

Uganda Human Rights Commission



Statement on Emerging Human Rights Issues Following the Easing of the 42-Day National Lockdown

Monday August 9th, 2021

1.0 Background

The Government of Uganda, imposed a 42-day country-wide lockdown on Friday June 18, 2021, for the Covid-19 national response system to be able to manage the second wave that had been confirmed in Uganda. On Friday July 30, 2021 the Government eased the lockdown allowing some sectors of the economy to resume operations. In addition he emphatically called for strict observance of the Covid-19 Standard Operating Procedures (SOPs) instituted to curb the spread of the virus.

By then, the country had registered a consistent reduction in daily confirmed cases from the peak of 1,735 to an average of 71 and a consistent drop in positivity rate from the highest of 22% to current average of 8%. The Commission and the public at large welcomed this decision by government owing to the negative impact the lockdown had and continues to have on the economy in general, on personal wellbeing and the enjoyment of human rights by the citizens.

The reduced rate of the spread of the virus has been partly attributed to the general cooperation and adherence to the lockdown measures by most people in Uganda, inspite of their pressing need to resume their economic activities and sources of livelihoods. The Commission hails them for the achievements thus far. Nonetheless, it is obvious that we need to do much more as a country to completely eliminate the virus.

As the President stated in his address, the recent partial opening of the lockdown was mainly premised on strict observance of Standard Operating Procedures (SOPs), given that the vaccination coverage is still at a minimum. However, a few days into the partially eased lockdown many people are now neglecting the SOPs. This has been witnessed in the crowded areas of downtown Kampala and is a big threat to the progress made by the country so far in the fight against the virus.

Cognizant of the duties of every citizen as stipulated in Article 17 (b), (f) and (k) of the Constitution of Uganda, the Commission is concerned about the irresponsibility exhibited by those flouting SOPs. Citizens are duty-bound to, among others: Respect the rights and freedoms of others; cooperate with lawful agencies in the maintenance of law and order; and perform such other national duties and obligations as Parliament may by law prescribe. Failure to observe the SOPs is tantamount to failure to fulfil constitutional duties and obligations, which ultimately impacts on enjoyment of human rights.

Drawing on the constitutional mandate of the Uganda Human Rights Commission as per Article 52, we are again here to guide the country on protection and promotion of human rights in the prevailing situation. As we have stated before, the Commission recognises the constitutionality and legitimacy of the current limitations imposed on enjoyment of some of the

human rights and freedoms, in view of the Covid-19 pandemic. Articles 23 and 43 of the Constitution of Uganda provide for such limitations in the public interest and for safeguarding the rights of others. The Commission therefore urges everyone in Uganda to appreciate and strictly observe the SOPs in place. We are reminding them to fulfill their civic responsibilities as stipulated in the Constitution of Uganda.

Relatedly, the Commission draws the attention of the concerned Government duty bearers to the constitutional duty of the State under the National Objectives and Directive Principles of State Policy XIV (b), XX and Article 8A, to take all practical measures to ensure the provision of basic medical services to the population and to endeavor to ensure that all Ugandans have access to health services among other fundamental rights. Whereas the Commission commends the Government and the Ministry of Health in particular, for the efforts so far taken in ensuring that Ugandans get vaccinated against Covid-19, there is an urgent need for the Government to do much more to ensure enough vaccines are available, accessible and affordable for the targeted population in Uganda. This way, more lockdowns can be avoided as the country builds herd immunity from mass vaccination and increases the chances of getting the country back to normalcy.

Following the Presidential address last week, the Commission and indeed the country learnt of the current efforts by government to secure vaccines for Ugandans. These included the 286,080 doses of AstraZeneca vaccine from Norway and 300,000 doses of the Sinovac Vaccine from China, recently received in form of donations. Another 2 million doses of the Johnson and Johnson vaccines ordered with the African Union and already paid for are expected in the country beginning this month. Other vaccines donated by the USA, UK and the COVAX Facility are also expected in the country in the course of next month. The Commission is therefore optimistic that the receipt of these and more vaccines which are still in the pipeline will steadily increase the country's vaccination coverage.

2.0 Specific Issues of Concern

The Commission has noted the following specific concerns since the re-opening of the country, which require urgent attention:

1. Failure to observe social distancing

Despite available information from scientists that the Covid-19 virus spreads fast in gatherings or crowds, members of the public are disregarding the need for social distancing. Large crowds, feared to be one of the fastest spreaders, have been witnessed in downtown Kampala in the past few days.

2. Failure to wear face masks

The Commission noted that the wearing of masks, a key SOP, had improved with the onset of the second wave which has proved to be more devastating than the first one. However, some people are still defiant; not wearing a mask at all or putting it on the wrong way on the chin or just only covering the mouth. Lack of a face mask especially in public exposes whoever is present to the virus.

3. Failure to wash hands or sanitise

Instances of laxity have been witnessed in some public places especially in the commercial suburbs where washing of hands or sanitising before accessing premises/buildings/shops has not been strictly enforced. This omission poses a risk to the people mingling within those premises.

4. Flouting of the Presidential Guidelines

i) Number of passengers ferried by commercial motorcycles (Bodaboda)

Reports indicated that some *bodaboda* riders especially in up-country cities are already flouting the guidelines by carrying two passengers instead of the one passenger authorised. They are reported to have claimed that they need to compensate for the lost earnings during lockdown. However, it must be understood that carrying two passengers on one *bodaboda* does not provide for social distancing so it is another risk of spreading the virus.

ii) Movement beyond the curfew time

There has been widespread non-compliance with the curfew deadline especially by those who work in Kampala but live in the neighbouring districts of Mukono, Wakiso and others. There have also been reports of security agