carry out its responsibilities improved greatly.

Corporate Plan

1.44 A Corporate Plan to redirect and focus the work of the Commission was completed and launched in October 2000. It defines the ultimate goal of the Commission as follows:

- providing adequate knowledge and appreciation of human rights and the rule of law to Ugandans in general through civic education.
- increasing the understanding of, and adherence to, the norms of human rights and constitutionalism within the state organs such as the security, the civil service, educational institutions and civic leadership.
- undertaking simple, fair, transparent and timely resolution of complaints.



The Monitor, Friday, May 19, 2000

- monitoring and ensuring that Government complies with international human rights treaties and conventions to which Uganda is a signatory.
- ensuring improved availability of physical facilities as well as financial and human resources to enable the UHRC perform its functions.
- undertaking demand-driven research and making recommendations on issues of human rights and constitutionalism.
- developing efficient and effective management.



Minister Mayanja Nkanji launches corporate plan

1.45 The implementation of the Corporate Plan has begun in earnest with support from the Government and the donor community. To measure to the demands of the Corporate Plan priorities, work plans setting targets for achievement have been drawn. The Commission has also undergone departmental re-organisation, where

some departments have been merged and new ones created.

Capacity Development Project

1.46 The Capacity Development Project for the Commission which started in mid-1999, with the support of UNDP, has been instrumental in the strengthening of the capacity of the Commission.

This project enabled the Commission to do the following:

- i) Draw up a Corporate Plan.
- ii) Office automation: The necessary hardware and software planned for the office automation were acquired and the Local Area Network (LAN) was installed and is now operational. The office automation system installed comprises the Complaints Handling and Records Management Systems (CHARMS), correspondence tracking and the Financial Management System. (The latter system is yet to be installed). A Systems Administrator was hired to maintain and ensure its smooth operation.
- iii) **Training:** The project implemented various training programmes and study tours for purposes of building the capacities of members of the Commission, senior staff and other stakeholders. The training programmes included:
 - (a) a two-week training programme on Monitoring Government Compliance with international treaty obligations.
 - (b) training on how to conduct mediation.
 - (c) basic computer skills and specialised computer programmes training for members of the Commission and staff to facilitate the operations of the office automation; and
 - (c) training for the Commission in Participatory Training Methodology (PTM) facilitated by local and international experts.
- (d) A tour by 2 officials to the Australian Human Rights and Equal Opportunities Commission to study methods of mediation and conducting public hearing, which was followed by a public hearing training exercise conducted for the whole Commission by a member of

the Australian Human Rights and Equal Opportunities Commission. Another tour was to the South African Human Rights Commission by two officials to understudy South African Human Rights' method of receiving and investigating complaints.

- (iv) **Interns:** The project conducted intern programmes for 4 university students from Makerere University Faculty of Law attaching them to various departments of the Commission, for three months.
- (v) **Library and Documentation Centre:** The project hired a Documentation Specialist to carry out a consultancy designed to assess and make recommendations on the needs, structural and organisational plan for the Commission's Documentation Centre. The recommendations are under implementation.
- (v) **Media Strategy:** A local Media Expert was hired to review, re-define and finalise the Commission's media policies and strategy. A media policy was developed and adopted by the Commission.
- (vi) **Public Hearing:** Following the training and the study tour on public hearing, the Commission embarked on a public hearing exercise on the topic "The Rights of Persons with Disabilities". The UNDP Capacity Development Project for the Commission supported this exercise, which was launched in Kampala in October 2000.
- (vii) **Regional Offices:** The Commission opened its second regional office in September 2000 in Soroti to cover the districts of Kaberamaido, Kapchorwa, Katakwi, Kotido, Kumi, Mbale, Moroto, Sironko and Soroti. This office was opened with assistance from the Italian embassy in Kampala. The grant was utilised in getting office chairs, and desks, equipment which included computers and printers, fax machine, fans and a generator, and one vehicle.

Activities of the Commission

The New Vision,
Monday, June 5, 2000



- 1.47 Furniture, Equipment and Vehicles: Besides the office facilities acquired under the various projects above, the Commission obtained the following furniture, equipment and vehicles:
- i) Two vehicles for members of the Commission;
 - ii) Four units of wall fans;
 - iii) Four pieces of steel framed benches; and
 - iv) A wall clock;
- 1.48 **Library and Documentation Centre:** The Library and Documentation Centre continued to provide valuable research and reference material during the year. Besides the support the centre received under the Capacity Development Project, mentioned above, the Government of Finland also provided assistance to the centre for upgrading of the IT system and purchasing of some books and equipment. By the close of the year, the Commission's wireless access to internet had been successfully commissioned. The equipment procured under this project included an in-house printery comprising a scanner, printers, binding machines, photocopying machine and a computer. Meanwhile, a number of books and journals have been ordered from different publishers abroad. Locally a number of East African Law Reports, the Laws of Uganda and the High Court Bulletins were purchased. As a result, the centre recorded a big increase in the number of users totalling 836 for the year, the majority of whom were students.

Personnel matters

- 1.49 **Recruitment:** The Commission recruited 5 new staff members for Soroti regional office, namely a human rights officer, investigations officer and three support staff. One additional research assistant was recruited at the Commission headquarters in the office of the chairperson. The need for more technical staff still persisted with more projected to be recruited during the year 2001.
- 1.50 **Staff Training:** Besides the training programmes carried out under the Capacity Development Project, the Commission sent one member of staff for a masters degree programme in the United States. The two who had been sent for a similar programme last year successfully completed their courses and returned to the Commission.

- 1.51 **Budgetary Allocations:** While the Commission Annual Report covers the Calendar year, the Commission's financial year runs from 1 July to 30 June. This therefore means that this report falls into two different financial years, namely the second half of the FY 1999/2000 (running from 1 January to 30 June 2000) and the first half of the FY 2000/2001 running from 1 July to 31 December 2000). Therefore, the information in this section relates to funds voted under the two financial years (Tables 1.11 and 1.12 refers). These funds were approved estimates passed by Parliament).
- 1.52 In the Financial Year 1999/2000, the Commission received Ushs.178,037,672 for Capital Development and Ushs.40,264,578 for taxes. For the Administrative expenses, the Commission received Ushs.456,292,500 for wages and Ushs.313,957,500 for non-wage expenses.
- 1.53 For the first half of the FY 200/2001, the Commission received Ushs.511,584,000 for wages, Ushs.344,033,752 for non-wage expenses Ushs.14,666,666 for Capital Development.
- 1.54 However, these budgetary allocations were inadequate for the Commission's operations. They fell short of the Commission's budgetary estimates. To meet some of this shortfall, the Commission sought and obtained some donor support.
- 1.55 **Donor Support:** With support from donors, a number of projects from the previous year were completed and the implementation of a few was still in progress by the close of the calendar year. Some new projects were undertaken and they are either completed or their implementation was in progress (refer to Table 1.13).
- 1.56 Following the launching of the Commission's Corporate Plan in October 2000, a number of donors showed interest in supporting the various programmes of the Commission. For example, DANIDA under its Thematic Programme for Human Rights and Democratisation has agreed to fund a number of outreach activities. Others include UNDP, the European Union, SIDA and NORAD.

The Monitor, April 11, 2000



Table 1.11: UHRC Budget for Financial Year 1999/2000 from 1 January 2000 to 30 June 2000

Item	Commission estimates	Revised estimates	Approved estimates	Actual releases	Balance
Capital development	433,829,000.00	184,703,672.00	100,000,000.00	184,703,672.00	(84,703,672.00)
Taxes		52,764,578.00	50,000,000.00	52,764,578.00	(2,764,578.00)
Wage bill	828,215,472.00	912,585,000.00	912,585,000.00	912,585,000.00	-
Non wage bill	1,383,539,476.00	627,915,000.00	627,915,000.00	627,915,999.00	-
GRAND TOTAL	2,645,583,948.00	1,777,968,250.00	1,690,500,000.00	1,777,968,250.00	(87,468,250.00)

Table 1.12: UHRC Budget for Financial Year 2000/2001 from 1 January 2000 to 31 Dec. 2001

Item	Commission estimates	Revised estimates	Approved estimates	Actual releases	Balance
Capital Development	232,324,990.00	100,000,000.00	100,000,000.00	14,666,666.00	85,333,334.00
Taxes			5,000,000.00	3,750,000.00	1,250,000.00
Wage Bill	1,237,546,521.00	1,023,168,000.00	1,023,168,000.00	511,584,000.00	511,584,000.00
Non Wage Bill	3,850,120,092.00	605,427,504.00	650,427,504.00	347,713,752.00	302,713,752.00
GRAND TOTAL	5,319,991,603.00	1,728,595,504.00	1,778,595,504.00	877,714,418.00	900,881,086.00

Table 1.13: Donor funding

	Project Name	Donor	Amount	Project Status
1	Your Rights Magazine (2nd phase)	Austrian Government	US\$77,400	Under implementation
2	Capacity Development Project	OHCHR, UNDP, NORAD & Austria	US\$ 633,000	Under implementation
3	Civic Education for district Officials (2nd phase)	Austrian Government	US\$18,541	Completed
4	Equipment and books for Library and Documentation Centre	The Finnish Government	US\$81,978	Under implementation
5	Corporate Plan	The Royal Danish Embassy	Dkk300,000	Completed
6	Sponsorship for members of staff for a masters degree programme in Lund	SIDA and Raoul Wallenberg Institute (Sweden)	SEK98,000	Completed
7	Sponsorship for a member of staff for a masters degree Programme in human rights in UK.	British Council	£15,537	Completed
8	Opening of the regional office	The Italian Embassy, Kampala	Provided goods in kind	Completed
9	Training Course for the Media	Konrad Adenauer Foundation	Ushs.13,146,350	Completed
10	Training for Uganda Police Force	The Danish Centre for Human Rights	US\$18,374.52	Completed
11	Constitutional Day Workshop	Friedrich Ebert Foundation	Ushs.5,575,200	Completed
12	Support to Gulu regional office activities	Danida	US\$ 227,568	Under implementation
13	Training for Uganda Prisons Service	Australian Government	US\$19,026	Completed
14	Sponsorship for a member of staff for a masters degree programme in human rights, USA	University of Notre -dame, Indiana, USA	US\$ 37,000	Implemented

Constraints

- 1.57 Financial constraints during the year meant that the Commission could not recruit all the additional staff it needed. It was also not possible to acquire necessary transport, equipment and stores. Accordingly, there was a gap between the planned activities and the actual activities carried out during the year.



LEFT: Some of the Diplomats and other Partners attended the launching of the Commission Corporate Plan at Sheraton Hotel, Uganda. TOP: Mr. Tumusiime Mutebire, then Secretary for Finance, Minister Mayanja Nkanji, and Mrs Margret Sekagya at the launch.

The Administration of Justice

Introduction

2.01 This chapter is an assessment of the state of the administration of justice for the period 2000 - 2001. In particular, the chapter focuses on the rights of suspects and offenders, conditions in places of detention, prosecution and the trial of criminal suspects, and the role of the Judiciary in the administration of justice.

2.02 In the past, the Commission has been concerned about the process of administering justice. Its concern covered the conduct of security organs when enforcing the law. The Commission's emphasis has been to impress upon security organs the importance of abiding by the rule of law and the Constitution in the performance of their duties. The Commission has repeatedly called upon these organs to respect human rights and to discipline or punish those who violate human rights. The mission of the Commission has been to eliminate illegal arrests, detentions and torture.

2.03 In all the previous reports, the

Commission has called for expeditious dispensation of justice. Accused persons in Uganda stay on remand for too long before trial. It is imperative to reduce the delays in administering justice. Some of the concerns of the Commission regarding the administration of justice are reviewed in this chapter.

ILLEGAL ARRESTS AND DETENTIONS

2.04 Illegal arrests and detentions are still key problems confronting the administration of justice. Inspections carried out by the Commission reveal that this is one problem that is far from getting eliminated. The police itself admit that the problem persists even though they are fully aware of the illegality. The police continue to attribute this violation to the practice within the security organs of effecting arrests before sufficient enquires are made. In addition, the police have continued to suffer from lack of adequate facilitation so that, for example, criminal suspects miss attending court because there is no

transport to take them to court. Another reason for detention at police stations beyond the stipulated period is the unwillingness by the police to grant police bonds. Delays in taking suspects to court are also due to the requirement that all criminal charges must first be approved by a State Attorney who are few and overwhelmed by the volume of work.

- 2.05 At the police stations, criminal suspects are still held beyond the constitutionally permitted period. Around Kampala, the problem is very prevalent in all police stations. Impromptu inspections carried out by the Commission at Kampala Central Police Station, Kiira Road Police Station, Jinja Road Police Station, Wandegaya Police Station, Katwe Police Station and Kabalagala Police Station found a number of people illegally detained at those stations. The most serious abuses were at Kampala Central Police Station, Kiira Road and Jinja Road Police stations. In these stations most of the illegally detained persons had been arrested by the military intelligence. To many law enforcement agents, the 48-hour rule does not appear to be very important. Indeed, the Commission found that some suspects had been detained for as long as one year without charge. Such long periods of detention cannot be defended on the grounds that the detained person was suspected of having committed a serious crime. Such detentions are illegal and clearly violated the rights of the detainees.
- 2.06 When the Commission conducted inspections in 12 police stations in January and February 2000, it found up to 210 people illegally detained. In many of these stations the entire inmates on the day of the visit had been held contrary to the law (see Table 1.2).
- 2.07 In 1999, the Commission received 189 complaints regarding illegal detentions. In the year 2000 the complaints were 234. Unless government undertakes to eradicate illegal detentions, they are bound to continue. On its part, the Commission has put in place the machinery for dealing with illegal detentions. These steps range from sensitisation of the police, the security organs and the public to the release of persons found by the Commission to be illegally detained. These interventions have many times resulted in the release of those illegally detained. In other

cases, the Commission's interventions have forced the authorities to charge illegal detainees in court.

- 2.08 Resolving the problem of illegal detentions requires commitment from the security organs and the government. That means the security organs must first recognise and accept that the practice of detaining people illegally is wrong and is a violation of human rights. In seminars held for the security organs, the Commission got the impression that some of the organs are not very concerned about illegal detentions. To them illegal detentions should be tolerated in the fight against terrorism, robbery, treason and such other offences. They seem to ignore the fact that the provision of the Constitution outlawing illegal detention cannot be subordinated to the fight against these offences.
- 2.09 To fight illegal detentions, there is also need to strengthen the Criminal Investigations Department of the police. According to police figures, there are about 2,222 personnel in this department. The figures indicate that one investigations officer handles 30 cases per year compared to the internationally recommended figure of 1 to 12 cases per year for effective investigations. Coupled with poor facilitation, the case overload means that the CID cannot carry out timely and efficient investigations. Table 2.1 below shows the police workload data against the crime situation for the period 1993 to 2000. The figures clearly show that the conviction rate for crimes handled is very low ranging from 32.2 per cent to 43.9 per cent, implying that the majority of the people arrested and detained are probably innocent. It could also mean that investigations are poor due to the workload, poor training, and poor facilitation. All in all, lack of capacity and efficiency in the CID is a contributing factor to illegal detentions and the violations of the rights of criminal suspects. The figures in Table 2.1 do not include the many people who are arrested by the police and other security organs, detained and released without any charge in court.

Table 2.1: Workload data against the crime situation

No.	Year	Population	Reported	CID staff cases	Crime rate Conviction	Detention rate %	Work Load	rate
1	1993	18,102,000	41,111		228			
2	1994	18,682,000	43,787		234			33.5
3	1995	19,263,000	40,268	1,934	209	64	20	33.8
4	1996	19,848,000	40,779	1,673	205	64.7	24	39.8
5	1997	20,438,000	44,980	2,153	220	69.3	21	43.9
6	1998	21,029,000	49,248	2,185	234	69.2	23	33.4
7	1999	21,620,000	68,319	2,346	316	56.8	29	32.2
8	2000	22,210,300	68,032	2,298	306	58.6	30	34.5

Source: *Uganda Police Report, 2000*

2.10 A big contributing factor to illegal detentions is the involvement of other security organs in police work. This has been justified on the grounds that the police has not measured up to its responsibilities. It should, however, be emphasised over and over again that the involvement of other security organs in police work should not be an excuse for the violations of human rights. If the other security organs must involve themselves in arrests and detentions, they must follow the law. The police itself must be strengthened and facilitated to effectively execute the functions which are constitutionally entrusted to them. Government should strengthen the police by giving it the right personnel, motivating it and providing adequate facilities in order to enable that force to effectively carry out its constitutional duties. The practice of using the army and the intelligence agencies for direct police work should be progressively phased out.

Recommendations

- (1) Government should strengthen and facilitate the police. The police should be motivated to do their work.
- (2) Government should phase out the use of other security organs for police work.

Delayed trials

2.11 One factor that has continued to plague the administration of justice is delays in handling and concluding cases. Delays continue to be attributed to the backlog of unheard cases; slow investigations, and inadequate number of judicial officers and prosecutors. These problems persisted in the year 2000 despite the steps that were taken

to address them. The Commission continued to receive complaints regarding delays in the trial of those charged with criminal offences. However, the number of these complaints dropped from 116 to 75. Many prisoners on remand complained of protracted delays in the hearing of cases against them. A good number had been on remand for as long as 6 years before trial. As a follow up to these complaints, the Commission was constantly in touch with the Judiciary and other relevant departments. In many cases, this interaction with other departments helped to expedite the hearings. The Judiciary on its part, gave the Commission a catalogue of problems which continue to contribute to delays in the hearing of cases. These are:

- **Inadequate number of judges:** The Judiciary has few judges compared to the volume of capital offences which have increased considerably since the elevation of defilement as a capital offence. The effect has been to almost transform the High Court to a court of first instance thus overburdening it taking into account its appellate duties.
- **Difficulty in locating witnesses:** Courts have found difficulties in tracing witnesses who live in towns and change places of abode frequently. To make matters worse, the use of nicknames or aliases makes it difficult to trace such witnesses when they move house.
- **Inadequate funding:** Many cases are delayed because funds to meet witness costs are inadequate or totally lacking.

The cases can, therefore, not be listed for hearing until funds become available.

- **Magistrates have low morale:** According to Mr Wilson M. Musene, Chief Registrar, many magistrates have low morale and lack total commitment to their work because of what they consider to be poor terms of service.
- **Mass arrests:** Some delays in trials were attributed to incidents of mass arrests particularly in treason and robbery cases. For example, there was one treason case with 400 suspects requiring a total of 99 prosecution witnesses. In such cases, like in the case of the 400 suspected rebels arrested in West Nile, state witnesses were not turning up most probably because they were not there. Trials in such cases took very long because witnesses were not forthcoming.
- **Constitutional requirement that all persons on a capital charge must be represented by a lawyer:** This has contributed to delays because many advocates are unwilling to accept state briefs to handle such cases because of the low pay offered by the state. In the absence of defence lawyers, many of the cases have remained untried until one is procured for the accused.
- **Increase in volume of capital charges:** More capital offences have been created stretching the capacity of the High Court. Defilement cases have particularly increased the volume of work in the High Court. For example, as of May 2001, there were 78 defilement cases out of 128 cases before the High Court and most of these were boyfriend/girlfriend relationship.
- **Other factors contributing to delays in the administration of justice are poor facilitation of the police and prisons.** The Prison Department has shortage of transport, so on many occasions courts start late because prisoners walk long distances to court arriving at midday or thereafter. As a result, fewer cases are heard each day. The police lack transport as well and find it difficult to reach witnesses. Probation officers, who must make reports about children, find difficulty in doing so because they are not facilitated.

programmes aimed at reducing delays in trials. Some of these measures are:

- **The Chain Link Project:** Funded by DANIDA, this project now covers the whole country having begun in Masaka as a pilot project. Under this project, the Judiciary, the police, the DPP and the probation and welfare officers hold regular meetings in their respective localities to evaluate the degree of overcrowding in prisons, long remand cases and agree on measures of solving these problems.
- **Opening more High Court circuits upcountry:** In addition to Jinja, Mbale, Gulu, Fort Portal, Mbarara and Masaka, more High court circuits are to be opened in Kabale, Arua, Soroti and Nakawa each with two judges.
- **Magistrates are now kept on the alert:** The inspection of courts has been strengthened and is better facilitated. This has kept the magistrates active and has helped to address the problem of case backlog. Further, magistrates must now make monthly returns to the High Court showing their performance, with details of cases disposed off and those pending. To ensure this is done, the Commission was informed that Magistrates can only be paid salaries and operational funds after the monthly report is filed with the High court.
- **Staff appraisal:** The Judiciary has introduced staff appraisal for promotions within the Judiciary based on the quality and the volume of work an individual handles rather than the length of service. This measure has improved the workload handled and concluded by magistrates.

- 2.13 In spite of the measures described above, delays in the administration of justice have persisted. The following measures are recommended as necessary for further improvement of the administration of justice.

Recommendations

- (1) Increase the number of judges: Government should appoint more judges in order to match the increase in the number of capital offences and other cases.
- (2) Strengthen the police Criminal Investigation Department: Government should recruit and train more criminal investigators, give more facilitation to

the CID in order to improve their capacity and ability to handle investigations expeditiously.

- (3) Provide transport to prisons: It is important that Government provides transport for conveying prisoners to court particularly in areas where courts are far away from remand prisons.
- (4) Prisoners committed for trial should be eligible for bail: The Constitution allows a person on a capital charge to be released on bail after 365 days on remand. However, those committed for trial cannot get bail irrespective of how long they have been on remand. Government should introduce legislation stipulating the period within which a person committed for trial must be tried. Upon the expiry of that period such persons should be eligible for release on bail. This will speed up trials and mitigate against the present system where an accused person can remain on remand for protracted periods as long as he/she is already committed for trial.
- (5) Lawyers holding briefs from the state should be adequately remunerated to encourage them accept the briefs.

Conditions in places of detentions

2.14 Arrests, detentions and remands are important processes in the administration of justice. It is recognised internationally that these processes must not only be humane as much as possible but that they must conform to certain laid down criteria so as to avoid violation of human rights. The conditions in Uganda's prisons remain generally poor. Overcrowding is one of the biggest problems in the prisons. In the Commission's view, Kakiika Central Government Prison has the worst record of overcrowding. When the Commission visited this prison in August 2000, it found 688 inmates against its planned capacity of 130. Of the 658 inmates, only 89 were convicts. Due to this overcrowding, it was not possible for the prisoners to go to bed at the same time. As already mentioned (see paragraph 1.10), they slept in turns, in opposite directions with their legs interwoven for lack of adequate space. The high number of inmates had overstretched all the other facilities at the prison. The overcrowding meant that when in the wards, the prisoners were breathing into one another, spreading communicable diseases like tuberculosis which was a common

ailment in this prison.

- 2.15 Kakiika prison may be an extreme case but the problem of overcrowding in prisons is widespread. Overcrowding was common in Masaka prison, a newly rehabilitated prison, where the Commission in one visit counted 766 prisoners against a planned capacity of 209. In Arua prison, the Commission found 404 inmates against a holding capacity of 200. Similarly, many local government prisons were found to be overcrowded with prisoners. For example, Paidha Local Administration Prison with a capacity of 80 had 130 inmates cramped in it. Butuntumula Local Administration Prison had 169 inmates in the prison built to accommodate 60 inmates.
- 2.16 The pattern noted was that all prisons in the country were admitting and accommodating prisoners beyond their planned accommodation capacity. Overcrowding in prisons is, therefore, a very serious problem that impairs the quality of administration of justice. The Prisons Department has not succeeded in attracting priority funding in order to address these problems. Neither does it seem to have sympathy from the general public and the government. Both the infrastructure and manpower in prisons need expansion and improvement because:
 - Prisons that were destroyed or vandalised during the wars of the 1970s and 1980s have not been replaced or rehabilitated to increase the total capacity of prisons in the country.
 - Many of the existing prisons were built as temporary structures and have outlived their lifespan.
 - Many prisons are dilapidated because the structures have not been renovated since their construction. For example, Soroti prison was in such a bad state that 9 wards were not usable.
- 2.17 The number of prisoners has been increasing over the years while the holding capacity of prisons has reduced. A total turn over of prison inmates for the year 2000 was 37,844 according to the Prisons Department. This figure is more than double the accommodation capacity of all prisons

in Uganda. There were only 44 gazetted prisons which were operational. Others, like Kyankwanzi, Bihanga and Kotido prisons, were taken over by the army.

2.18 Apart from the structural problems, there were administrative weaknesses: The prison service is understaffed. The recommended staff to prisoner ratio is 1:3 but it is currently at 1:10. According to the Prisons Department, the total manpower in prison stood at 8,090 by December 2000 of which there were 2,399 uniformed staff including senior officers.

2.19 The conditions of staff and prisoners remained generally poor. Inmates are too many for the available sleeping space. The quantity of food given to inmates was found to have generally improved but not the quality. There are inadequate blankets and uniforms to cater for all inmates.

Recommendations

- (1) Government should build additional prisons, particularly remand prisons, to take care of the increased number of remand prisoners.

- (2) The Judiciary should take additional measures to reduce the volume of unheard cases which are contributing to the large number of remands and thus overcrowding in prison.
- (3) Parliament should give chief magistrates power to try some of the capital offences to reduce the overload on judges.
- (4) The Ministry of Finance should provide more resources to the prisons department.

"Mob Justice" as a crime

2.20 As a crime "mob justice" continued to feature during the year 2000 - 2001. This is a dangerous practice where the public takes the law into its hands to punish suspects for crimes committed or suspected to have been committed. In many of the incidents, the suspects are lynched, killed or seriously injured.

2.21 The extent of "mob justice" in the country is worrying. Since 1991 cases of "mob justice" has been rising albeit with a few dips in some years. Equally on the rise are the number of victims of this crime (see Table 2.2 below).

Table 2.2: Cases and number of victims of mob justice recorded by the police from 1991 to 2000

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Number of cases	77	16	61	81	75	69	94	98	154	163
Number of victim	87	16	72	91	85	82	110	124	159	180

Source: Bob T.D. Ngobi (Assistant Commissioner of Police in charge of community affairs)

2.22 According to police records, the cases of mob justice recorded by the police has been rising. The Police Annual Report showed that for the period 2000 - 2001 a total of 272 cases of "mob justice" were reported to the police and that these resulted in the killing of 882 suspects of which 12 were females and the rest males (page 37 Police Report). According to the report, this crime was more prevalent in Busoga. All the male victims were reportedly lynched because they were either suspected thieves or robbers. The females were mainly accused of witchcraft (see table 2.3).

Table 2.3: Mob justice and the various causes from 1991-2000

Years	Various causes of mob justice									
	Theft		Robbery		Murder		Witchcraft		Others	
	C	V	C	V	C	V	C	V	C	V
1991	24	25	18	19	16	19	07	11	12	13
1992	05	05	04	04	03	03	01	01	03	03
1993	20	24	12	13	11	14	08	09	10	12
1994	36	43	17	17	09	11	07	08	12	12
1995	35	42	14	16	05	05	08	11	09	11
1996	40	40	13	13	08	08	05	18	03	03

Table 2.3: Continued

Years	Various causes of mob justice										
	Theft		Robbery		Murder		Witchcraft		Others		Total
	C	V	C	V	C	V	C	V	C	V	C
1997	70	73	21	34	01	01	02	02	-	-	94
1998	71	73	14	30	03	05	03	06	07	10	98
1999	134	135	15	19	-	-	05	05	-	-	154
2000	106	109	22	24	10	17	09	12	16	18	163
Total	541	569	146	189	66	83	56	83	72	82	888

Source: Uganda Police, Public Relations Office, 30 January 2001
(C = Reported cases, V = No of victims)

Table 2.4: Mob justice statistics January - September 2000 showing leading districts in mob justice

Serial number	District	Number of cases
1	Masaka	13
2	Katwe	12
3	Mukono	12
4	Iganga	11
5	Jinja	11
6	Rakai	09
7	Luwero	08
8	Kamuli	08
9	Mpigi	08
10	Tororo	07
11	Old Kampala	06
12	Kawempe	06
13	Jinja Road	05
14	Wandegeya	04
15	Mbale	04

- 2.23 The Commission carried out a sample study of newspaper reports from April to December 2000 to gauge the degree of incidence of "mob justice" as covered by the press. The study showed that there was an average of 3 - 4 reports a week on "mob justice". A study of the newspaper reports for the period July to December 2000 showed that this crime is a worrying problem. The three daily newspapers in the country (*New Vision*, *Monitor* and *Bukedde*) reported a total of 82 cases between July and December 2000. Bukedde reported 43

cases, the *New Vision* 31 and the *Monitor* 8 cases. The victims of these reported public lynchings were treated in different ways: sixty four of them were undressed in public, beaten and some set on fire on suspicion of being thieves/robbers. Eighteen persons suspected of witchcraft/human sacrifice or murder were themselves killed by marauding mobs.

- 2.24 It is important to note here that some of the victims of the "mob justice" were actually innocent. Bukedde of 21 August 2000 told the story of one Henry, a resident of Rubaga and a professional accountant. Henry was arrested by a mob who proceeded to beat him up and set him on fire. He was only saved when it transpired that the suspected robber wore a jacket resembling that of Henry.
- 2.25 Mob justice therefore requires the attention of those involved in the administration of justice. It is a challenge to the rule of law. It is trial by ordeal. It violates the right to life. It promotes torture, inhuman and degrading treatment or punishment. It undermines the principle that everyone is presumed innocent until proven guilty. The practice violates the right to a fair hearing which is a non-derogable right under the Constitution.

Recommendations

- (1) The police must strive to arrest and bring to book those who participate in mob justice.
- (2) The Police and the Judicial Service Commission together with the Uganda Human Rights Commission should carry out programmes of educating the public about the dangers of mob justice.

General assessment of the administration of justice

2.26 Generally speaking positive steps are being taken to address certain areas that affect the quality of the administration of justice. Steps have been undertaken to deal with backlogs of cases although the ultimate result has not been realised due to the fact that the increased number of judicial officers have not been sufficient to deal with the volume of cases. Weaknesses in other areas like the police, prisons and inadequate finances have not made it possible to fully deal with case delays and case backlog.

2.27 The small number of judicial officers has negatively impacted on the quality of judicial service for the rural people. The National Service Delivery Survey for the year 2000 brought out this clearly. The survey showed that for the majority of the people accessing justice is still difficult. In the rural areas people have to travel long distances in order to access the justice system. Many do not bother to seek it because of they are

too poor to do so and there are other obstacles involved. Only 18 per cent of the rural folk are able to access magistrates courts within a distance of less than 5 kilometres compared to 56 per cent of the urban population. More complicated for the rural population is access to the services of the police who are mainly concentrated in towns or county headquarters in some districts. These impediments added to the very widespread delays in the administration of justice, and they are very frustrating to many who seek justice. "Mob justice" discussed above has partly been attributed to these bottlenecks in the administration of justice.

2.28 Peace, security and stability depend on law and order the maintenance of which is greatly supported by the effectiveness of the administration of justice. The Government therefore requires to invest more in the justice system. It is a service that has tangible benefits because it promotes security of the person, the rule of law and the resolution of conflict between citizens, and between the citizen and the state.



Commissioners and Staff of The UHRC at a meeting with The British High Commissioner to Uganda, Mr Tom Philips on his first visit to the Commission.

Peace, Security and Stability

Introduction

3.01 Peace, security and stability are important for the enjoyment of human rights. By 1999, peace and security continued to be affected by insurgency in some parts of the country, terrorist activities particularly in Kampala, and the activities of cattle rustlers from Karamoja. The year 2000 continued to experience these activities except that incidents of terrorism in the form of time bombs were very minimal thanks to the serious steps undertaken by the Government in fighting it. However, at the time of writing this report, incidents of terrorism had re-surfaced in Jinja and Kampala which again were quickly dealt with by the Government. This chapter will generally report on the negative factors that affected peace and security in the country during the year 2000 and suggest recommendations for tackling those factors.

Cattle rustling

3.02 Cattle rustling continued in the year 2000 and greatly disturbed peace and security in Karamoja, Lango, Acholi,

Teso, Kapchorwa and Bugisu. Like in the past, cattle raiders from Karamoja carried out attacks against their neighbours in search of cattle. They not only raided for livestock but also ransacked homesteads taking food and property. In many instances, lives were lost and women were raped. One of the serious consequences of these brutal acts was the destruction of the social and economic life of the affected populations principally as a result of displacement from the villages and settlement into camps. The most affected districts were and are still Katakwi and Kapchorwa. In Katakwi district up to 88,000 people now live in various camps for fear of attacks from marauding Karimojong cattle rustlers.

3.03 Cattle rustling did not only create insecurity, loss of life and property in the districts neighbouring Karamoja only but also within Karamoja itself. Interclan/ethnic raids during the year 2000 disturbed peace within Karamoja with hundreds of people losing lives and/or livestock. While it was not possible to verify the number of deaths

due to the raids, it was generally known that several hundreds died and were abandoned unburied.

3.04 The problems associated with cattle rustling and the attendant insecurity are exacerbated by the prevalence of modern arms in the hands of the Karimojong. In a discussion with members of Parliament from Karamoja, the Commission was informed that there are over 40,000 illegal guns in the hands of the Karimojong. The Karimojong justify this illegal ownership of guns on the fact that cattle rustling cuts across the borders of north-eastern Uganda, north-western Kenya and southern Sudan. The communities living in these areas carry out cross border raids on one another. However, this cannot be a legitimate justification for the ownership of illegal guns which are used to attack and pillage the property of defenceless neighbours. It is the responsibility of government to ensure security for all including the Karimojong who should not be allowed to carry illegal guns ostensibly for self-defence.

3.05 Government did commit itself to the protection and maintenance of peace in the districts neighbouring Karamoja. This commitment had two parts: The

What was not yet clear was how this disarmament was to be implemented: was it to be peaceful or was it to be through the use of force? Up to the time of writing this report no disarmament had taken place in Karamoja, and armed Karimojong have continued to attack, rob property, livestock and cause loss of lives especially in Katakwi and parts of Kapchorwa district.

3.07 The government maintains that it is committed to disarming the Karimojong but points out that the presence of guns in Karamoja has international dimensions especially with players in Kenya and Sudan where pastoralists from those countries frequently attack the Karimojong to raid livestock. These neighbouring countries also serve as sources for arms and ammunition. The Ministry of Foreign Affairs told the Commission that efforts were made in the year 2000 between Kenya and Uganda to work out a synchronised programme of disarmament of the Karimojong and the Turkana and Pokot of Kenya. A number of meetings were held between the two countries in which both governments committed themselves to: maintaining regular security patrols of each others affected borders; carrying

Rights body probes Karimojong abuses

THE Uganda Human Rights Commission is investigating the levels of abuses by the Karimojong rustlers against the people in the north, reports **James Oweka**.

The officer in-charge of the north, Mr Joseph Oneka, and his investigative officer, Mr. Otwono Opondo,

were reported away in Kitgum district. An officer with the regional office said Oneka would explain the probe.

Col. Julius Oketta, the reserve force commander, said the army had beaten the Karimojong back into Kotido district.

He said by the end of April, all those displaced would return home.

Recently, Mr. Sylvester Opira, the assistant resident district commissioner Kitgum, reported the rustlers had killed 65 people, looted 116 head of cattle, took 2,268 goats and sheep, 10 bicycles and burnt over 20 gra-

The New Vision,
April 2, 2000

first was to prevent cross border raids by the armed Karimojong. Hundreds of vigilantes were recruited, trained, armed and deployed to protect the neighbouring districts from armed aggression by the Karimojong. This strategy however, has not proved fully effective as the raiders still managed to infiltrate and cause disturbance.

3.06 The second part of the government strategy was to embark on a disarmament programme to remove guns from the Karimojong beginning in the month of August 2000. This was a welcome development which will hopefully contain insecurity in Karamoja and its neighbouring districts.

out joint operations to recover stolen livestock; establishing communication links between the affected border posts; exchanging information on the movement of the pastoralists; sourcing funds to buy arms that are held illegally by the pastoralists; and to promoting alternative means of livelihood in Karamoja, Turkana and Pokot. According to the Ministry of Foreign Affairs, force as a way of disarmament would be used as a last resort.

3.08 In spite of the government commitment and the initiatives, the Karamoja problem as a cause for insecurity and instability remains unresolved. It is still the Commission's belief that

Government should undertake a short term and a long term approach to the problem. The short term strategy should aim at shielding the neighbours of Karamoja from Karimojong raiders. Those who raid Livestock should be apprehended, prosecuted and punished. The long term approach should give a comprehensive treatment to the problems; it should tackle causes and prescribe solutions which must address the socio-economic problems of Karamoja: it should also not ignore the socio-economic problems of the neighbouring districts which have lost their wealth as a result of raids by the Karimojong; finally the program must restore law and order in Karamoja and protect the Karimojong from external attacks.

Recommendations

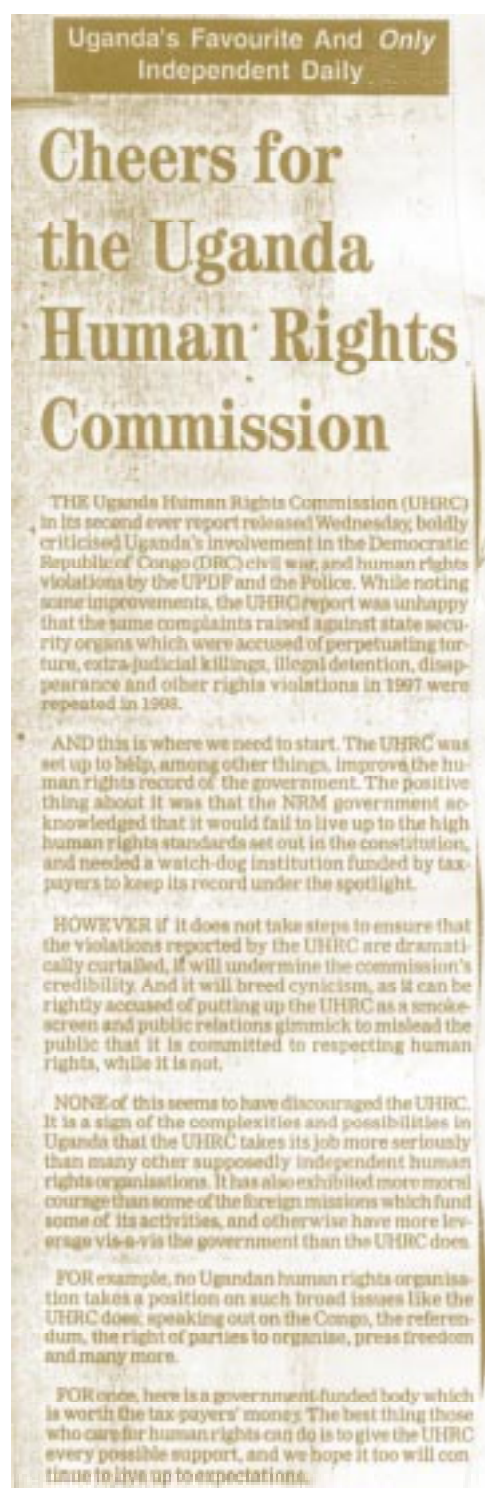
- (1) As a short term measure, government should provide security along the borders with Karamoja.
- (2) Government should train and create a joint anti-stock theft force composed of vigilantes from Teso, Lango, Acholi, Kapchorwa, Bugisu and Karamoja, which force should carry out joint patrols and be put under one command. Tribal militias should be discouraged.
- (3) The disarmament of the Karimojong must be undertaken by the Government with minimum violence. In this connection, government should work with the NGOs and civil society groups in the region towards a peaceful disarmament of the Karimojong.
- (4) Government must work out plans to tackle the socio-economic problems of Karamoja and source international assistance in implementing them. The Karamoja Development Agency (KDA), a government body, should be restructured and given capable manpower and resources to fulfil its objectives.
- (5) To promote reconciliation between Karamoja and the neighbouring districts, government must equally deal with the socio-economic problems of the districts adjacent to Karamoja particularly those problems attributed to insecurity caused by the Karimojong.

The Allied Democratic Front (ADF)

- 3.09 The Allied Democratic Front and its armed wing continued to create some insecurity in south-western Uganda particularly in the districts of Bundibugyo, Kasese and Kabarole. The insecurity in these districts, resulted into

displacements of large numbers of people especially in Bundibugyo. However, government was greatly in control of the situation resulting in less and less attacks by the ADF. The ADF operate out of the Democratic Republic of Congo (DRC), a reason which the Government has always given for its involvement in the conflict in that country. In the past the Commission has been concerned with the extent of the government's involvement in the DRC. A phased pull out of Ugandan troops started during the year and was largely complete by the time of writing this report. This was a welcome development.

Peace, Security
and Stability



The Monitor,
March 11, 2000

The Lords Resistance Army (LRA)

3.10 The Lords Resistance Army though largely contained by Government forces continued to create insecurity and some loss of life in northern Uganda especially in the districts of Gulu, Kitgum, and to some extent in Lira and Apac districts. The illegal activities of the LRA were greatly curtailed by more effective response from the security forces. However, the LRA continued to persist in rebellion, creating fear and continued confinement of thousands of the people of Gulu and Kitgum in camps.

3.11 The poor relations between Uganda and Sudan have always contributed to the continuance of insecurity in northern Uganda. It is public knowledge that Sudan supports the LRA in its rebellion against Uganda. Sudan, on the other hand, accuses Uganda of supporting the Sudan Peoples Liberation Army (SPLA) in its war against Sudan. The restoration of good relations between Uganda and Sudan would most likely deny the LRA the much needed support from the Government of Sudan. During the year, efforts to promote peace between the two countries were more and more visible and intensive. Indeed, the search for peace between the two countries made significant progress aimed at reducing tensions along the common border and an eventual normalisation of relations between the two governments. An agreement was signed between Presidents Yoweri Museveni and Omar-el-Bashir committing Uganda and Sudan to the normalisation of relations. Since then a series of negotiations have followed.

3.12 The Peace Accord signed between Presidents Yoweri Museveni and Omar-el-Bashir in Nairobi on 8 December 1999 called for a normalisation of relations based on the following conditions:

- release of children abducted by the LRA and kept in the Sudan.
- exchange of all prisoners of war.
- respect for international law on refugees.
- facilitation of cross border activities.
- restoration of diplomatic relations.

- resettlement and rehabilitation of combatants who renounce rebellion.

3.13 At the time of writing this report, the Nairobi Accord had not been fully implemented and, therefore, full normalisation of relations between Sudan and Uganda had not taken place. The LRA continued to operate from the Sudan. Uganda, however, released all Sudanese prisoners of war. Uganda also enacted an Amnesty Law granting amnesty to all rebels fighting the Government. Sudan, on its part, repatriated to Uganda, through UNICEF, some Ugandan children from the Sudan. The non-repatriation of thousands of Ugandan children abducted by the LRA into the Sudan still remain a sore point in relations between the two countries.

3.14 Significantly, it should be noted that during the year there was a welcome reduction in tension and conflict between Uganda and its neighbours in terms of resolving some of the issues previously highlighted in the Commission's previous annual reports. The Commission has always emphasised the importance of peace. It, therefore, commends the Government for these developments and hopes that they will culminate in genuine and lasting peace throughout the country.

Talk to Kony men, leaders tell UHRC

By Dennis Ojwee

THE Uganda Human Rights Commission (UHRC) has been urged to try and contact the leaders of the Lord's Resistance Army (LRA) in the "Kacoke Madit" (KM meeting to be held in Arusha soon).

This was one of several resolutions made by Gulu district leaders and stakeholders on Thursday during a one-day workshop organised by the Uganda Human Rights Commission, Gulu branch, and held in the Human Rights main hall.

The participants said UHRC and the Amnesty Commission should attend the KM to meet and speak face-to-face with LRA leaders about

the violations of human rights as a result of the insurgency in northern Uganda.

The workshop drew representatives from the UPDF, the district council, the Police, NGOs, political leaders, the press and heads of various departments in Gulu.

The participants thanked the Government for passing the Amnesty Act and pardoning all rebel groups. They said, however, that it seemed the objectives were not properly spelt out to the public. They recommended that the amnesty commission find means of reaching the LRA. They said radio communication only reaches the higher ranking commanders.

The New Vision, Saturday September 2, 2000

THE AMNESTY COMMISSION

- 3.15 A significant development in the search for peace during the period was the active commencement of work by the Amnesty Commission in the middle of the year 2001. The Amnesty Commission's main task is to implement the Amnesty Act, which was passed by Parliament as one of the measures for ending insurgency by various rebel groups. While the activities of the Amnesty Commission were not adequately funded, its role became gradually acknowledged. On its part, the UHRC notes that the idea of granting pardons or amnesty is a viable option in the search for peace particularly where a military solution is not succeeding. While the UHRC acknowledges the existence of a school of thought that advocates the prosecution of perpetrators of certain grave human rights crimes without the option of a pardon, and whereas international law requires the prosecution of persons who abuse human rights, it is important to recognise the broader implications of pursuing a reconciliatory approach in resolving some conflicts especially where it can prevent further abuses of human rights. It is with this in mind that the Commission commended Parliament for passing the Amnesty Act. The Commission calls upon all those individuals, groups of individuals, and organisations waging war on the Government to accept the spirit of this law and end their insurgency. Furthermore, the Commission urges leaders at various levels to support the Amnesty Law. There have been some conflicting statements for and against the amnesty by Government leaders, which could create confusion and discourage the rebels from accepting the amnesty offer.
- 3.16 The Amnesty Commission did not do much in the year 2000 in implementing its mandate because it was inadequately funded. Therefore, that commission was unable to process and bring home some former rebels who had expressed the desire to benefit from the Amnesty Law. During the year, the UHRC had brought to the attention of the Government the existence of a large number of Ugandans living in Kenya who had expressed interest in returning home. It raised the same matter with President Museveni who ordered that the process of repatriating

these people should be speeded up. At the time of writing this report, those Ugandans were still in Kenya and little had been done to facilitate their return home.

Recommendation

- (1) Government should adequately facilitate the Amnesty Commission because the success of that Commission would bring about peace and stability.
- (2) Government should be more politically committed to the implementation of the ideals and objectives of the Amnesty law.
- (3) Government should intensify efforts to strengthen relations between Sudan and Uganda which hopefully will deny the LRA a base for retreat after attacks on Uganda.

INTERNALLY DISPLACED PERSONS (IDPS)

- 3.17 Internally displaced persons are those who are forced to abandon their homes or to flee their homes or places of habitual residence due to persecution, armed conflict or other violence or disaster but who unlike refugees remain within the borders of their country. In Uganda, rebel activities, civil strife and cattle rustling have been the chief causes for internal displacement. Rebel activities and the attendant insecurity have caused displacements of people in the districts of Gulu, Kitgum, Lira, Kasese, Kabarole, Kibaale and Bundibugyo. Insecurity due to cattle rustling has resulted into displacements in the districts of Kitgum, Lira, Katakwi, Kapchorwa and Soroti districts.
- 3.18 The number of displaced persons in Uganda due to rebel activities stood at approximately 610,240 by November 2000.

Table 3.1: Number of refugees and IDPs 1998 - 2000

	November 1998	September 1999	May 2000	September 2000	November 2000
Refugees	183,693	196,251	201,427	201,000	213,872
Internally displaced persons	469,521	529,215	736,004	639,760	610,240

Source: MFPEd

3.19 By December 1999, running into the time of writing this report, serious displacements because of cattle raiders became a feature particularly in Katakwi District where as of August 2001 there were approximately 88,000 persons living in various camps within the district. In Gulu District, 292,160 persons were living in camps and in the Kitgum District (old) 82,645 were displaced into camps.

Table 3.2: Internally displaced persons (IDPs) as of 30 September 2001

District	Estimated Number of IDPs
Bundibugyo	67,017
Gulu	292,160
Kabarole	15,416
Kasese	18,000
Katakwi	88,500
Kitgum	82,645
Total	563,738

Source: UNOCHA

3.20 In Bundibugyo District there were contradictory numbers of IDPs in camps; according to the United Nations Office of the Coordination of Humanitarian Affairs (UNOCHA) the IDPs in Bundibugyo camps were 67,017 while the population office in Bundibugyo reported that the IDPs were 140,260. According to the same office the IDPs who were living in camps by June 2001 were 84 per cent of the total population in Bundibugyo District. (See **Table 3.3 next page**)

3.21 Internal displacement of people remained a serious human rights problem during the period 2000 - 2001. Thousands of these displaced people live in camps. The physical and legal protection of the IDPs in these camps

fall short of the expected standards, a fact admitted by the Office of the Prime Minister which was then responsible for "natural disaster preparedness". The camp dwellers were exposed to unacceptable conditions. Access to basic needs, such as food, clean water, shelter, sanitation, employment, healthcare, education, were at best inadequate and at worst non-existent. Camp dwellers undergo a lot of hardships and very many of them are traumatised.

3.22 Rebel activities by the Allied Democratic Front (ADF) have been responsible for the continued displacement and suffering of the people of Bundibugyo whose social and economic life has been severely disrupted. Up to 84 per cent of the population of Bundibugyo has been living in 9 camps. The camps are overcrowded resulting in families sharing single huts with their teenage children. Food in the camps is inadequate. Government was not able to provide the basic needs of the IDPs who have been depending on the inadequate assistance from NGOs. The Commission learnt that families in the camps were provided with 3 kilos of posho (maize meal) and one cup of beans per family per month irrespective of the size of the family. This had forced families to do odd jobs to supplement their rations. In this connection, child labour was reported to be rampant as children were forced to do chores in order to supplement family efforts to get food.

3.23 Education for children in the Bundibugyo camps, like in other IDPs camps, was very poor. Few schools have been annexed to adult learning centres but the schools lack benches and instructional materials. The turn up of the children is poor, a factor attributed to lack of food, early marriages and child labour.

Table 3.3: Bundibugyo average population figures, IDP camp zones and number of IDPs

County	Sub-county	Number of IDP camps	Average population	Average IDPs
Bwamba	Bubandi	4	40,302	31,471
	Busaru	9	17,015	14,313
	Ndugutu	4	7,088	9,188
	Harugale	12	14,571	15,745
	Bundibugyo Town	12	22,780	20,740
	Bubukwanga	7	20,667	17,050
	Kasitu	10	17,837	22,119
Sub-total (Bwamba County)			140,260	130,634
Ntoroko	Karugutu	3	6,926	6,201
	Rwebisengo	1	1,000	499
	Kanara	No IDP camps		
Grand Total			140,260	130,634

Source: Bundibugyo Population Office, May 2001

3.24 Reports given to the Commission show that children in the camps are exposed to various communicable diseases owing to the poor sanitation conditions coupled with lack of proper facilities for personal hygiene. The health centres, where they exist, are poorly stocked and, in some cases, lack qualified workers.

3.25 Internal displacement and the attendant socio-economic hardships have been a feature in Uganda for sometimes now. The State has the responsibility to protect and promote IDPs' rights. The State has a duty to protect and facilitate IDPs who have been forced into camps and to help them resettle when conditions allow. In spite of this responsibility, and in spite of the fact that IDPs have been a common feature for a considerable time now, government response to their problems has at best been ad hoc. There is no known policy and programmes for dealing with the problems of IDPs. Responses to situations of IDPs have often been intermittent, unplanned and inadequate. Government tends to respond when there is an outcry or when the issue is brought into the

public eye. In the case of Katakwi, for example, there was no government intervention until the problem was exposed in the media prompting government to do something.

Recommendations

- (1) Government should draw up a clear policy and programme for disaster management including emergencies which can deal with situations like that of IDPs
- (2) Government should plan and budget for the resettlement of IDPs and provide them with security. Long-term life in crowded camps disrupts the socio-economic lives of the IDPs making it difficult, if not impossible, for them to support themselves, maintain morals, and discipline and properly raise their children.
- (3) Where IDPs must live in camps, security and social services should be adequately provided.

The State of the Vulnerable Groups in the Society

Introduction

4.01 This chapter contains the Commission's assessment of the situation of rights of the vulnerable groups; namely refugees, women, children and persons with disabilities.

The state of refugees in Uganda

4.02 Uganda has for a long time hosted refugees from neighbouring countries. At the time of writing this report, the refugee population in Uganda was estimated to be about 225,000. About 90 per cent of these are Sudanese who have been settled in Northern Uganda. The country also has a considerable number of refugees from the Democratic Republic of Congo. Smaller numbers of refugees are from Somalia, Kenya, Ethiopia and Rwanda (see Table 4.1).

Table 4.1: Population and placement of refugees in Uganda as of 31 March 2001

District	Refugee population	Refugee nationalities
Adjumani	73,887	Sudan
Arua	52,658	Sudan, DRC, Burundi
Hoima	6,970	DRC, Sudan, Kenya, Burundi
Kabarole	3,027	DRC
Kitgum	26,121	Sudan
Mbarara	19,056	Rwanda, DRC and others
Masindi	11,804	Sudan
Moyo	31,317	Sudan
Urban Areas	202	Mixed

Source: UNOCHA, *Humanitarian Update, Uganda - March 2001*

4.03 Under the current law and arrangement, the Government of Uganda is the ultimate authority responsible for all refugees in the country. This responsibility covers verification, registration and settlement. Refugee management procedures are in accordance with the Control of Alien Refugees Act 1964 (CAP 64). This law is outdated and falls short of the requirements of international law on refugees. It does not provide a proper legal framework for dealing with the problems encountered by refugees in Uganda.

4.04 The Control of Alien Refugees Act (Act 1960 Cap 64) was enacted by the Government of the time in response to the mass influx of refugees from Sudan, Congo and Rwanda. It did not take into account the demands of the International Human Rights Instruments which stipulate the standard minimum requirements for the treatment of refugees. The main concern at the time was security and so the Act was to control the large number of foreigners who, it was feared, could threaten the stability and development of Uganda. The Act deliberately did not define who a refugee is. It was left to the discretion of the government to determine who should be considered a refugee.

4.05 The present refugee law violates several aspects of human rights of refugees. For example, under the Act refugees must be confined to camps and settlements. Under the law no refugee may move out of the camps and settlements without permission. Anybody who keeps a refugee outside the settlements commits an offence. Thus, the refugee's right to liberty and freedom of movement is taken away by the Act. The director of a settlement has powers to detain a refugee for a disciplinary offence. These examples show how the present law erodes the rights of refugees under international law.

4.06 Refugees in Uganda have several complaints some of which arise from implementation of the control of Alien Refugees Act. The following are some of the complaints which also largely reflects the way refugees in Uganda are treated:-

4.07 **Confinement in camps:** Close to 90 per cent of all the 225,000 refugees in

Uganda are confined to camps with limitations to their movements. This is contrary to international law which allows freedom of movement to all persons within the territory of a state. This right is also guaranteed under the Uganda Constitution.

4.08 **Difficulty in obtaining identity papers:** Refugees complain that it is difficult to get identity papers. The Sudanese refugees in northern Uganda, for example, have complained that, when they go to markets outside the camp, they are arrested by the police or other security organs because they are unable to identify themselves as refugees for lack of identity papers. They are mistaken for illegal aliens or even rebels. A refugee is entitled to identification papers under international law and its acquisition should not be made difficult once that individual is accepted as a refugee.

4.09 **Problem of travel permits:** Refugees are not allowed out of camps without permits and yet it is very difficult to get such permits. In order to enforce the confinement of refugees in camps, the authorities deliberately refuse to issue exit permits.

4.10 **Individual status determination:** This is very time consuming and frustrating for many individual asylum seekers. There are complaints that by asylum seekers are mistreated by the police who initially handle their applications. The police are accused of treating refugees as suspected criminals. The process is that the asylum seekers are interviewed by the police on a first come first serve basis and only a few are attended to per day. An asylum seeker can therefore spend months without an interview and welfare assistance, while waiting for processing by the police and the Refugee Eligibility Committee which in the year 2000 was sitting only once every two months. The process leaves the asylum seeker without protection and any support by way of accommodation, food and identity papers.

4.11 **Discrimination:** It came to the knowledge of the Commission that refugees are suffering some form of discrimination. For example, in camps some refugees are employed as teachers, medical workers, counsellors and in other capacities. They are, however, paid less than Ugandans

rendering the same services in the camps. They receive token pay of appreciation for the work done, not because they lack the basic qualifications but because they are refugees.

4.12 **Limited access to quality education:**

The problem of education for refugees in Uganda was stressed during a seminar organised by the Commission to discuss the status of human rights in the year 2000. Schools in refugee settlements are built and supported by donors. The provision of equipment and educational material therefore suffers when donor support diminishes or is withdrawn. The schools are reported to be poorly staffed and lack scholastic materials. Sudanese refugees have also complained that their children are denied access to government schools on the grounds that refugees do not pay taxes.

4.13 **Insecurity in some camps:** This was a complaint specifically raised by Sudanese refugees in northern Uganda. The camps have on occasions been attacked by the Lords Resistance Army and the remnants of the West Nile Bank Front. The Sudanese Peoples Liberation Army are also said to forcibly enter the camps to recruit refugees into rebel ranks. Safety in the camps is therefore one of the concerns who live in some of the camps.

4.14 **The problem of integration and self-reliance:** There is a strong view that although the programme for the integration and self-reliance of refugees is intended to reduce refugee dependence on relief by making them self-reliant, it was not well assessed before its implementation. Under the programme each refugee is given a hoe, some seeds, a panga and given a piece of land to till. Once the refugee starts growing food, relief food is phased out. But the programme does not take into account the quality of the land. It does not consider the ability of the refugee to till the land or whether the refugee has any agricultural background. Many fail to cope, escape to towns and reapply as fresh asylum seekers.

4.15 **The urban refugee:** Some refugees are permitted to live in urban centres on condition that they are able to look after themselves without support from the Government or the UNHCR. They

are free to look for jobs. Contrary to international law, however, the law in Uganda requires that such refugees should get a work permit before they are employed. These refugees find it cumbersome and expensive to obtain work permits.

Recommendations

- (1) Government should introduce in Parliament a bill for a new refugee law for debate and enactment. The new law should address the following:
- The definition of who a refugee is in conformity with international law.
 - Recognising fully the rights of refugees under international law.
 - The creation of a body and legal procedures for processing asylum seekers' applications including appeals by those whose applications may be rejected.

ASSESSMENT OF THE RIGHTS OF WOMEN

4.16 In the Commission's assessment, based on monitoring and discussion with some NGOs, the positive legal framework has continued to concretise the status of women in Uganda. To a greater extent women in Uganda are increasingly being recognised as partners in development and actors in the socio-political life of the country. Women continued to access positions of public responsibilities originally the preserve of men. This was greatly helped by the policy of deliberate inclusion of women in decision making positions. Table 4.2 shows the positions held by women in the political leadership or decision making positions. These are high political or administrative positions.

Table 4.2: Ratio of women to men in political leadership and decision-making positions in 2000

Portfolio	Number of women	Number of men	Percentage of women
President	0	1	0
Vice President	1	0	100
Prime Minister	0	1	0
Deputy Prime Minister	0	3	0
Cabinet Ministers	5	19	21.7
Ministers of State	11	24	31.4
Members of Parliament	51	226	18.4
Leadership of Parliament Committees	4	7	36.3
Resident District Commissioners	10	35	22.2
District Chairpersons	0	45	0
Head of Public Service	1	0	100
Permanent Secretaries	7	25	21.9
Chief Administrative Officers	6	39	13.3
Head of Diplomatic Missions	2	24	7.7
Constitutional Commissions	14	26	35
Judges	16	52	23.5

Note: At the time of writing this report Parliamentary elections of June 26, 2001 had brought in 75 women representatives in Parliament making an increase of about 6 % from the previous Parliament. Out of 75, one is ex-officio, 56 represent districts, 13 directly elected, two represent PWDs, two represent the youth and one represents workers.

4.17 **The political status of women:** The status of women in the political field continued to improve. At the level of decision-making, however, it was still obvious that in spite of the numerical representation of women in local Governments and at the national level, women still remained very few in the decision-making positions. According to the Ministry of Gender, Labour and Social Development, there are 17,000 strategic decision-making positions in Uganda. Out of these only 39 per cent were occupied by women by the end of 1999. However, this is a remarkable progress given the fact that women still lag behind men in education and training.

4.18 Some factors worth noting: The fact that less women than men participate in the decision-making process may be attributed to traditional male dominance in the Ugandan society; it is also worth noting that though women

constitute a large percentage of voters, they tended to vote for men instead of women.

4.19 **Economic status:** Although micro-economic institutions have begun programmes to enhance the status of women, the majority of women continued in their traditional role of tilling the land. Soft loans and credit facilities were extended to some women. It should be noted however that:

- Women still formed the majority of the poor in Uganda.
- Despite the fact that the majority of women in Uganda work on the land, very few of them own or control the use of land.
- The majority of women in Uganda continued to work on land and at home without the value of their labour being valued and recognised. In Uganda, important domestic labour is

still considered routine work for women and not valued in terms of money. This contributes to the poverty that continue to afflict the majority of women.

- 4.20 **Social status of women:** The social status of women though improving remained low compared to that of men. Societal attitudes, cultural practices and discrimination continued to affect the social status of women, the majority of whom remained dominated by men. Although some parents were still hindering girl education and many girls are married off early, education of the girl child has improved with the Universal Primary Education. Genital mutilation continued to be practised in Kapchorwa. Sexual harassment against women continued and there was increase in the number of defilement cases. The divide between the rural and the urban woman continued to be wide with the rural woman still suffering all the traditional disadvantages to which women are often subjected to. Policies aimed at tackling the plight of the rural woman remained weak and those policies were formulated without their active participation.

- 4.21 There are enormous challenges, which remain to be addressed in order to improve the status of women. The challenges can be confronted by:
- Placing more women in leadership roles and decision making positions relevant to the problems of women.
 - Continued concerted efforts in the sensitisation of women about their rights particularly in the rural areas.
 - Correct and implementable policies to improve the economic and social status of women.
 - Strengthening women's access to education and ensuring that they remain in school till higher levels of education.
 - Concrete programmes for uplifting the social and economic status of rural women.
 - Continued affirmative action for women in the fields of education, political representation and employment.

Issues related to children

- 4.22 Uganda has very positive laws in favour of children. The Constitution, the Children's Statute and the Convention on the Rights of the Child are the basic legal framework in Uganda for the promotion and the protection of the

rights of children. The Ministry of Gender, Labour and Social Development, UNICEF and several non-governmental organisations have been active in putting up programmes to translate these positive laws into practice. Children, however, continued to be vulnerable to multiple types of abuse in the year 2000.

- 4.23 **Child abuse:** Child abuse cases by parents, relatives, or friends were regularly reported by the Uganda media during the year 2000. The abuses comprised torture and child abandonment by parents, abduction by rebels, child sacrifice and defilement. For example, a study of newspaper reports by the Commission covering a 6-month period showed that the Monitor, the New Vision and Bukedde newspapers reported 82 cases of various kinds of child abuse. The reports reflected inhuman and degrading treatment of children in the form of torture, denial of food, clothing and education.

- 4.24 **Child abuse by parents:** Newspaper reports in the year 2000 covered several cases of child torture by parents. One of the most revolting cases of the year was the case of twelve year old Enock Sebbanga who was starved to the bones by his parents and was lucky to be discovered and taken to hospital where he spent several weeks of treatment and rehabilitation. Most of the children who had been tortured suffered the "punishments" for petty mistakes such as taking food without the consent of the parents, stealing as little as Uganda shs. 200. Others were severely tortured for bedwetting or neglecting to do housework. For example, the Monitor of 29 August 2000 told the story of one Joyce Nakamya of Nakaloke, Mbale who scalded the private part of her 6 year old niece using a red hot knife as a punishment for bed wetting. In November 2000 one Kirunda chopped off three fingers of his son for stealing money. The reports show that many parents still apply primitive and inhuman methods to discipline children. In many Ugandan cultures, parents have absolute responsibility for the way their children are brought up. As "an absolute owner", the parent is free to discipline the child in any manner the parent considers appropriate. Such notions continue to perpetuate the abuse of children's rights.

4.25 Abductions and abuse of children by rebels: Abductions of children by rebels remained a matter of concern during the year 2000. Reports of such abductions were frequent in newspapers, and in reports filed by the army and local authorities. The Lords Resistance Army (LRA) was guilty of abductions in northern Uganda while the Allied Democratic Forces (ADF) were responsible for the abduction of children in south western Uganda. Between July and December 2000, for example, 36 children in Uganda were abducted by rebels who not only abused the children but forced them to join rebel ranks contrary to international law. The children were subjected to cruel and inhuman treatment which sometimes resulted in

death. For example, the New Vision of 3 October 2000 narrated a story by eleven year old Nelson Oloya who was rescued by the army from the LRA. He had been abducted together with 20 other children from Alokolum, Gulu District. Oloya told of how one of the child abductees, one Joyce Achan, was chopped into pieces because she was unable to continue with the long trek on foot. She was chopped to pieces by her fellow abductees on the orders of the rebels. Such abuse is not practised only by the LRA but also by the ADF. On 4 October 2000 the New Vision reported an account by a 12 year old girl who had escaped from the ADF. She told her horrific experience in the hands of the ADF. She was repeatedly raped by the rebels.

Table 4.3: Number of persons abducted from 1990 - 2001 by district

District	Adult	Children	Age not known	Total
Apac	2,034	193	14	2,241
Gulu	6,474	5,029	298	11,901
Lira	1,834	430	7	2,271
Kitgum/Pader	8,057	4,166	367	12,590
Bundibugyo	243	205	1	449
Kabarole	14	302	6	222
Kasese	355	785	25	1,165
Total	19,011	11,110	718	30,839

Northern Uganda: 9,818 children; South Western Uganda: 1,292

Source: UNICEF/ UNOCHA

4.26 **Defilement:** For the purposes of the defilement law in Uganda, a child is anybody below the age of 18 years. In the year 2000, like in the previous years, defilement remained an important form of abuse of children's rights. To compound the problem, some of the defilement crimes were reportedly committed by relatives of the children. Between July and December 2000, the New Vision, the Monitor and Bukedde newspapers reported 21 cases of defilement. In three of these cases, fathers were involved in defiling of their own daughters.

4.27 One pattern of defilement which emerged from the newspaper reports was old men defiling extremely young children. For example, there was a case of one old man arrested for defiling a one month old baby. There

was also a case of a 75 year old man who was accused of defiling a 6 year old girl.

4.28 Another pattern was school teachers defiling their students or marrying them, fully knowing that those students were below the age for consensual sex or marriage. This is despite clear regulations regarding the conduct of teachers. These regulations require strict enforcement to deter teachers from abusing the rights of children who are placed under their care by parents.

4.29 Defilement as a form of abuse against children continued to be a worrying problem especially in the countryside where NGO reports indicate that the law against defilement is not protecting the girl child particularly those not attending school. Early marriages are

still common and are condoned by parents. In cases of sex between consenting juveniles, parents whose daughters have been defiled have preferred a negotiated settlement in the form of payment, a practice which is supported by custom and culture.

4.30 *The defilement law itself raises some pertinent questions:* The law does not distinguish between consensual sex between two juveniles and non consensual sex between a child and an adult or a juvenile. The law does not protect the boy child from sexual abuse by women. Treating consensual sex between juveniles as defilement and subjecting juvenile sexual offenders to the same punishment as those who practice forced defilement have resulted in a large number of juvenile boys on remand on charges of defilement. Available statistics indicated that such boys constituted 50 per cent of the remand home population. For example, in the year 2000, of 137 juveniles detained in Naguru Remand Home on capital offences, the majority were on charges of defilement. The Commission's view is that there is a need to review the law on defilement so that defilement based on consensual sex between juveniles is treated and punished less severely than non-consensual defilement. Such defilement should not be a capital offence.

4.31 *The juvenile justice system:* During the year 2000 the juvenile justice system continued to be plagued with a lot of problems. The legal framework for the juvenile justice system in Uganda is the Children's Statute of 1996, which provides for the Family and Children's Courts and outlines procedures for dealing with juvenile offenders and juvenile criminal suspects. This Statute has substantially incorporated the standards contained in the UN Convention on the Rights of the Child and the OAU Charter on the Rights of the African Child.

4.32 The following are the institutions charged with the responsibility of administering the juvenile justice system in Uganda:

- Ministry of Gender, Labour and Social Development which is responsible for the policy issues and policy implementation.
- The police who handle juveniles

suspected of committing crimes.

- The Local Council Courts which, by law (the Children's Statute 1996), are authorised to handle all civil matters against children and other criminal matters namely affray, common assault, theft, criminal trespass and malicious damage against property. All these charges, if brought against a child, are supposed to originate in a local council of the area where the crime was committed.
- The Family and Children's Courts, which, according to the Children's Statute, must be present in each of the districts in the country.
- Juvenile and remand homes which are meant for the purpose of remanding juveniles pending trial.
- National rehabilitation centres which, according to the Children's Statute, are to be used for the detention of juvenile convicts.

4.33 According to available information, the institutions enumerated above faced several problems and weakness in upholding the juvenile justice system. The Ministry of Gender, Labour and Social Development continued to experience serious financial constraints and, therefore, could not adequately fund the departments dealing with the juvenile justice system - particularly the Probation and Welfare Department which is responsible for preparing reports on juveniles. These reports are crucial for the courts to reach appropriate decisions in cases involving juveniles. While in the year 2000 there were probation and welfare officers in 45 districts, these officers were more or less redundant because they lacked operational funds and transport. These constraints inevitably led to delays in the conclusion of cases against juveniles.

4.34 The local council courts are legally prescribed by the Children's Statute as the courts of first instance for all civil matters against children and certain designated criminal offences. These courts, however, are not as a matter of practice meeting this responsibility. In the countryside, juveniles have therefore found themselves before Grade II magistrates. Local council courts are not regular courts because they are not designed to be so. Consequently, these courts, which could expeditiously deal with juvenile offenders, are not being utilised.

4.35 **The Family and Children's Courts:**

According to the Children's Statute, each district is expected to have one Family and Children's Court. By the end of the year 2000 there was only one such court namely the Mwanga II Family and Children's Court based in Mengo, Kampala. Throughout the country Grade II courts are acting as such courts without proper training and sensitisation.

- 4.36 **Juvenile remand homes:** By law and according to international human rights standards, juveniles on remand pending trial must be detained in separate facilities from adults. This is not only to protect the children from abuse by adult criminals but also to shield them from possible bad influence from the adults. In spite of the law, facilities for the detention of juvenile criminal suspects remain inadequate. By the year 2000 only 3 remand homes in the country were open and receiving juvenile remands - these were Naguru in Kampala, Mbale in the district of

Mbale, and one in Fort Portal town in the south-west of the country. These few remand homes were not only in poor condition but they were holding more detainees than the planned accommodation capacity. For example, Naguru Remand Home with a capacity to admit and accommodate 60 juveniles was on average holding 140 inmates at any given time during the year 2000. Other regions have no remand homes and, accordingly, courts have had no choice but to remand children in adult prisons.

4.37 **Children's rehabilitation centres:**

Like remand homes, the Children's Statute requires that national rehabilitation centres for children should be established in the country. By the year 2000, only one such centre existed namely; Kampiringisa Boys Approved School which despite its name holds both boys and girls. All the other regions of Uganda have no children's rehabilitation centres. Children have therefore been placed in adult prisons (see Table 4.4).

Table 4.4: Sample statistics showing children in adult prisons

Name of institution	Gulu Prison	Arua Prison	Kasese Prison	Lira Prison	Iganga Prison	Total
Boys	63	18	47	30	10	168
Girls	2	0	1	2	0	5
Totals	65	18	48	32	10	173

Source: *Juvenile Justice in Uganda: A Situational Analysis Report September 2000*

4.38 **Some key problems with the juvenile justice system:**

A key problem affecting the juvenile justice system is non-compliance with the law due to a number of factors including financial constraints, manpower shortage, lack of physical facilities and ignorance on the part of those who are charged with the responsibility of handling juvenile criminal suspects or offenders. The following were evident problems arising out of non-compliance with the law:

- Although the law authorises the police to caution and release juvenile offenders upon arrest, this is hardly done in practice. Simple offences of theft or assault could easily be resolved by the police in accordance with the Children's Statute without recourse to court trials which often result in remands and imprisonment for the

children concerned.

- Children arrested by the police are by law to be interviewed in the presence of a parent or a guardian. However, the police are still subjecting children to interrogation contrary to the Children's Statute.
- Section 17 (1) (e) of the Children's Statute gives children the right to legal representation. But most children accused of committing crimes have no access to legal representation.
- By law, under section 90 (7) of the Children's Statute, a child must not be detained by the police for more than 24 hours. According to Mr Donald Rukare of the Legal Aid Clinic, Law Development Centre, in the year 2000, his research found that 80 per cent of the children held at Naguru Remand Home had been detained by the police for up to 2 weeks before being formally

charged in a court of law.

- Contrary to the law, court proceedings involving juveniles are not held in camera neither are they informal.

Recommendations

- (1) Government should train and sensitise Local Council courts on their responsibilities under the Children's Statute.
- (2) Government should prioritise and draw up programmes, for a phased implementation of the provisions of the Children's Statute.
- (3) Government should facilitate the probation and welfare officers whose responsibilities are very important in the juvenile justice system.
- (4) In light of the present difficulties in setting up Family and Children's Courts, the Judiciary should train Grade II magistrates to properly assume this role.
- (5) The police training department should sensitise heads of police stations on how to deal with children in accordance with the Children's Statute.
- (6) The defilement law should be amended by first reviewing the age of consent for sex and marriage downwards. Secondly, the offence of defilement should provide for different levels of punishments so that juveniles who engage in consensual sex are punished less than all other persons who commit forced defilement. Thirdly, the law on defilement should be amended to protect the boy child also from defilement by adults.

Persons with disability (PWDs)

- 4.39 The Commission conducted a public hearing on the rights of persons with disability. A hearing panel consisted of Commissioners Joel Aliro Omara, John Mary Waliggo and one member from the civil society, Mrs Gorreti Mayiga. There was also the advisory panel which consisted of a member of Parliament representing PWDs Hon. James Mwandha, an official from a National Union of Disabled Persons (NUDIPU), Mr Benon Ndaziboneye, and Ms Safia Nalule from the Disabled Women Network and Resource Organisation. A full report was being prepared at the time of writing this report. In this chapter a few of the general findings and the concerns of persons with disability are highlighted. The other group whose concerns need to be highlighted are the soldiers of the casualty unit in Mubende.

- 4.40 The public hearing panel received both oral and written testimony and written submissions from persons with disabilities, policy makers and leaders of certain institutions in the country. The panel also received oral and written submissions from some teachers and parents of children with disabilities. The information from these submissions gave a clear picture of the state of the conditions and rights of persons with disabilities in the country.



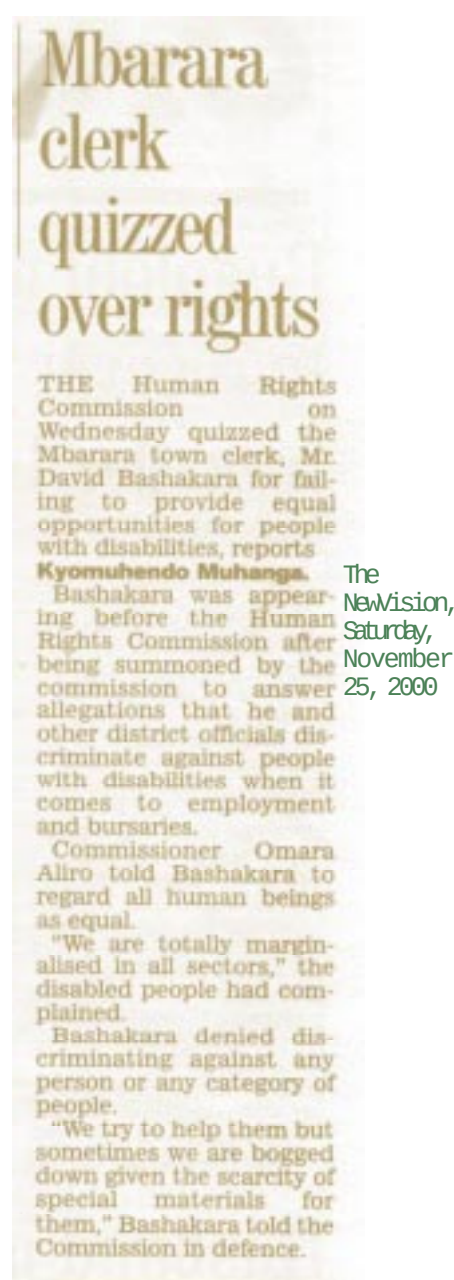
Commissioner Waliggo and some child with disability in St. Helen Nyamitanga, Mbarara, Councilor for disability explains to the commissioners

- 4.41 The public hearing was conducted at five regional centres in the country. These centres were: Kampala, Mbale, Fort Portal, Mbarara and Lira. Visits to different institutions that deal with different types of disabilities were also made. Questionnaires were drawn and submitted to various government institutions with guidelines regarding the modalities of administering them.

Major complaints

- 4.42 During the public hearing several complaints were raised. Each category of disability had its own major complaints. The complaints centred on education, transport, taxation and other economic benefits, communication, housing, health and rehabilitation, the administration of justice and poverty. In general, the witnesses called upon government and other local authorities to take PWDs into consideration in making and implementing policies. They, for example, pointed out that the needs of persons with hearing disabilities are not often recognised and as a result those persons are usually vulnerable and susceptible to car accidents. Therefore the deaf asked for a sign that would also identify them as deaf people in public. The Commission also was told of the need to have parking places reserved for persons with disabilities. Again the churches and other places of worship and public offices were also urged to

employ persons who communicate in sign language. The Commission's inquiry from the public officials revealed that most of the organisations and institutions had never considered the importance and needs of persons with disability. It became clear to the Commission further that some of the needs of the PwDs require an extra sensitivity rather than extra public spending on the part of the policy makers and planners. It was found out, for example, that reserving a parking space or seat in a bus for the PwDs requires no extra coin. The same applies to constructing ramps in schools and other public places during the construction or rehabilitation process.



Children with disabilities (CwDs) in schools

4.43 The panel was interested in children with disabilities. The panel found out

that the government had taken some steps to cater for these children under the Universal Primary Education (UPE) programme. According to the Ministry of Education, under UPE, government caters for about 150,559 children with disabilities. Among these children 82,359 are males and 68,022 are females.

Table 4.3: Number of CwDs under UPE

Category	Male	Female	Total
Hearing impairment	22,462	18,480	40,942
Visual impairment	13,279	15,389	28,668
Mental retardation	24,320	18,005	42,325
Physical (Motor Disability)	22,476	16,148	34,624
Total	82,476	68,022	150,55

Source: Ministry of Education, (statistics for 1999)

Major complaints of CwDs

- 4.44 During public hearing, most complaints of CwDs were submitted either by the children themselves or their teachers and parents. While, for example, most parents and teachers hailed the UPE policy as very good for all the children including CwDs, they pointed out the problems associated with UPE for CwDs that the government has not been able to handle. Witnesses pointed out the problem of toilets in schools, which were not only extremely filthy but also unfriendly to CwDs. In Mbarara, for example, a story was told of a physically disabled school girl who crawled through a filthy toilet. The girl felt so embarrassed that she left the school never to come back. The Commission established further that specialised equipment for children with visual disabilities such as Braille, Braille papers and Braille textbooks; assessment tools, instructional/ educational materials and teachers were also inadequate in schools.
- 4.45 In Lira, the Director of Educational Assessment and Resource Services (EARS), Mr Odongo told the Commission that "in Lira, there are very few specially trained teachers. Four teachers are trained to teach children with hearing impairments; four trained in handling children with mental retardation, six for visual impairment".

According to Mr Odongo, there were only 8 students at the Uganda National Institute for Special Education (UNISE) undertaking various disability training courses for the whole district. At times, the EARS office in Lira had only one staff member. There were fears that there would be no substantive EARS Director for three years since Mr Odongo, the Director, was on study leave at UNISE.

Uneven distribution of primary schools for CWDs

- 4.46 Schools for PWDs are not only few but are unevenly distributed in the whole country. From the inquiry it was clear that most policy makers in communication, transport, housing and the administration of justice had not put into consideration the rights of PWDs. According to the Ministry of Education, out of 45 districts, 32 had no special schools. Districts without such schools included Kamuli, Kapchorwa, Kaseses, Kibale, Kiboga, Kisoro, Kotido, Kumi, Jinja, Luwero, Masaka, Rukungiri, Rakai, Pallisa, Ntungamo, Nebbi, Mukono, Mubende, Tororo, Adjumani, Katakwi, Nakasongola, and Sembabule. It was also found out that Lira district had only two special schools. Mpigi with 12 special schools was relatively well off. According to Mr John Nyandera, councillor for disability in Kabalere district, Canon Apollo Annex School, the only school for the blind in Fort Portal, "was about to fall". The Commission was also told that most annex schools had no ramps and no convenient toilet facilities for children with disabilities.

Disadvantages encountered by deaf students

- 4.47 During the hearing it was found out that the deaf have bigger problems in schools. There was a general negative attitude, including that of teachers, about the learning abilities of deaf students. These students are considered to be "incapable learners". Mr James Nyakahuma, the headmaster of Canon Apollo Demonstration School in Fort Portal believed that "a deaf person cannot learn as fast as a blind person". However, others believe that the deaf students have as much learning capacity as the blind if well instructed. Mr Francis Oranit of the National Association for the Deaf (UNAD), himself deaf, who had had his advanced Education in Kenya and Denmark, was confident

about the learning abilities of the deaf. He contended "we can learn very well through our own schools with qualified teachers in sign language". According to him, the problem is not with the students but with the teachers and the schools. He pointed out, for example, that there was no secondary school for the deaf in Uganda. Most of the deaf students who have received secondary education had to go to Kenya. Secondary education for the deaf, therefore, is not only expensive for an ordinary parent but is even more expensive for those responsible for secondary education in Uganda.

The Policy of integration

- 4.48 The government is pursuing a policy of integration (at times called "inclusive education") for the CWDs in the mainstream schools. Special schools are increasingly being discouraged. The government sees advantages to this policy in terms of its cost to the parents and in promoting attitudinal change in the society. It is considered cheaper for the parents and children can easily interact with their counterparts without creating segregation and isolation.
- 4.49 The policy is also in conformity with Rule 6 of the UN Rules on the Equalisation of Opportunities for PWDs. The Rule requires Uganda to "reorganise the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings." It also requires Uganda to ensure that "the education of persons with disabilities is an integral part of the educational system". It was however, clear to the Commission that certain forms of disabilities require special education settings.
- 4.50 However, by December 2000, according to Omagor Lokan Martin, Commissioner for Special Education in the Ministry of Education and Sports, there was no policy guideline relating to the education of children with disabilities.

Women with disability (WWD) in hospitals

- 4.51 Women with disability face double vulnerability, first as women and second as women with disability. The major complaints of WWDs centred on health services. They complained that in hospitals the facilities are not friendly to

Rights commission to listen to disabled

FRANCIS EMORUT

By Charles Ariko

THE Uganda Human Rights Commission (UHRC) is to start national public hearings on the rights of the disabled.

Alro Omara, the chairperson of the hearing panel and a commissioner at the UHRC, yesterday said hearings in Kampala start tomorrow at Fairway Hotel.

Omara said the hearings are aimed at raising public awareness about disability rights.

"Whereas there are disability rights spelt out in the Constitution and other laws, the public may not be aware of them and therefore may not respect and promote them," Omara said.

"The number of persons with disabilities in Uganda is between 7-10% of the population.

"This is an important section of our society which unfortunately is very vulnerable," Omara said.

In the eastern region,



RESPECT: (L-R) Maria Mayiga, Ndazibanye, Omara and Nalule addressing the press.

the hearings are to be held in Mbale from October 31 to November 2 while in the west, hearings will be held in Mbarara from November 20-22. Hearings for the northern region are yet to be confirmed following

the Ebola outbreak.

The hearings are to be overseen by an advisory panel: MP for disabilities (Eastern) James Mwandha and Hajat Sophia Nalule, KCC LC5 councillor for the disabled, are on the panel.

Others are Benon Ndazibanye, a programme officer with the National Union of Disabled Persons in Uganda and Francis Oranit, chief executive of the Association for the Deaf.

The New Vision, Tuesday, October, 2000

the WWDs needs. Women with audio/speech disabilities complained about lack of sign language in hospitals. They told the hearing panel that when they visit hospitals they are usually abused and ridiculed by the medical staff, especially the nurses for failing to do what a normal person would do. Ms Kirabo Maclean from Kibingo in Isingiro, Mbarara district, told the hearing panel that "climbing the beds in the labour wards during labour is a problem to WWDs". Betty Nakagwa of Kampala was bitter with nurses; complaining that they "in hospitals, they ask embarrassing questions when you are struggling to climb the beds like 'Why did you (the disabled) get pregnant?' and 'how did you climb the other one where you were impregnated'? Ms Agnes Nkizamagara (40) of Isingiro, Mbarara confessed that she "could not manage to climb the maternity beds in the hospital during periods of pregnancy". There is a general view that in hospitals, nurses

always confront WWDs with hostility rather than hospitality.

- 4.52 When the Commission visited one of the hospitals in Mbale, it found out that there were no adjustable beds and that this was the case in most hospitals in Uganda. The medical staff explained that the very high maternity beds are for the comfort and convenience of the doctors and nurses who facilitate deliveries. They said that it would be strenuous for doctors and nurses to bend so much. While this is understandable, it was surprising that hospital administrations had never thought of having adjustable beds to accommodate the WWDs as well as to enhance the comfort of the nurses and doctors to facilitate deliveries. The problem has more to do with the insensitivity of the hospital administration rather than with the resources.

Soldiers with disability (SWDs)

4.53 The UPDF had a big number of soldiers with disabilities. Most of the soldiers with disability are in Mubende Rehabilitation Centre. On 6 December 2000 when the Commission visited, there were over 2,000 soldiers with various disabilities. Capt. Topher Tugainyo, the officer-in-charge, who briefed the Commission's hearing panel, told the Commission on 5 December 2000 that the centre had received an additional 47 soldiers with disabilities from different army units, making a total of 2,072. The Commission was informed that since these soldiers come with their families, there were more than 20,000 women and children in Mubende Rehabilitation Centre. The wives of soldiers with disability have now formed an NGO called "Children and Women of the Disabled Soldiers Association (CAWADISA)".

4.54 The cases at the centre ranged from orthopaedic /mobility, to visual and mental disability. There was evidence that the army was doing a lot to rehabilitate the soldiers with disability in Mubende. The Commission was told that those who could partially hear were provided with hearing aids, the totally deaf were occupied in crafts, wheel chairs were being provided by government. In other instances, those who qualify for retirement are resettled in accordance with the Army Statute. The Commission was told that there was no discrimination against those who get disabled in the army and that no soldier has been retired just because he has been disabled. The Commission was also informed that primary schools were built for the children of these soldiers in a place called Madudu where about 1,851 children were studying in primary school and 450 were in secondary school.

4.55 The major problems of soldiers with disability related to accommodation, insufficient medical drugs, insufficient workshop materials and lack of personnel and proper sanitation. A more policy related problem that affected the welfare of the soldiers with disability was lack of compensation for a disability they incur while on duty. Disability to most of the soldiers was a result of occupational hazards in the course of their duty. Most of the soldiers in the unit were war casualties. The soldiers told the Commission that

they hoped Parliament would make a law in line with article 210 of the Constitution to grant benefits to the disabled soldiers. Article 210 requires that Parliament makes laws regulating the Uganda People's Defence Forces and among other things provide for recruitment, appointment, promotion, discipline and removal of the members of the UPDF and spelling out the terms and conditions of service. The Commission was informed that there was congestion in the centre since there were now over 20,000 people in a place that was originally supposed to accommodate not more than 2,000 people when Mubende Rehabilitation Centre started in 1981. Originally, it was supposed to be a sick bay, and then it became a reception centre in 1987 and then became a Mubende causality unit. In 1998 it became Mubende Rehabilitation Centre. The centre was supposed to accommodate a battalion of 1,000 people but it now has far more residents.

Recommendations

- (1) There is need to make the law on disability in accordance with article 35 of the Constitution. This law should among other things provide for compulsory provision of all the needs of PWDs in housing, employment, communication, social security, health, transport, education and all other social political and economic fields.
- (2) Furthermore, the government should seriously consider setting up some kind of a compensatory or social security system for workers in general and soldiers in particular who get disabled while on duty.

4.56 The soldiers were not content with the idea of being kept at a rehabilitation centre like Mubende. Many were of the view that the injured soldiers should be retired from the army with suitable benefits to enable them settle home and begin fresh lives.

CHAPTER 5

Electoral Democracy

Introduction

5.01 Any good governance must begin with establishing electoral democracy which ensures, to a certain degree, that those elected to represent the people have a clear mandate and recognise people's sovereignty and the supremacy of the national Constitution. Good governance as can be discerned from its elements is a human right because its enjoyment translates into the enjoyment of human rights. This chapter examines electoral democracy in Uganda as practised in the year 2000 and part of 2001 namely the referendum, as well as the presidential and parliamentary elections of 2001.

Historical note

5.02: In order to recognise the importance of steps taken since the new Constitution was promulgated on 8 October, 1995 to establish electoral democracy it is necessary to recall a few historical facts. Since the pre-independence elections of 1962, Ugandan citizens never had another general elections until 10 December 1980. Between 1986 and 1993, the only elections held were for

the Resistance Councils (RCs) and Committees from RC1 and 5 and indirect elections of additional members (one per county and a woman representative from each district) of the National Resistance Council in early 1989. It is well remembered that in all these RC elections voting was through lining behind the candidate or representative of one's choice and apart from the RC1 elections, all the rest were by electoral colleges and not by direct voting. Despite these limitations, many citizens supported these elections because of their clear transparency and absence of systematic vote rigging.

5.03 During the collection of views for the 1995 Constitution, the majority of those who submitted views to the UCC recommended the continuation of the queuing method in Uganda to avoid the rigging of elections. Despite this majority view, the Odoki Commission explained why it recommended that voting in all future elections should be by secret ballot. The CA delegates endorsed this recommendation and it became part of the Constitution.

However, the elections, of interest groups were left in the power of Parliament to decide. Thus, the elections for the district women representatives, as those of the army, youth, workers and persons with disabilities in Parliament, have continued to be done by special electoral colleges.

- 5.04 In 1993, the NRC resolved that with the exception of special interest groups, CA delegates should be directly elected. It also empowered the Constituent Assembly Commission headed by Mr Stephen Akabwai to independently organise those direct elections as well as the electoral college elections for representatives of interest groups. In order to ensure that the elections would not be rigged, the NRC laid down the rules for the organisation of the CA elections. These included the use of only one ballot box; voting in the open in view of everyone; the counting of all votes at each polling station immediately after the polls had closed; the open counting declaration of results at each station in the presence of representatives of competing candidates, the voters, local and international observers and the signing of the results declaration forms by the candidates agents to certify the results at each polling station. This then is the historical background of the growth of electoral democracy in Uganda in the recent years.

The essential components of electoral democracy

- 5.05 These include at least twelve elements:
- Clear constitutional provisions on elections of all types;
 - Laws and regulations made by Parliament in conformity with the Constitution giving clear directives on how each type of election should be carried out;
 - The establishment and existence of an independent, impartial and autonomous Electoral Commission or body to organise and supervise all elections;
 - The legal requirements for regular elections in accordance with the law.
 - The conduct of free and fair elections;
 - The legal requirement for one person, one vote of an equal value;
 - The provision of an impartial civic education, technical voter education and technical monitoring education;
 - The presence of well motivated citizens able to understand and appreciate their civic duty to register for elections and

their right to vote in any elections;

- The commitment of all adult citizens to obey and observe the laws and regulations on registering and voting;
- The outlawing of corruption, bribery, intimidation and unfair practices that affect the fairness and freedom of the elections;
- The rejection by both the competing candidates and potential voters of any type of corruption, bribery or intimidation in the electoral process;
- Commitment by Government, competing candidates and voters to protect and promote an environment of peace and rule of law, harmony and civility during the entire electoral exercise.

Elections since 1996

- 5.06 The Uganda Human Rights Commission, established in November 1996, can only officially comment on electoral democracy from that date. The Commission has witnessed by-elections since November 1996, elections of interest groups which joined Parliament at a later date; the 'local councils' elections of 1998; the referendum of July 2000 and the presidential and parliamentary elections of 2001.

The Commission's observations from a human rights perspective

- 5.07 **Regularity of elections:** The Uganda Human Rights Commission has noted with satisfaction the holding of regular elections organised by the Electoral Commission from the by-elections after November 1996, the election of the local councils in 1998, the Referendum of June 2000 and the presidential and parliamentary elections of 2001. Apart from the local governments elections, all others have been conducted on schedule as stipulated by the Constitution.
- 5.08 **Civic education:** On the provision of impartial civic education, technical voter and monitoring education, the Commission has noted several weaknesses. The distinction between these three types of civic education, the aims and extent of each and the proper execution of each type of education have not been fully explained to the voters. The Electoral Commission has mainly relied on civil society organisations and NGOs to provide this education without ensuring that these organisations have the professionalism and competence to do so. Instead of

being continuous, civic education has been conducted for a few weeks or months before major general elections. The results have been: many wasted votes; ignorance of the major issues before any elections; inability by citizens to effectively deal with corruption and open bribery of voters during the electoral exercise.

5.09 The Commission has observed legal incapacitation of the Electoral Commission to directly deal with those who go against electoral laws and rules; the inability of the Electoral Commission to adequately train the police to effectively perform their duties during elections. It has observed the use of the army in certain instances to play the role of the police during elections and the non-facilitation of the police to police elections.

5.10 From the study of the elections reports, both by the Electoral Commission, foreign observers and the umbrella organisation for civic education and monitoring for the presidential and parliamentary elections of 1996, the following conclusions emerge: Voters were enthusiastic to participate in the first direct elections of the President in May 1996. For the elections of members of Parliament, many registered voters did not bother to vote. Though highly competitive, both the presidential and parliamentary elections of 1996 did not witness many acts of hooliganism, violence, killings, nor indiscriminate involvement of the army to keep peace and security.

5.11 For the referendum voting in July 2000 to chose a political system for Uganda, the Commission's observations were as follows: The serious debate on the two political systems, namely the movement and multiparty systems, did not go far enough into the districts and to lower levels of local government. The debate was mostly in and around Kampala and the major towns. It was vocal in the media but rather weak in other fora. The debate mainly centred on whether the freedom of association and assembly was absolute or not; whether the majority voters have the constitutional powers to deny the minority voters the freedom to politically associate and assemble. Then the discussion diverted to the issue of whether multipartyists should boycott the elections or not. At the end, a serious division among the

multipartyists occurred between those who stood for the boycott of the referendum and those who participated in support of the multiparty political system and voting in the referendum. Civic education on the issues involved in this debate was not adequately developed nor disseminated. The turn out for this referendum was low probably because of either poor civic education, or lack of interest or possible boycott by many people.

5.12 For the presidential elections 2001, contested at first by seven candidates out of the 20 presidential nominees, we observed the following: Too many nominees who were duly registered by the Electoral Commission caused some confusion in the minds of voters. When finally seven presidential candidates were officially nominated by the Electoral Commission, the stage was set for a very competitive campaign. With the pull out of the seventh candidate, six contestants remained in the field to the end of the election campaign. Gradually through the campaigns, two candidates stood out as the real competitors: the incumbent president and Rtd Col Dr Kiiza Besigye.

5.13 The electoral process for the March 2001 Presidential elections was affected by the late enactment of the laws that were necessary for the holding of that election. The laws were passed on 12 December, 2000 for an election which was held in March. Consequently for example, the Presidential candidates had only three weeks to obtain the thousands of signatures required for their nominations. This also contributed to the limited period of campaigns for the candidates.

5.14 The Presidential election campaigns generated many complaints. Of particular significance was allegations that there were vote rigging particularly in the district of Rukungiri where also there were complaints of use of violence as a method of campaign. A number of deaths were also reported arising out of violent campaigns. The result of the Presidential election was eventually challenged in the courts which ruled that whatever irregularities during the elections, they were not sufficient to nullify the results of the elections. International observers too had, after

the elections noted some faults with the Presidential elections but were of the opinion that the elections generally reflected the will of the Ugandan people.

- 5.15 The parliamentary elections, were more violent in several areas; several deaths were reported by the press. The use of guns by some candidates to intimidate their rivals was also reported. Several arrests occurred of candidates together with their supporters; and numerous legal actions challenging the results were submitted to the courts of law.

Reflections and recommendations

- 5.16 Human rights, being the basis of democratic governance, can never be divorced from the critical assessment of democracy in general and electoral democracy in particular. The following are the Commission's critical reflections on the process of electoral democracy in the past two years upon which recommendations for improvement are also made.

- 5.17 *The right to human rights education, civic education and constitutional education:* This right is a requirement under Article 4 of the Constitution and is emphasised in several other chapters where the Constitution mandates the Uganda Human Rights Commission, the Electoral Commission, the Judicial Service Commission, among others, to teach Ugandans about human rights, democracy and about the Constitution. The Universal Declaration of Human Rights (1948) in its preamble makes a similar request to Governments and the civil society to provide the above education. Several UNESCO conventions and declarations demand the same.

- 5.18 As observed above, civic education has not been adequately provided for many Ugandans before, during and after elections. Civic education has been entirely left in the hands of the civil society, most of whose members carry it out of goodwill but without the required technical and professional competence, skills and methodology to reach the remotest citizens in rural areas. The result of this inadequacy can clearly be seen in the election fatigue, expressed in constant complaints that there are already too many elections, preceded by too many registrations and re-registrations, the ascertaining of

accurate entries into the registers; and in low turn up for elections, particularly for local elections and by-elections.

Recommendations

- (1) Government should invest more funds in civic education to improve the quality and quantity of voting and electoral democracy.
- (2) The Electoral Commission should devise ways of providing professional civic education to the voters.
- (3) All organisations involved in civic education should acquire the necessary knowledge and skills to empower people more in electoral politics.
- (4) Civic education should be a continuous exercise. It must be made a systematic and protracted programme clarifying major issues in the country and debating contentious and controversial issues in search of a consensus.

- 5.19 *The right to peace and security of every person:* This right must be protected and promoted always including during the time of elections. The Constitution is clear on the roles of each security agency in this matter. The deployment of security agencies other than the police in certain parts of the country during the 2001 elections created unnecessary tensions which led to some riots and acts of hooliganism in which some people were hurt and at least one person killed. It also led to some doubts about the fairness of elections in those areas. Security at polling stations, during the campaigns and the enforcement of law and order related to the conduct of elections should be the responsibility of the civil police unless there are exceptional circumstances beyond its means.

Recommendations

- (1) Budgets made for elections and civic education should include funds for training the police on their role during campaigns and for the actual monitoring and enforcing of electoral laws, and law and order. Members of the police absolutely need to know the constitutional provisions on every elections, the specific laws and regulations on each election and should have at hand a copy of these legal instruments which they must use in enforcing them and arresting those who contravene them. When the Uganda Human Rights Commission

organised a workshop for police officers at Soroti in April 2001 to train them in their constitutional and legal requirements, it was found that the Police were not well informed about the electoral laws and did not have copies of all the necessary legal documents on elections. Unless the police are fully equipped and empowered to exercise their control and supervision on the rule of law, instances of violations of human rights and violation of the established electoral rules and regulations will continue to be committed with impunity.

- (2) The view of the Commission is that only the police should be involved in direct enforcement of peace and security, observance of the electoral laws, rules and regulations and not any other security agency. This would be in keeping with the constitutional mandate of the police.
- (3) During elections, local leaders and communities should be most alert and active in protecting peace and security and should firmly use all legal means to oppose corruption and bribery in campaigns and elections.

5.20: *The gross monetisation of elections:* If all presidential and parliamentary candidates were to be honest, they would admit that the use of money played a central role in the 2001 elections. The violation of electoral laws against corruption, abuse of office and outright bribery was common in the elections. The person with more money and who manages to buy more voters through bribery has a better chance to be elected, operating on this unethical assumption, that all competing candidates have resorted to money as the winning device. The voters seem only too happy to perceive every election as yet another chance for 'more eating'. This undesirable situation has led to many unfortunate consequences. By the time one is elected to Parliament or local government, he/she is fully impoverished. His or her new political status now becomes the source for economic recovery to pay the debts of elections and have a new economic start in life. This becomes another cause of corruption and abuse of office.

Recommendations

- (1) The Electoral Commission, as the overall body in-charge of election processes, should be legally empowered to enforce laws and rules and regulations, including the powers to order arrest and prosecution, through the police, of those who violate election laws and regulations.
- (2) Massive civic education should be undertaken to put an end to these illegal actions marring our elections and which seem to increase with each new election.
- (3) Leaders and responsible citizens should understand that the selling of votes or the buying of votes greatly undermines the democratic governance based on one person, one vote cast voluntarily and on each person's free choice.
- (4) The Electoral Commission should devise a system of monitoring candidates' expenditure during elections. The maximum amount to be spent by a candidate in an election should be fixed by law.

5.21 *A more efficient and permanent system of the registration of voters:*

For the election of CA delegates in March 1994, every registered voter was issued with a voter's card which was expected to be used for at least 10 elections. It was understood that for the following ten years or more, a registered voter would simply present that card at every election until the card expired after which a new registration card would be issued. This is the case with passports, driving licenses and so on. To the surprise of many voters, the Electoral Commission has been demanding new registration, and giving out new cards at every election time. This exercise, besides being very costly, has also been most inconvenient to many voters. It has consequently led to the so-called election-fatigue and the decreasing numbers of people who turn up both to register and to vote.

Recommendations

- (1) The Electoral Commission should maintain a permanent voters roll which should only be updated to include new voters and to delete the names of voters who have since died, changed place of abode and wish to change their voting station.
- (2) The registration and update of the voters roll should be a continuous process and should not only be carried out just before the elections.

- 5.22 **Free and fair elections:** Whereas most Ugandans will agree that since the promulgation of the Constitution in October 1995, elections mandated by that Constitution have been regularly held; many Ugandans disagree on whether those elections have been entirely free and fair on all occasions and in all parts of the country. The reports of the Electoral Commission, foreign observers and internal monitors have tended to avoid giving an absolute response to this issue. The reports are often cautious with statements like 'given the prevailing circumstances, and despite irregularities here and there, we are of the view that the elections generally reflected the will of the people'. It is true no national exercise of such magnitude can be perfect in all ways and in all parts of the country. This, however, should never deter us from seriously defining what free and fair elections practically mean and involve. An electoral process that leaves doubt about its fairness is dangerous and can be a prescription for opportunists to cause political chaos.

Recommendations

- (1) The law should define what constitutes free and fair elections and outline all the requirements for a free and fair election making it easy for people and the courts to make a judgement about the election results.
- (2) Civic education should emphasise the importance of free and fair elections to peace and stability and call upon voters to realise this need and to participate in ensuring that elections are free and fair.
- (3) Government functionaries and security forces should not be permitted to participate in partisan politics because it leads to bias thus affecting the fairness of elections.

- 5.23 **Ensuring independence of the security forces:** Open and partisan involvement of the security forces in elections affects the fairness of elections. When members of the forces vote the process should be truly secret. A system where members of the forces vote, separately in barracks can be abused. The security forces should vote together with civilians to avoid being ordered to vote in a particular way and to be accused of supporting or not supporting a particular candidate. The present arrangements where units of the army or the police vote in their units or barracks leaves it open to

determine which candidate they voted for or did not vote for.

- 5.24 **Improvement of the electoral democracy:** There is clearly a need for improvement to eliminate election fatigue, several and separate elections of various categories of interest groups and to achieve more consensus on the academic qualification of candidates and keeping the numbers of elected representatives to a level that Government can fully finance.

Recommendations

- (1) The current Constitutional Review Commission should consult on this aspect, particularly the mode of electing various interest groups and the possibility of holding several elections on the same day. This will save funds and eliminate election fatigue.
- (2) The multiplicity of voting and contesting elections by the same person may also need to be strictly considered. One example may illustrate this point. In case there is a young woman UPDF officer with disability who has inspiring qualities of leadership, she may vote and also stand for election in the following capacities: for the constituency MP, for the district woman MP, for the youth regional MP, for the MP representing persons with disabilities, for the UPDF MP representative, for local councils, women councils and district chairperson! This may be too much for one person.
- (3) The issue of academic qualifications is being seriously debated by some sections of society. We have moved a long way from the early 1990s when almost unanimously people, who gave views, wanted no less than a university degree for presidential and parliamentary candidates to some views to the effect that they are now requesting that there should be no academic requirements whatsoever! The view of the Commission is: if we want quality leadership and active and equal participation of the elected leaders in discussions for the good of the nation (in the absence of a national language), then we need some minimum qualifications which can either be academic or based on some form of common ability including ability to express oneself in an agreed language of government and Parliament.

- (4) Some youth leaders, basing themselves on the right to non-discrimination are demanding that a person of 18 years and above should be able to take leadership position at any level, including the presidency and the chairmanship of the district. The view of the Commission is that once the age approved under the Constitution applies equally to all people, such age cannot be seen as discriminatory. Our constitutional development should not marginalise old people to the extent that they also demand to become a special interest group.
- (5) The Electoral Commission should make arrangements where members do not have separate polling stations so that they vote together with the general public in order to avoid detection of how the forces voted.

5.25 **Timely laws and funding of election budgets:** The Electoral Commission attributes to most of the weaknesses still found in our electoral processes to two main reasons: delay by Parliament in passing the enabling laws on time and insufficient funds as well as delays in the release of funds for organising of elections. This indeed is what happened before the last elections. Laws for elections were passed very near to the elections and funds were either inadequate or not provided for some key programmes planned by the Electoral Commission.

Recommendations

- (1) Since all elections and their time-tables are included under the Constitution and other laws, Parliament should as a matter of priority pass the necessary laws on time to allow for the proper organisation of every election and to enable adequate arrangements to take place.

- (2) Although donor funding is still much needed in strengthening our representative democracy, Government should undertake the major burden of financing all aspects of the elections. Only this step will help to avoid what happened in the recent elections when donors restricted their funding to solely monitoring the elections. Civic education and voter education received no funds from them.

5.26 **Conclusion:** The electoral democratic process is positively growing in Uganda. It needs, however, some major improvements in order to become and be seen by all as truly free and fair. Once this happens, democracy, human rights and development will also improve. Dedicated service and leadership, rather than money or power, must become the centre of motivation for those aspiring to political leadership. A culture must be strongly built of accepting defeat honourably and celebrating victory magnanimously. The losers must learn to work in collaboration with the winners to achieve the common good of the nation and all its parts. The transfer of leadership positions should be smooth and done in a spirit of reconciliation and national unity, just as the Rotary and Lions Clubs democratically and peacefully transfer their leadership. Competitive politics during elections should not be interpreted as a question of either win and live or lose and die! It is simply a question of giving people a democratic chance to freely choose between the contending candidates, the person they prefer to be their representative. In all this, solid civic education can play a major part in creating the desired mentality and culture around political leadership and elections.

Rights at Work

6.01 The rights at work are broadly contained under Article 7 of the International Covenant on Economic Social and Cultural Rights (ICESCR) which Uganda ratified in 1987. The Article requires that all the countries like Uganda which are a party to ICESCR should recognise the right of every one to the enjoyment of just and favourable conditions of work. These conditions include fair wages and equal remuneration for work of equal value without distinction of any kind. It is specifically pointed out that women are guaranteed conditions of work that are not inferior to those enjoyed by men with equal pay for equal value. The covenant further requires that a minimum of a decent living for the workers and their families should be provided. Other favourable conditions necessary for a worker include safe and healthy working conditions, equal opportunity for everyone to be promoted in his/her employment to an appropriate higher level subject to no consideration other than those of seniority and competence.

6.02 The ICESCR also requires that state parties ensure that rest, leisure and reasonable limitation of working hours and periodic holidays on full remuneration are provided.

THE MINIMUM WAGE IN UGANDA

6.03 Since 1998, the Commission has every year been calling upon the government to set up a minimum wage that would take into account the need for workers to enjoy the right to basic standard of living. The plight of police officers and primary school teachers in the public service and house servants and casual workers in the private sector was always highlighted. In the public sector, though the 2001/2002 government budget increased the salaries of all the civil servants by 10 per cent.

6.04 In this report, the Commission continues to appeal to government to consider setting up a minimum wage below which no worker should be paid. Apart from ratifying the ICESCR in 1987 Uganda has also ratified the Minimum Wage-Fixing Machinery Convention of

1928 in 1963. Indeed, there is the Employment Decree of 1984 No. 38 which put the minimum wage at Ushs.6,000 (six thousand) for workers. The cost of living in the country has now rendered this figure useless and the law irrelevant.

6.05 According to the existing law the Ministry of Gender, Labour and Social Development is responsible for the establishment of the minimum wage. This has not been done. The arguments against the establishment of a minimum wage were mostly advancing an exploitative argument of pleasing foreign investment (capital) at the expense of labour. It is agreed that for purposes of Uganda's products' competitiveness in the international/ regional labour market can only succeed by keeping production costs as low as possible.

6.06 In the year 2000, the issue of fixing the minimum wage was raised at the beginning of presidential campaigns. The incumbent President promised to establish the minimum wage. The vulnerable groups welcomed the good news but by the time of writing this

report nothing had taken place. An official from the Ministry of Gender, Labour and Social Development, Mrs Namara, told the Commission that due to lack of up to date labour laws, the government does not know the percentage of people living below the minimum wage. She also explained that the Labour Law Review Board which addresses labour problems including minimum wage was still awaiting government approval at the time of writing this report. This means that planning for the disadvantaged workers hardly exists.

6.07 Trade unions which would have helped to negotiate and have issues of minimum wage addressed is also hindered by bad laws. Furthermore, according to Mr Lymol Otong Ongaba, the Secretary General of the National Organisation of Trade Unions (NOTU), the trade unions are being frustrated by government policy of wooing investors into the country at the expenses of protecting indigenous Ugandan workers. The government policy of privatisation and liberation has also left the issue of labour to the market without any government regulation.

Table 6.01: ILO Conventions ratified by Uganda

Convention	Ratification date
C5 Minimum Age (Industry) Convention, 1919	04-06-63
C11 Right of Association (Agriculture) Convention, 1921	04-06-63
C12 Workmen's Compensation (Agriculture) Convention, 1921	04-06-63
C17 Workmen's Compensation (Accidents) Convention, 1925	04-06-63
C19 Equality of Treatment (Accident Compensation) Convention, 1925	04-06-63
C26 Minimum Wage-Fixing Machinery Convention, 1928	04-06-63
C29 Forced Labour Convention, 1930	04-06-63
C45 Underground Work (Women) Convention, 1935	04-06-63
C50 Recruiting of Indigenous Workers Convention, 1936	04-06-63
C64 Contracts of Employment (Indigenous Workers) Convention, 1939	04-06-63
C65 Penal Sanctions (Indigenous Workers) Convention, 1939	04-06-63
C81 Labour Inspection Convention, 1947	04-06-63
C86 Contracts of Employment (Indigenous Workers) Convention, 1947	04-06-63
C94 Labour Clauses (Public Contracts) Convention, 1949	04-06-63
C95 Protection of Wages Convention, 1949	04-06-63
C98 Right to Organise and Collective Bargaining Convention, 1949	04-06-63
C105 Abolition of Forced Labour Convention, 1957	04-06-63

Table 6.01: Continued

Convention	Ratification date
C122 Employment Policy Convention, 1964	23-06-67
C123 Minimum Age (Underground Work) Convention, 1965	23-06-67
C124 Medical Examination of Young Persons (Underground Work) Convention, 1965	23-06-67
C 143 Migrant Workers (Supplementary Provisions) Convention, 1975	31-03-78
C154 Collective Bargaining Convention, 1981	27-03-90
C158 Termination of Employment Convention, 1982	18-07-90
C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	27-03-90
C162 Asbestos Convention, 1986	27-03-90
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	13-01-94
C182 Worst Forms of Child Labour Convention, 1999	24-06-2001

Disparities in remuneration for equal work

6.08 The ICESCR recognises the right to everyone to “fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men.” (Article 7(a) (1). This Article implies, among other things, that people doing the same work with the same qualifications and generating output of equal value should be entitled to equal pay. In general, there are no known or significant disparities in payment on the basis of sex in the country. Women and men at the same level of employment enjoy the same benefits regardless of sex.

6.09 Higher ranks in the private sector get more remuneration than their counterparts in the public sector. At

lower ranks the workers on the public sector get more remuneration than their counterparts in the private sector even when they do similar work or have same qualifications.

6.10 Mr Ongaba of NOTU told the Commission, however, that salary disparities occur in public and private sectors. The public sector offers higher salary of Ushs.70,000 for the lowest worker as compared to the private sector which offers only Ushs.11,000 per month for lowest worker. He further said that the reverse becomes true when it comes to remunerating the top managers in the private and public sectors. He told the Commission that the top managers in the private sector get more remuneration of about shs. 4.5 million compared to the public sector managers like the permanent secretaries who get Ushs.2.1 million.

The Monitor Wednesday, August 16, 2000

Ex-workers petition UHRC over non payment

By Our reporter

Former employees of NORAF Construction Company in Matugga, Kiseeme division, have filed a case in Uganda Human Rights Commission seeking payment of their wages.

NORAF deals in crush and sale of stones for construction. Two of the workers, Kamanyire Abdel and Katerega Fred who came to The Monitor offices last week said NORAF Construction company was taken over by Norwegian Agency for Development Cooperation (NORAD) last month without settlement of their 8-month

salary arrears since December 1999.

In a letter to the Uganda Human Rights Commission Aug. 1, 2000, the workers said they were last paid in November 1999 but continued working until July 20, 2000 when NORAF was put under receivership.

They appealed to UHRC to prevail on NORAD, the receivers of NORAF, to pay them their salaries.

The workers also said the money NORAF deducted from them for NSSF he refunded because they are not registered with the Fund.

“We workers of the above named company forward our complaints to your

commission. We were last paid our salaries/wages in November 1999. Since then we had been in full production up to July 20, 2000 when our services were terminated abruptly minus any pay,” the workers’ letter dated Aug 1, reads in part.

The total number of the workers and amount of their arrears were not readily established but Kamanyire and Katerega alone said they are demanding about Shs 2m in salaries and allowances.

On July 20, Mumtaz Kassam & Co. wrote to Matugga LC I office informing the chairman

that NORAD had appointed them as joint receivers and managers of NORAF Construction Co. properties and assets.

On July 28, 2000 Matugga Parish Local Council chairman wrote to NORAD’s appointed receivers and managers, Mumtaz Kassam & Co. to stop any activity on or shifting any machine from the company’s site until they report to Matugga LC II offices.

However one of the complainants Kamanyire said NORAD’s appointed agents have continued shifting the equipment without bother to pay them their wages and salaries.

- 6.11 The Commission was further told that in the private sector there are some cases of inequality at the places of work where managers at the same levels get different remunerations. Mr Ogaba cited a case of “Asian” employers who recruit their fellow “Asians” and remunerate them far higher than the indigenous Ugandan workers for the same work. He also quoted a case of foreign experts at the Kiira Dam where they were paying Ushs.250,000 to Ugandan surveyors compared to 12 million paid to their foreign counterparts. The Commission intends in the following year to investigate on its own such allegations.

THE RATIFICATION OF ILO CONVENTION ON EQUAL REMUNERATION AND DISCRIMINATION

- 6.12 While Uganda has ratified most instruments against discrimination and equal remuneration ICCPR, CEDAW, CERD and ICESCR, it has not yet ratified the ILO Convention 100, the Convention 111 on Equal Remuneration, 1951 (No.100) and the Discrimination (Employment and Occupation) Convention 1958 (No.111). In April 2000 at an international conference, ILO organised an East African sub-regional tripartite meeting on discrimination in the world of work. The meeting was intended to, among other things, drum support for the ratification of Convention 100 and Convention 111. The meeting was informed that by April 2000, 152 ILO member countries had ratified the Equal Remuneration Convention 100 of 1951 and the Discrimination in Employment Convention No.111 of 1958.
- 6.13 Convention 111 on Discrimination in Employment and Occupation lays down grounds for non-discrimination to include race/colour, national extraction, religion, social origin and other grounds like disability, health status (HIV/AIDS) age, trade unions affiliation, family responsibilities discrimination and language. It also fights sexual harassment at work.
- 6.14 Convention 100 on Equal Remuneration is not only about women and men getting equal pay for work of equal value but it also means, for example, equal distribution of men and women in lucrative sectors. Women

Like men also need to be in well paying jobs. It also implies, among other things, reviewing laws and practices that indirectly determine wage and benefit amounts. In the present circumstances, it is important that what constitutes a “household” in family law or “equal remuneration” in labour law or “eligibility of benefits” in social security law are clearly reviewed to remove the discriminatory elements that they have entailed especially on different categories of women. In the public service, for example, there are certain benefits accruing to men irrespective of whether they are married or not that you might not find available to single mothers just because the standing orders were not sensitive to single mothers.

- 6.15 The ratification of Convention 100 and Convention 111 together with the repeal of obsolete labour laws such as the Factories Act (1964), the Trade Unions Decree (1974), the Employment Decree (1975) and the Trade Unions Decree (1976) and Employment Regularities No. 41 (1977) would enhance the protection of workers from exploitation and discrimination.

REST AND LEISURE FOR WORKERS

- 6.16 ICESCR provides that workers need “rest, leisure and reasonable recreation during working hours and holidays with pay as well as remuneration for public holidays” the Uganda Employment Decree No. 4 of 1975 provides for rest from work as well as holidays. Section 38 of the Decree sets out 8-hour working day, 48 hours a week and a fully paid 30-day leave for employees. Section 46 of the same decree also provides that women workers are entitled to 45 days of paid maternity leave. The employer is not supposed to dismiss a woman during maternity leave. In the same vein, women are not supposed to be deployed underground except those holding positions of management and not performing manual work.
- 6.17 Despite the provisions of the Employment Decree, Mr Lymol Otong Ongaba of NOTU told the Commission that employers deny their workers the right to leisure and rest. He told the Commission that some employers insist that their employees do work on Saturdays and Sundays and yet they are not paid overtime. Others insist that

their workers work during holidays and if they don't they get dismissed. This condition has been aggravated by the withdrawal of government from being a dominant employer. It has left the workers to the whims of a coercive private sector largely concerned with profit rather than the welfare of workers. The vulnerable workers either fear to complain or have nowhere to complain because some organisations have refused their workers to form trade unions. Where trade unions exist, the unions are weak and incapable of pursuing the rights of workers.

- 6.18 The trade unions and the Ministry of Gender, Labour and Social Development also hardly help because they are both understaffed and under-funded.
- 6.19 On women's maternity leave, Mr Ogaba told the Commission that some women employees are advised to proceed for maternity leave but lose their jobs thereafter while others are called back before their leave expires. It is necessary to enforce the law on maternity leave to protect pregnant mothers. Other than repealing the old labour laws and introducing new ones, Uganda needs to ratify Convention 3 of 1919 and Convention 103 of 1952 to protect pregnant mothers from expulsion from their jobs on account of pregnancy.
- 6.20 Convention 3 requires signatories to provide a pregnant mother with maternity leave of six weeks before and six weeks after confinement; the right to benefits sufficient for the full and healthy maintenance of herself and her child; the right to free medical care, and once she is back at work, time off to nurse her child during the day; as well as protection against dismissal during maternity leave or any longer period due to illness arising out of her pregnancy. Convention 103 (1952) broadens Convention 3 (1919).

SAFE AND HEALTHY WORKING CONDITIONS

- 6.21 The Uganda Factories Act 1964 which makes provisions for health, safety and welfare of workers against occupational calamities diseases and training workers at work is rarely respected. The Secretary General of NOTU, Mr Ongaba, told the Commission that some employers deny

their workers gloves, headgears and facemasks. As a result of this, some workers are reported to have even developed diseases related to cancer and HIV/AIDS because of poor conditions. He explained that when a worker gets such diseases his/her services are quickly terminated, if he/she will not have died because of the illness. He cited examples of the foam industry and hides and skins. The Commission intends to follow up on these allegations next year.

- 6.22 When the Commission contacted the Ministry of Gender, Labour and Social Development about the enforceability of workers rights, Mrs Namara, a law enforcement officer, told the Commission that the Ministry is largely incapacitated due to limited manpower. The small number notwithstanding the ministry officials, according to Mrs Namara, have been assisting workers to get appointment letters as required by the law. She told the Commission that this has been done through mediation and negotiations with their employers. The ministry officials have also sought compensation for workers whose employment has been terminated without pay. Mr Ongaba gave an example of a compensation that was effected in a Jinja Leather Industry whose workers were electrocuted in the year 2000 and were compensated at the intervention of ministry officials and NOTU. There is therefore a need to facilitate the Ministry and NOTU to enable them take on as many of these cases as possible.

HOUSING CONDITIONS OF UGANDAN WORKERS

- 6.23 Many of the working class and their families live in conditions that are not very good. Mr Malaba, the principal housing officer of the Ministry of Works and Communication told the Commission that lack of financial power to build or rent decent houses means that the majority of the workers live in dilapidated, ill ventilated buildings. Mr Malaba gave the example of the government workers like the police and the army who still live in unfavourable conditions. The cases of Naguru and Nsambya police barracks and most other police barracks were given as places where ventilation and sanitation were poor. Lack of accommodation has led to some married couples sharing single rooms.

6.24 Then the problem of “mamangia pole” houses (temporary huts built in dugouts) of the UPDF was also pointed out as another case of an indecent housing condition. Mr Malaba pointed out that the Kampala City Council workers living in the “horrible estates” of Naguru which are in dilapidated conditions. He explained that most government workers live in unplanned slums, houses without ventilation and without good sewerage disposal. He further told the Commission that employers, like Kakira Sugar Works provide their workers with some living quarters which are also lacking proper ventilation.

6.25 The government has no planned accommodation for its workers. The workers depend on renting from either parastatals or individual tenants, which is very expensive considering the government workers’ salaries and the costs of looking after children. In Kampala a medium house of three bed rooms which would be reasonable for a modest family goes for Ushs. 300,000 (US\$180) from a private individual landlord while that of a parastatal like National Housing and Construction Corporation, a housing unit of equal size in places like Bukoto flats goes for Ushs. 250,000 (US\$150). Such rents are too expensive for ordinary middle class workers with families to look after and children to take to good schools for quality education.

6.26 Furthermore, the only government housing corporation is city-based particularly in Jinja and Kampala and has not moved to upcountry. It is therefore still catering for a small number of employees. In general terms, workers still live in dilapidated ill-ventilated houses yet the government seems to have left the private sector to determine what type of housing condition its employees should take. The Uganda Tenants Association (UTA) pressure has not yielded much in the fight for the control of house rent since the fixing of rent in the private sector has been left to the invisible hand of market forces. The existing Rent Control Act in Uganda which should be controlling rent for tenants is ineffective because of the liberalised economy.

6.27 Mr Malaba informed the Commission that even though the government developed a shelter strategy plan in

1992, it did not take a leading role in its formulation. The government facilitated it by providing conducive policies, legislation and technical assistance but left the private sector to provide the land for housing construction and even financing. This again left the private sector to provide any type of accommodation for government workers.

6.28 Mr Malaba was, however, optimistic about governments recent programmes on Urban housing projects which are targeting low income earners. There are now programmes to uplift houses in slum areas like Namuwongo in Kampala and Masese in Jinja. The government has also taken some legislative steps to ensure laws that would protect a decent living condition of the workers and their families. There is hope in government that the Country and Town Planning Act, the Public Health Act, the NEMA Act and the Condominium Law, will enable people to have better conditions for their families.

6.29 Mr Malaba also told the Commission that the government has drafted the Landlord/Tenant Bill which is intended to harmonise the relationship between the tenants and the landlords. The Commission was further informed that the government has also drafted the Building Control Bill aimed at regulating buildings codes and standards. The bill yet to be debated by the 7th Parliament. Again Parliament will soon be debating the “Public Officers Housing Loan Scheme” which will enable civil servants to access loans more easily for building suitable houses.

Conclusion

6.30 From the foregoing, it is clear that a number of factors have negatively affected the fulfilment of the obligation under CESC in line with the work rights. These include: Lack of updated labour laws in the country that conform to international labour standards and the Constitution.

- Liberalisation has left workers at the mercy of the investors who are out to maximise profits rather than minding about rights of workers.
- Lack of manpower and funds to enforce better conditions of work. The NOTU, the Ministry of Gender, Labour and Social Development and the Occupational Health Hazard and Safety Department are all ill funded and

- manned.
- Lack of information by the workers about their human rights and entitlements. Some workers do not know that it is their right to form trade unions to fight for their rights. Some do not know that trade unions do exist to assist them.

Recommendations

- (1) Like in the previous reports, the Commission continues to recommend that government should establish a minimum wage in line with the present economic realities in Uganda. The existing rate of shs.6,000 provided by law is ridiculous.
- (2) Labour laws that do not conform to the Constitution of the Republic of Uganda and international human rights instruments should be replaced. Also, those international labour organisation instruments that have not been ratified by Uganda like, Convention 100, Convention 111, Convention 3 (1999) and Convention 103 (1952) which are fundamentally central to the rights of workers in Uganda should be ratified.
- (3) Better conditions of workers in housing remuneration, rest, leisure, maternity leave for all working women and provision of a minimum wage are good incentive for increased productivity and development. Therefore the government should not divest itself from the control and provision of these aspects of the socio-economic sector.



Members and staff of the Commission studying effective ways of conducting human rights education.

Economic, Social and Cultural rights

7.01 Last year, the Commission commented on issues of fair wages, unemployment, unequal remuneration and health issues. At that time, we were concerned about the poor payment of workers. We gave the example of police officers and primary school teachers who were getting about US\$ 40 and US \$ 48 respectively. The Commission pointed out the plight and exploitation of “house girls” and “house boys”. It was also pointed out that agriculture remained the highest employment sector (78.7 per cent) in Uganda albeit with increasing uncertainties. It was observed that employees in the government earn significantly less than their counterparts in public corporations. At the time of writing this report, the government had increased the salaries of all civil service junior staff by 10% per cent in the 2001/2002 annual budget. The agricultural sector remained largely subsistence with limited possibilities for the poverty eradication among the people.

7.02 The right to education was mentioned in light of its availability, and the plight

of children with disability under Universal Primary Education programme was also highlighted. It was pointed out that there were districts like Kotido, Kiboga and Nakasongola where science subjects were not taught in 1999 and in others like Kalangala and Sembabule, where there were no Uganda Advanced Certificate of Education (UACE) examination centres. The Commission recommended the construction of more secondary schools taking into account those areas where education was not accessible. The Commission's Annual Report (1999) also observed that children with disabilities especially those with visual, audio, physical and mental impairments needed specialised teachers, appropriate teaching aids, hearing aids, Braille facilities and other devices vital to educational needs of children with disabilities. (see the 1999 Report). During the year under review, the Commission carried out a public hearing on the persons with disability and it established that there is a more that needs to be done for these children.

7.03 Most of the recommendations on economic, social and cultural rights given in the 1999 annual report still remained valid in the year 2000. This chapter, however, will, this year, give more attention to poverty and its implications in different regions in the country. The chapter will also examine the right to health in relation to a new epidemic disease that cropped up in the year 2000. The deadly Ebola virus broke out in the country. The disease had several human rights implications in and among communities throughout Uganda.

POVERTY AND HUMAN RIGHTS

7.04 Poverty negatively affects human rights. Poor people find it difficult, if not impossible, to enjoy the right to health, education, clean and healthy environment, shelter, food and other rights and freedoms. Indeed, these indicators measure poverty levels. It is difficult for the poor to access health care, justice, education, adequate housing and clothing. It is even worse in a country like Uganda where there is neither a welfare state nor a health insurance scheme for its people. Poor people are unable to enjoy family planning and reproductive rights. This situation makes it difficult to break the circle of poverty because the off springs of poor people will hardly change the situation they find themselves in.

7.05 On average, poverty levels in Uganda are now declining. It is reported that while in 1992, 56 per cent of Ugandans were living below the absolute poverty line; by 2000 the proportion had dropped to 35 per cent. This notwithstanding, it does not mean that poverty is reducing in all places/regions of the country. On the contrary, it is not. The Background to the Budget (2001/02) of the Ministry of Finance, Planning and Economic Development, June 2001, indicated that while the average poverty levels have declined to 35%, in some parts it has gone beyond what it was in 1997. It is estimated that poverty in the northern part of the country has risen by 8 per cent between 1997 and 2000 leaving two-thirds of its population below the poverty line.

7.06 The report states that "Moreover, the poverty gap and the dearth of poverty have increased in the rural areas of the North. As a result the North has replaced the East as contributing, most

of the national poverty due entirely to declining living standards in the rural area" (p.36). It is estimated that there are 2.7 million poor people in northern Uganda and 2.1 million in the East representing 66 per cent and 37 per cent of the population in the two regions respectively. There are various reasons to explain this trend and the obvious one is the persistent insecurity in the regions that has displaced people off from their normal activities. The insecurity by the Lords Resistance Army (LRA) in the north and the Karimojong cattle rustlers in north eastern Uganda have aggravated poverty levels in the north and north-eastern parts of the country. The Karimojong raiding activities have destocked most parts of north-eastern Uganda and pushed most people out of their habitual areas of residence.

7.07 According to the Uganda Poverty Status Report, 2001, cattle rustling in some parts of northern Uganda has negatively affected agriculture in those places. The ox-plough system of cultivation in the northern and eastern parts of the country has been damaged. As a consequence, the production of crops such as cotton and food crops in these areas has greatly declined. It is said that only 10 per cent of the arable land in Gulu and Kitgum is under production and over 50 per cent of children in the two districts are underweight or stunted. The loss of cattle to the Karimojong rustlers has led to further impoverishment of the people in these areas but also contributed to overstocking in Karamoja region contributing to further environmental degradation in Karamoja.

7.08 The problem is further reflected in the nature of complaints and the administration of justice in and for people from northern Uganda. The vulnerable groups, women and children from these areas are the main victims in the impoverishment process. For example, looking at the cases received by the Association of Women Lawyers (FIDA) Uganda (see Table 7.1), it can be observed that there were many complaints on maintenance emanating from the northern region. According to FIDA, there is a relationship between levels of poverty and complaints on issues such as maintenance. Women are heavily dependant on their husbands for all their requirements. When the husband

dies or divorces his wife, she is left helpless. In either case, the court process takes long, and in such lengthy legal battles, the women have no money to retain a lawyer. Families in northern Uganda have been forced by insecurity to become Internally Displaced Persons (IDPs) in their own country and to depend on relief

handouts for survival. Human displacement in northern Uganda has not only disrupted agricultural production but has also negatively affected the children's access to education. Health facilities are ad hoc and inadequate and many people die for lack of proper medical care.

Table 7.1: Nature of complaints brought by women to FIDA (U) in 2000

Nature of complaint	Kampala	Mbale	Mbarara	Arua
Maintenance	2984	388	136	2310
Domestic violence	65	43	-	94
Custody	95	44	12	73
Debt recovery	72	-	2	310
Inheritance	96	123	143	141
Land	166	41	26	143
Consultation	71	-	2	310
Child abuse	351	24	26	143
Marital dispute	321	220	111	374
Property rights (sale of matrimonial homes, eviction, agreements)	48	57	45	7
Paternity tests	37	-	-	-
Defilement	2	15	3	88
Misc. accidents	5	2	-	4
Rape	-	-	-	4

Source: FIDA June 2001

Recommendation

1. Women in northern Uganda need as many income generating activities as possible on top of the existing programmes to enable them to cope with their present conditions of insecurity.

RIGHT TO HEALTH

- 7.09 The right to health was, in 1999, discussed with specific reference to malaria and HIV/AIDS and its impact on the society and the year under review did not register much difference. It was reported in the 1999 annual report that "the health services in Uganda still remained generally poor in 1999. Government needs to place more focus on the promotion of the right to health by committing more funds and manpower to the health sector". It is said that currently health spending in Uganda represents only 7 per cent of the total public expenditure (*Paul Hutchinson, 2001 in Uganda's Recovery;*

p407). This is inadequate considering the extent of the need for health care and health facilities in Uganda. Here we focus on a specific disease that disrupted people's lives in the year 2000 (Ebola Virus) and also comments again on the HIV/AIDS challenge and the progress that has been made to reduce the cost for its drugs.

EBOLA VIRUS

- 7.10 A strange illness characterised by gastroenteritis, headache, conjunctivitis and occasional hemorrhagic signs came up in the year 2000. The disease was later, on 15 October 2000, confirmed to be Ebola virus by the National Institute of Virology (NIV), Johannesburg, South Africa. For over three months before it was fully contained, thanks to the national and international efforts, it spread from Gulu to Mbarara and to Masindi killing people and disrupting

their socio-political, economic and cultural activities. A substantial number of people died of this illness. From the time it was reported in October 2000 to when the country was declared free of Ebola virus in January 2001 about 173 people out of 429 cases reported had died (see Table 7.2).

Table 7.2: Ebola situation in Uganda as at 23/01/2001

Place	Cumulative total (brought forward)			New reports since 16/01/2001			Current cumulative total			Remarks
	Cases	Dth	Dscg	Cases	Dth	Dscg	Cases	Dth	Dscg	
Gulu	395	150	245	0	0	0	394	150	245	Last confirmed case on 14/01/2001
Mbarara	5	4	1	0	0	0	5	4	1	No new case for last 9 weeks
Masindi	27	19	8	0	0	0	27	19	8	Last death on 21st December 2000
Other parts	0	0	0	0	0	0	1	0	0	42 Districts remain Ebola free
Country total	427	173	254	0	0	0	429	173	254	

Source: Ministry of Health

Key: Dth = Deaths, Dscg = Discharge

Effect of Ebola on human rights

7.11 The Ebola symptoms and how it spread had a lot of human rights implications. It created traumas and stigmatised communities. On 17 October 2000 Dr Mathew Lukwiya who himself later died of Ebola was quoted in *The New Vision* as saying that "once the names of the Ebola patients and its dead are made public, society stigmatises the relatives, some patients die because their relatives have left them". Ebola affected almost all the aspects of human rights like the right to life, freedom of movement, right to education, culture, religion and association.

7.12 Children from the affected areas could not go to school. For example, it was reported in *The New Vision* of 23 November 2000 that Gulu schools opened on 27 November 2000 after they had been closed for the whole of October. In some places like Masindi and Mbarara people almost refused to bury the victims of Ebola. For example, *The Monitor* of 10 November 2000 reported that in Nyamityobora, the suburb of Mbarara town, locals and officials threatened to attack Mbarara University Teaching Hospital's Ebola team if it continued "burying Ebola victims in their place". Mr Pusiano Ntungireki, the LC III chairman, was quoted saying "enough is enough" and that their area was not a "dumping ground". People could not shake hands in greetings; church congregations and

other gatherings, like going to discos, were restricted.

7.13 Everybody bleeding was shunned. In Mbarara an epileptic passenger who got an attack while in a Kigali bound bus was abandoned by passengers thinking he was suffering from Ebola. In Soroti Dr Nicholas Okware had to take time to explain that one woman who had died in Soroti was not an Ebola patient (*New Vision* 22 October 2000). International travels were also restricted to some extent. For example, pilgrimages to Mecca were stopped; representatives to 'Kacoke Madit' in Nairobi were returned at Nairobi airport. Economically the disease also affected business. Hotel shunned customers while countries like Indonesia put a temporary ban on the coffee exported from Uganda.

7.14 Regarding the freedom of movement, barely a week after the Ebola virus was reported, the Minister of Health, Hon. Crispus Kiyonga said that movement in cells affected by Ebola was restricted. The affected areas were mentioned as Kabedo Opong, Kasubi and Lacor Hospital in Gulu municipality and Rwot-Obillo in Aswa county (*The New Vision* 16 October 2000). Movement to other countries was also restricted. *The Monitor* of 17 October 2000 reported that Rwanda and Kenya had stepped up health checks at the borders and that the Kenyan health workers "have been sent to Busia border to identify

and isolate suspected Ebola cases". Governments of countries like United States, China and Kenya were reported to have issued warnings to their nationals not to travel to northern Uganda for fear of Ebola virus. (See *The Monitor* 1 and 14 November 2000). *The New Vision* of 21 October 2000, reported that "the Tanzania government had ordered police and immigration officials to monitor people entering from Uganda and Kenya in a precautionary measure against killer Ebola disease". Consequently, *The New Vision* of 20 November 2000 reported that "15 were ordered back from Tanzania after they were refused to disembark from a ferry at Mwanza for 5 days over Ebola. They were stranded at Mwanza port".

- 7.15 Saudi Arabia also put a ban on Ugandans travelling to Saudi Arabia. *The New Vision* of 19 January 2001 reported WHO pleading for Ugandan pilgrims to be allowed to travel to Mecca. The Uganda Cranes, a soccer team was stopped from going to Saudi Arabia by 24 January 2001 even when the country had been declared Ebola free (*The New Vision* 24 January 2001).
- 7.16 Ebola also brought to the fore the whole question of occupational hazards and compensation. Ebola took its toll on the medical staff and

personnel who contracted the disease as they were performing their duties. About 22 medical staff died of the disease, 17 in Gulu, 4 in Masindi and 1 in Mbarara. The staff ranged from the Medical Superintendent to nurses. By 29 October, 10 nurses were reported to have died because of the disease. In just a week after the diagnosis of Ebola in Uganda, 31 people had died in Gulu alone and Lacor Hospital had lost three student nurses. Drivers too died. Although the government promised compensation, the victims complained that it was not adequate and prompt.

- 7.17 The Commission noted government's appropriate reaction and quick response to the Ebola epidemic. The mobilisation of, and response by, the international community was steadfast. Within three months Uganda had been declared Ebola free. It was a commendable effort by the government.

HIV infections and drugs

- 7.18 At the beginning of the year 2000 the Ministry of Health had estimated that 1,438,000 people were living with HIV/AIDS. Of these people 143,800 were children, 532,900 men and 761,300 women. It was estimated that 110,000 people died of HIV/AIDS in 1999 (see Table 7.4)

Table 7.3: Estimated HIV/AIDS morbidity and mortality, 1999

People living with HIV/AIDS end of 1999	1,438,000
Number of Children Living with HIV/AIDS	143,800
Men living with HIV/AIDS	532,900
Women living with HIV/AIDS	761,300
Adults living with HIV/AIDS	1,294,200
Cumulative AIDS deaths by the end of 1999	838,000
AIDS deaths in 1999	110,000

Source: Ministry of Health

- 7.18 This figure is still high and HIV/AIDS continues to affect many people. Although indications that the rate of HIV infections has been steadily declining in the country since 1998 (see Table 7.4) there is still more that can be done by government institutions and everybody to reduce further the rates of infections and death.
- 7.19 According to Dr Alex Opio of the Ministry of Health, the treatment of opportunistic infections (e.g. TB, fungal infections, bacterial infections, etc) together with the use of anti-retroviral drugs of varying types and with three main types of indications namely post-exposure prophylaxis (PEP), prevention of mother to child transmission (PMTCT) and treatment of AIDS cases has brought down HIV/AIDS death.

7.20 Without government subsidy the burden of coping with HIV/AIDS is left on the patient. According to the Ministry of Health, the three-drug combination would cost \$167.30 per month, meaning \$2,007.60 per year. The two-drug combination would cost \$70.90 per month, which would cost a patient \$850.80 per year. These are amounts hardly affordable by most people afflicted with HIV/AIDS.

7.21 At the time of writing this report, government had no policy to enable the majority of the people living with HIV/AIDS access the anti-retroviral drug. Out of pocket financing for the drug is only affordable by the rich. Neither government nor (private) employers have considered any insurance policy that promotes the health of their employees. Credit, however, goes to institutions, like Bank of Uganda and The New Vision, which have been financing the HIV/AIDS treatment of their employees. These companies should be applauded and many others should follow these examples.

7.22 The government's position on the World Trade Organisation (WTO) will determine whether or not the drugs or vaccines will in future be accessible to Ugandans or not. At the time of writing this report, there were negotiations at the WTO on enforcement of Intellectual Property Rights, which it is feared, if implemented would increase the price of drugs. There are struggles to exempt drugs for medical emergencies from the intellectual property rights. This exemption should be extended to include HIV/AIDS drugs and other drugs for chronically endemic diseases such as malaria which accounts for most deaths in Uganda.

Recommendations

- (1) Government should adopt a national health insurance policy through which the anti-retroviral drugs for everybody should be subsidised.
- (2) There is need for coordination, cooperation with other sub-Saharan African countries to raise the awareness of the issue the implications of intellectual property rights within the WTO to the health sector in general and specifically on HIV/AIDS and malaria which affects mostly sub-Saharan Africa.

Table 7.4: HIV infection rates (%) at selected antenatal sentinel sites as of 2000

Sites	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Nsambya	24.5	25.0	27.8	29.5	26.6	21.8	16.8	15.4	14.6	13.4	12.3	11.8
Rubaga	-	-	27.4	29.4	24.4	16.5	20.2	15.1	14.8	14.2	10.5	10.7
Mbarara	21.8	23.8	24.3	30.2	18.1	17.3	16.6	15.0	14.5	10.9	11.3	10.0
Jinja	24.9	15.8	22.0	19.8	16.7	16.3	13.2	14.8	11.0	10.5	10.8	8.3
Tororo	-	4.1	12.8	13.2	11.3	10.2	12.5	8.2	9.5	10.5	4.5	4.7
Mbale	3.8	11.0	12.1	14.8	8.7	10.2	7.8	8.4	6.9	6.3	5.7	5.5
Kilembe	-	-	-	-	7.0	16.7	11.1	10.4	8.5	-	7.5	4.2
Pallisa	-	-	-	-	5.0	1.2	-	-	3.2	2.6	3.2	3.8
Soroti	-	-	-	-	9.1	-	8.7	7.7	5.3	7.7	5.0	5.0
Matany	-	-	-	-	2.8	7.6	-	2.0	1.6	1.3	0.9	1.9
Hoima	-	-	-	-	-	-	-	12.7	9.0	5.4	3.5	9.5
Kagadi	-	-	-	-	-	-	-	-	10.3	11.5	11.0	10.5
Mutolere	-	4.1	5.8	-	4.2	-	3.6	2.6	-	2.5	2.3	2.1
Moyo	-	-	-	-	5.0	-	3.1	-	-	3.2	5.2	2.7
Arua	-	-	-	-	4.4	-	-	-	-	-	5.2	5.2

Source: Ministry of Health, 2000.

Abuse of Freedom of Religion

8.01 Freedom of religion and worship is predicated on the assumption that every human being knows how and which God to believe in and worship. Since there can be different ways of worshipping different gods or one God, tolerance amongst followers of different religions is crucial. The tendency for some religions and their believers to assume that they possess the "absolute truth" and, therefore, refusing to tolerate and respect others is extremely unfair. This is more destructive if the religious dogma contain assertions contrary to the rights and duties of citizens. A religion that violates human rights is bound to be restricted.

8.02 There is no state religion in Uganda. The government has not put any limitations on the right of worship. In addition to traditional Christianity and Islam, almost all the regions in Uganda have new religious movements. Almost all the regions in Uganda have at least had different religious groups. In Buganda there has been the AnatoLi Ssentamu group of the "Monks of the Virgin Mary"; there has been the group

of a Bwanda ex-nun, Renata Naiga, which operated in both Buganda and Bunyoro; there are the members of Yoana Maria Muzeeyi operating in Kisenyi parish, Kampala and parts of Iganga, Busoga. The group of *Owobusobozi* Bisaka which has been operating in parts of Bunyoro, Toro and Buganda (Kiboga and Luwero) and many others. In the case of the latter, the government temporarily banned the group when there were reports of human rights violations. The ban was later lifted.

8.03 There also have been problems and complaints of "born-again" students within specific church-founded schools; the problem of dress in Muslim schools; the issues of eating pork in schools where Muslim students study and the issue of Seventh Day Adventists doing examinations on

Cult murder condemned

KAMPALA — John Mary Waliggo, the Uganda Human Rights acting chairperson, has condemned the murder of over 600 people by the Kanungu cult and urged Ugandans to desist from abusing religious freedom. This was contained in the commission's condolence message to the families of the victims, a press release issued Friday said. "As a nation striving to build a culture of human rights respect, we should dedicate ourselves to the protection of children and other vulnerable groups from any manipulation which may lead to a situation like the Kanungu one," he said.

The New Vision,
March 27, 2000

Saturdays when they feel they should not do so because it is contrary to their faith. In most cases, the way these complaints were handled depicted a high degree of intolerance on all parties. There is need to appreciate the relationship between human rights and the law/regulations. While it is wrong for any single group to deny another, be it majority or minority, its freedoms and rights, it is important for these groups to tolerate each other.

- 8.04 Until 1999, the level of freedom of religion and worship was commendable. The state was not interfering in the enjoyment of this freedom. Ironically, this lack of government involvement partly contributed to the abuse of the freedom of worship and religion. In the 1999 annual report the Commission observed that during the year "a couple of negative developments leading to human rights violations emerged under the guise of the freedom of religion and worship". At that time the Commission only had in mind the "World Message Last Warning Church" of the self-styled "Rev" Bushara and few others that had led to the violation of the rights of their followers including loss of right to life.
- 8.05 In the year 2000 the situation became worse. Freedom of religion and worship was further gravely misused and violated by a group of believers under an organisation called the "Restoration of the Ten Commandments of God" (popularly known as the Kibwetere cult). The leaders of the cult were said to be, among others, Mr Joseph Kibwetere, Ms Credonia Mwerinde, Ms Angelina Migisha and Fr Dominic Kataribabo.
- 8.06 On 17 March 2000 over 500 people believed to be followers of the Kibwetere cult were burnt to death at their church called Ishayuriro rya Maria (Mary's place of salvation) in Kanungu district. This incident brought to light a host of other criminalities caused by the cult in various parts of the country. The cult and its leaders had unleashed terror on mostly women and children; hoodwinked their followers and lured them to death.

There was evidence of physical strangulation and poisoning of the victims. The government during the year set up a Commission of Inquiry

into the Kanungu killings but at the time of writing this report, the inquiry had not started its work.

- 8.07 Nevertheless, within a month after the incident the UHRC sent a team to carry out an investigation of the extent of the human rights violations committed by the cult. A report is now available and ready for publication. A brief summary of the report was also published in the Commission's Magazine Your Rights Magazine, Volume III, August 2000. The Commission found out about 16 characteristics of the cult. It is these characteristics supported by their doctrine that enabled the cult to commit such crime easily.

The cult's doctrine

- 8.08 The whole cult revolved around the belief that some people had received visions and were directly communicating with God. The leaders claimed that they had received warnings from the "Virgin Mary" about the end of the world (apocalypse). The followers were told that they would not go to hell if they followed the cult (The Movement for the Restoration of the Ten Commandments of God). For the devout Christians the whole concept of *okubonekyerwa* (getting visions from God) was very appealing. Some conservative priests, like Fr Ikazire (82 years), strongly believed in the idea of "restoring the Ten Commandments" which they felt was long overdue. In general, the name of the cult was appealing to Christians. The practical characteristics and the methods of operations within the cult, however, had nothing to do with cult doctrine. This contradiction led to some of the followers abandoning the church but it also saw the cult members using some of the most vicious and criminal methods of operation to keep the cult together.



Henry Sempa, one of the cult members who translated the cult's book (A timely Message from Heaven) into Luganda explains to the Commissioners team. Sempa believes he missed going to Heaven

8.09 The cult preached of the dooms day. According to their former preacher, Mr Martino Nuwagaba, they preached as far back as the Easter of 1992 about how on that "last day" snakes as big as wheels of tractors and big blocks of cement will fall from heaven onto the sinners. They foretold of three days of darkness that will first engulf the whole world and how only their camps were supposed to be safe haven, something reminiscent of the Biblical Noah's Ark. The closing and nailing of the church into darkness before setting it on fire on 17 March 2000 was to create the darkness situation, they had always preached about as a prelude to the apocalypse. The graves which were dug on the orders of the cult leaders were also supposed to be safe havens (Noah's Ark) when apocalyptic storms start.

8.10 The cult leaders promised their followers that on dooms day everybody who did not believe in the cult would perish. Only the cult followers would survive and inherit the earth and that whatever remained on earth would be theirs alone and then start communicating with Jesus. Accordingly, the cult followers considered themselves the most privileged group. In a letter left behind by one of the followers, Lt Elly Baryaraha, to his brother, it was clear that Baryaraha regarded himself the most privileged person in the world of sinners. The followers believed they would die and go to heaven but probably what they did not know was how they would die.

This is Elly Byaruhanga's residence in Nyaruzinga, Bushenyi District. It was one of the cult's transit camp. The fence was characteristic of all cult camps.



LETTER BY LT. ELLY BARYARUHA TO HIS BROTHER

Date: 04/03/2000

TO: The Babijugutes

I have felt it ungodly and on the other hand inhuman to go away forever without a word of farewell. Now this is to say farewell to the whole family and if you do not see me once again, then do not ask! Throughout my 38 year (of) existence, I might have sinned venerably or gravely (mortally) against some members or all of the family, and as per now, I request kindly to be pardoned.

I have hardly remained with over 10 days here before I join all other members of the Restoration of the 10 Commandments of God before the closure of the "ARK". That will mean therefore, that we shall never meet again. To me it sounds sad but that is what it must be. As we follow directives from heaven, we are supposed to gather in the selected area before the wrath of the Almighty God, the creator is let down on to non repentant.

Keep my words on your hearts, there will never be 2001. Catastrophes will befall human kind and the indicators of such will be wars, crime increase such as murder, rape, robbery, etc. There will be a lot of fear among human races! Appearance of strange animals and people will be noticed. I would request you that if you come across such, simply run and look for me. I will not fail to seek refuge for you. Who ever wanted his brother or family to perish? Do not stick to property. Simply leave it behind and run for your dear life. I will always pray for you as I have nothing else I can do! May God guide you!

Ever loving brother, uncle and in-law,

Elly,

I will always be there to welcome whoever comes for refuge

NOTE: (Babijugute is Baryaraha's brother who lived a few meters away from Lt Baryaraha)

- 8.11 It was a combination of factors that made people believe in or get trapped in a cult to the level of gross violation of the rights of the followers. The cult had many characteristics which made it possible for its leaders to violate human rights of their followers or those under their control with ease. These characteristics included the following:
- (i) The cult promised members visions of heaven.
 - (ii) The cult violated all human rights (education, health, family, children, life, freedom of speech etc).
 - (iii) The cult rarely recruited close relatives or neighbours.
 - (iv) The cult separated and isolated family members which made it impossible for those members to communicate.
 - (v) The cult built fences around their buildings /camps. Outsiders could not see what was happening inside the fence.
 - (vi) Women were separated from men and husbands from wives. Children were also separated from their parents.
 - (vii) Procreation and sex among followers was prohibited even between married couples.
 - (viii) The cult relied on deception, prophecies and lies through selective readings of the Bible.
 - (ix) Apart from the cult leaders, cult members were not allowed to talk to each other. They used signs to communicate.
 - (x) Camp inmates were subjected to a tight day's schedule that kept them extremely busy inhibiting discussions among them.
 - (xi) The cult leaders kept close to the local leaders in order to dispel any suspicions of their activities.
 - (xii) The cult leaders and members preferred to travel at night.
 - (xiii) When travel necessitated vehicles, the vehicles were hired.
 - (xiv) All followers were required to sell all their property and bring all the proceeds to the cult leaders which impoverished the followers to a

powerless level on earth.

- (xv) Some property belonging to the members were set on fire and burnt on the grounds that it was God's order to punish them for their sins.

The cult and the violation of human rights

8.12 The Movement for the Restoration of the Ten Commandments of God violated the following human rights in the name of freedom of worship.

- **The right to life:** By 2000 over 1,000 people had perished at the hands of the Kanungu cult.
- **Children's rights:** By kidnapping, torturing and separating children from their parents, the cult leadership abused the rights of children.
- **The right to property:** This was done through the destruction of the cult followers' property and the impoverishment of those who were coerced into selling their property.
- **The right to free speech:** By silencing people and forcing them not to talk to each other, the cult leaders violated the right of speech and free expression.
- **The right to privacy and family:** This was done by forcing people to live collectively without any family privacy; separating children from their parents and wives from their husbands; and discouraging conjugal relations and procreation even by married couples.



This is the gate to a house (in picture) in Buziga, Kampala where 55 bodies were exhumed.

Table 8.1: Number and category of the victims of the Kibwetere cult

	Place	Number of victims	Category of victims (police figures)
1	Kanungu	More than 500 burnt	Category not identified
2	Buhunga (8 Kms from Rukungiri town)	153 bodies exhumed	59 children 94 adults (majority were women)
3	Rugazi-Bunyaruguru (Bushenyi District - at Fr Kataribaabo's residence/home)	155 bodies exhumed	22 male adults 59 female adults 35 male children 37 female children 2 not categorised
4	Nyakishojwa/ Rushojwa (in Ruhinda County, Bushenyi District)	81 bodies exhumed	58 female 25 male (No further categorisation given by police)
5	Buziga/Gaba -Kampala suburb	55 bodies exhumed	22 female adults 10 female children 15 male adults 8 male children

Source: Uganda Police Reports

Recommendation

- 1 The Government and all organisations and individuals should work together to monitor activities of all new religious movements and other similar organisations to guard against the violation of human rights under the cover of freedom of worship and religion.



The 55 bodies were found in a pit in this garage in Buziga, Kampala. Security Personnel explaining to the Commission team.



Bishop Ntegyereize of Kinkizi Diocese. He told the Commission team that the cult members attempted to recruit him.

Father Ikazire (with newspaper) who was a member of the cult but later abandoned it, giving his story to the Commission team.

Delays in Repealing Outdated Laws and in Making New Laws

9.01 Making laws that promote human rights is an important element in measuring the state's compliance with international human rights instruments. In most instruments that Uganda has ratified that require reporting, it is important that the state undertakes legislative and administrative or policy measures to domesticate its legal commitments in compliance with the ratified treaty. This is crucial for easy enforceability of international human rights instruments.

9.02 In most cases the government has had good policies which impact on human rights without corresponding legal backing. Uganda is, for example, commended for having one of the best policies on refugees but it still has a very bad law, The Control of Alien Refugees Act 1960 that erodes the rights of refugees. This law was made in 1960 and its main purpose was to control, exclude and suppress refugees rather than protect them. The government has always argued that it does not use the law, but the opinion of the Commission is that as long as it remains

on our statute books, there is nothing that stops the law enforcement agencies from using it to violate the rights of refugees. Besides a legal right can be enforced in court but a policy cannot. It is therefore important that policy is translated into law to support human rights.

9.03 In the 1997 annual report, the Commission observed that laws that are inconsistent with the Constitution are by virtue of their inconsistency null and void, but that unless they are expressly repealed and brought to the attention of the law enforcement officers, they may continue to be enforced by the same officers (see 1997 annual report p.54). In this regard the Commission identified 20 existing laws that were inconsistent with the constitution (see page 55 of the report) and needed repeal. It was further noted in the 1997 report that the constitution itself provides for the making of new laws to enhance human rights, which the Sixth Parliament needed to make. The Commission also highlighted 10 provisions of the constitution where the

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OPINION

Act on Human Rights Report

THE Third Human Rights Report was last week submitted to Parliament. Two other reports presented over the last two years are simply lying there idle. This time, the Human Rights Commission (HRC) has expressed concern at arbitrary arrests by security forces, holding suspects without trial for periods much longer than the law allows, and interference in the police work by politicians and the military. Another important aspect of the report is the proposal by the commission that restrictions on parties be minimised and the opposition given direction for constructive criticism. Government has said the restrictions will be eased. The old parties may resurface or change, new ones will come up. But Parliament and the Executive have a duty of helping the country develop responsible and organised parties when we decide to free them at last. There must be basic criteria that parties must meet including popularity, organisation, internal democracy and freedoms, funding. The parties must have programmes, research departments, advisors and experts in all fields. That is how they can have ideas and make constructive criticism and even provide governments in waiting. The parties we have now are far from that. The HRC suggests the opposition be given direction to that. Parliament must also act firmly on extra judicial arrests and detentions. They are not only illegal but they violate human rights and give the Government a bad name. Several police stations in Uganda are holding suspects for longer periods than the law allows partly because resident state attorneys take long to decide on cases. Some local authorities, like Kira subcounty, Mpigi, also hold suspected graduated tax defaulters in ungazetted jails without the knowledge of the Police or even relatives. This is illegal.

new laws are required to be made to streamline the protection of specific rights.

- 9.04 This section is to remind the stakeholders (Law Reform Commission, ministries and Parliament) in the law making process to consider all these provisions of the constitution and to repeal archaic laws in our statute books in order to promote human rights. Table 9.1 are the Articles of the Constitution that require the making of new laws.



The Chairperson, Mrs. Margaret Sekaggya presenting the 1999 Annual Report to the (then Deputy) Speaker of Parliament Hon. Edward Sekandi. The Commission looks forward for more action on its recommendations.

The New Vision, Monday,
December 4, 2000

Table 9.0: Laws required by the constitution

No.	Article	Requirement of parliament	Comment
1	Article 21 (4)	Make laws providing for programmes to redress social, economic or educational or other imbalance in society	No law made (we only have policies without legislative backing).
2	Article 23 (1) (d)	Make law providing for the detention of persons for preventing the spread of an infectious or contagious disease.	No new law made. The existing laws need amendment
3	Article 23 (1) (f)	Make law providing for the detention of persons of unsound mind or addicted to drugs or alcohol for the purpose of care or treatment of that person.	No new law made. The existing law, The Mental Treatment Act Cap 270 is a colonial law of 1938 which is insensitive to the human rights of the persons concerned.
4	Article 24	The Article prohibits torture, cruel, inhuman and degrading treatment.	There is need for a law specifically criminalising these prohibitions and defining what torture, cruel, inhuman and degrading treatment is.
5	Article 25	Make law defining and streamlining protection from slavery and servitude and forced labour.	No law yet. The law would emancipate some people that seem to be suffering from various forms of servitude and forced labour e.g. "house girls" and "houseboys".
6	Article 30	Make a law on the right to education to define and streamline this right. Primary Education.	No law made yet. There are several policies without a legal backing - e.g. Universal
8	Article 31 (3)	Make law to regulate marriage and deal with customs and traditions that condone forced marriage.	No law made yet. The Domestic Relations bill that would have addressed this is still shelved.
9	Article 32 (2)	Make law establishing the Equal Opportunity Commission.	No Commission and no law. The are views that it can be incorporated within the UHRC since discrimination issues are already handled by the UHRC.
10	Article (33)	Make law providing for the provision of facilities and opportunities necessary to enhance the welfare of women to enable them realise their full potential and advancement.	No law made yet. There are however several policies which need to be strengthened with a legal backing.
11	Article 35 (2)	Make law to protect persons with disability.	No law made yet. There are only policies that need legal backing.
12	Article 40	Make laws providing for rights at work.	A few laws e.g. the Workman's Compensation Act has been made. There are however other Labour laws that need to be amended to conform with the international human rights Instruments e.g. the ILO conventions.
13	Article 41	Make laws prescribing access to information.	No such law yet.

9.05 In the 1997 annual report, the Commission listed 20 laws that the Law Reform Commission had recommended for repeal. By the end of the Sixth Parliament most of these laws, if not all, had not been repealed. The Commission has reproduced these laws here and added to the list The Control of Alien Refugee Act, 1960. The purpose of this is to appeal to the relevant Ministries and the Seventh Parliament to facilitate the promotion and protection of human rights by repealing these laws. These laws are listed in paragraph 9.06 below:

9.06 List of laws inconsistent with the Constitution.

1	The Marriage Act ***	Cap. 211
2	The Marriage and Divorce of Mohammedans ***	Act. Cap 213
3	The Hindu Marriage and Divorce Act ***	Cap. 214
4	The Divorce Act***	Cap. 215
5	The Customary Marriages (Registration) Decree ***	16 of 1973
6	Succession Act ***	Cap. 139
7	The Succession Act (Amendment) Decree ***	122 of 1972
8	The Habitual Criminals (Preventive Detention) Act	Cap. 112
9	The Prisons Act	Cap. 313
10.	The Police Statute	13 of 1994
11.	The Criminal Procedure Code Act	Cap. 107
12.	The Emergency Powers Act	3 of 1968
13.	The Penal Code Act	Cap. 106
14.	The Press and Journalist Statute	6 of 1995
15.	The Trial on Indictments Decree	26 of 1971
16.	The Karamoja (Maintenance of Public Orders) Regulations	1964
17.	Land Acquisition Act (Land Act 1998)	1965
18.	The National Resistance Army (UPDF) Statute	1993
19.	Administrator General's Act	1964
20.	The Control Alien Refugees Act *	Cap. 64 of 1960*

*** All these laws were supposed to be Consolidated in the Domestic Relations Bill, which also has delayed to be passed into law.

* This law was not among those mentioned by the by the LRC for repeal. And yet it also needs immediate review/repeal.

Commission's inputs in bills of Parliament

9.07 In its monitoring function, the Commission reviews some bills that may have negative human rights implications. The Commission on its own initiative can study any bill before Parliament and make comments which are sent to the Legal and Parliamentary Committee for consideration. Starting from the year 2001, the Commission will, finances allowing be publicising its views on important bills to encourage more public debate on such bills.

9.08 Out of the 76 laws passed by the Sixth Parliament since 1996, the Commission made comments on the six bills indicated below (see Table 9.2). There have, however, been instances where very important laws that affect human rights have been passed without the

Commission's input. The Commission would have liked to comment on the Worker's Compensation Act but did not get the opportunity to do so.

Table 9.2: The laws passed by the Sixth Parliament (3 July 1996 - 14 May 2001) in which the Commission had inputs

1	The Uganda Human Rights Commission Act, 1997
2	The Ratification of Treaties Act, 1998
3	The Uganda Citizenship and Immigration Control Act, 1999
4	The Referendum and Other Provisions Act, 1999
5	The Amnesty Act, 1999
6	The Community Service Act, 2000
7	The Political Organisations Bill, 1998

- 9.09 Since laws are very important for the country the process of passing a law must have a modicum of democratic practice. Much as Parliament is supposed to act on behalf of the people, it is imperative that those bills with overarching human rights implications should be open to public scrutiny. Such bills should never be debated and passed hurriedly. It is the duty of the ministries, the Law Reform Commission, the Ministry of Constitutional Affairs and Parliament to facilitate this debate whenever it is required.



Dr. Nduvula of the Commission at the Civic Education Seminar for the Media. The Media provides space for human rights debates



Some Security Officers at the opening of the Soroti Regional Human rights Office in 2000. They too discuss human rights issues and are central to human rights protection.

Appendix

Kampala Declaration on constitutionalism within the security agencies in Uganda

This Declaration was made on 4th October 2000, by consensus of all participants from the Uganda Peoples' Defence Forces (UPDF), The Uganda Police Force, Uganda Prisons Service and Intelligence agencies i.e. ISO, ESO and DMI, at the conclusion of a two-day workshop on Constitutionalism and security agencies, held at the Uganda International Conference Centre Kampala. It is an expression of commitment to the recommendations below on the way forward.

GENERAL RECOMMENDATIONS APPLICABLE TO ALL SECURITY AGENCIES

- 1 Supremacy of the Constitution**
The Uganda Human Commission, as mandated by Article 52 of the Constitution, is called upon to regularly and critically assess and evaluate the impact of the Constitution and the development of a culture of constitutionalism in Uganda. Each arm of Government and each security agency is encouraged to undertake a similar regular review and evaluation of constitutionalism within its own sphere of competence.
- 2 Supremacy of Civilian Authority**
Since all power belongs to the people of Uganda who are empowered to exercise their sovereignty in accordance with the Constitution, the right and duty to defend the Constitution and democracy are invested in them. Chapter one of the Constitution equally emphasises that Government must be civilian. This principle and its implications must be clearly understood by the citizens and fully respected by the security agencies at all times.
- 3 Improvement of the quality of officers and members of security agencies.** In order to have officers and men/women of the security agencies who meet the qualities enshrined in Chapter 12 of the Constitution, that is who are non-partisan, patriotic, professional, disciplined, competent, productive, citizens of good character, all efforts must be taken to improve methods of recruitment into and removal from the agencies.

- 4 **Collaboration and cooperation between security agencies.**
Security agencies are encouraged to collaborate and cooperate in ensuring peace, stability and security in the country and among all citizens. Each security agency should also fully know, respect and faithfully carry out the constitutional mandate given to it.
- 5 **Urgent need for new laws for security agencies, which conform with the Constitution.**
Since the laws governing the security agencies were made prior to the promulgation of the Constitution and therefore contain some provisions which are outdated and contrary to the Constitution, the Executive and Parliament are urged to speed up the tabling, discussion and passing of the following laws:
 - A new Army Act to replace the current one made in 1992 and which includes all aspects demanded by the Constitution under Article 210(b) of the Constitution.
 - A new Prisons Service Act, to replace the current one of 1964.
 - An amendment of the Current Police Statute, made in 1994.
- 6 **The urgent need for an anti-terrorism law to be in place**
This law in the process of being made should be given a priority in the busy schedule of Parliament so that the rule of law is maintained and strengthened.
- 7 **The duty to observe and respect human rights and freedoms**
The duty of each and all security agencies as clearly stated in Article 221 of the Constitution 'to observe and respect human rights and freedoms in the performance of their functions' ought to be clearly explained to all officers and men/women of each agency and to be strictly followed by each agency and individuals within each agency.
- 8 **Mandatory education and training in the Constitution, Human Rights and Democracy**
Each security agency should have a mandatory education and training in the Constitution, human rights and democracy in order to conform with the requirements of the Constitution, the international human rights standards and the people's aspirations for democracy.
- 9 **Human rights training manuals for each security agency**
The Uganda Human Rights Commission in conjunction with the UPDF and the Intelligence Services respectively should develop the training manuals proper to each agency, as has already been done for the Police Force and is being done for the Prisons Service. These manuals should form part of the essential syllabus of the training of each security agency.
10. **Adequate facilitation or annual budgets for each security agency by Government**
Government and its Finance Ministry should take it as a priority for peace, stability, security, human rights respect and constitutionalism to adequately facilitate each agency to enable it to function properly and fulfil the demands required of it in the established rule of law. In preparing their annual budgets the Finance committee of Parliament should be earlier involved in order to support these budgets before Parliament.
11. **Improvement of conditions of service for officers and men/women of these agencies**
The Officers and men/women of the security agencies should be adequately remunerated and their living and working conditions improved in order to enhance the quality of their services and life after retirement.
12. **Adequate education of the public on the roles of each security agency**
Each security agency, the UHRC and other constitutional bodies should adequately explain to the public the specific roles/functions of each agency to empower them to relate with each with sufficient knowledge. Each agency should develop its public relations skills and strategies for the ever improving relations with the civilian population. Each security agency should have a fully-fledged desk for monitoring human rights and receiving and dealing with complaints from the public.
13. **Accountability, transparency and elimination of corruption and bribery**
Each security agency is committed to improving accountability and transparency in its operations and administration. Each is determined to eliminate corruption and bribery where these exist among errant individual members of the agency. The public is challenged to desist from 'encouraging'

corruption or volunteering to offer bribes to any officer or man/woman of the security agencies.

COMMITMENTS AND RECOMMENDATIONS SPECIFIC OR RELATED TO EACH SECURITY AGENCY

Uganda Peoples' Defence Force

- 1 To increase its effective control and supervision of all its departments to ensure greater human rights respect and strict adherence to the rule of law.
- 2 To improve on its human rights record in the areas of armed conflict.
- 3 To become more productive in the running and developing their economic enterprises which contribute to the welfare of society and of their own.
- 4 To become more actively involved in disaster operations, thus coming to the rescue of civilians.

Uganda Police Force

- 1 To put priority on building capacity in specialised skills necessary within their mandate and operations.
- 2 To strictly conform to the constitutional rule of 48 hours to produce suspects before court.
- 3 To emphasise, as a policy, carrying out ample investigation before arrest, as this will improve the right to a speedy trial.
- 4 To ensure that its established desk for receiving complaints from the public is effective and truly transparent.
- 5 To develop further the community policing section so that Police-civilian relations enormously improve.

Prisons Service

- 1 Government should act urgently to bring all prisons in Uganda under one Prison Service Authority as required by the Constitution. This action will improve tremendously the state, conditions of these prisons and the quality of officers in them.
- 2 Every district should comply with the provisions of the Children Statute to establish as a matter of priority suitable Remand Homes for the rehabilitation of juvenile offenders.

- 3 The Penal Code should be amended in the light of the constitutional provisions, namely Articles 24 and 44 of the Constitution to eliminate corporal punishment, which is a clear form of torture still imposed by courts to certain categories of convicts to be carried out by the Prison Officers.
- 4 In order to lessen and eventually totally remove the problem of over-crowding in prisons caused among other factors by lack of criminal policy, delays in the administration of justice and the preference of many Judicial Officers for incarceration of offenders for petty crimes, the full operation of the recently passed law on Community Service should be put in place. Tax defaulters and petty offenders should normally be dealt with by this new law.
- 5 There is urgent need for constructing new prisons, which fit the minimum standards for places of detention. The policy of using the bucket for toilet should be fully abolished as soon as it is possible to find better means.

Intelligence Services

- 1 To amend Statute No. 10 of 1987 on Intelligence Service in accordance with the Constitution.
- 2 To have in place a Code of Conduct fully followed by the officers and known to the public on the Intelligence Services.
- 3 The Intelligence Services should take systematic steps to maintain and improve good relations with the public since they need the cooperation of the people in the collection of intelligence data.
- 4 The functions of the Intelligence Services should be well known to the public, particularly within the local Governments so that people may appreciate their role in 'safeguarding democracy, constitutionalism and human rights.
- 5 The National Security Council should constantly guide the operations of all sections involved in intelligence work, to ensure they are always within the Constitutional rule of law.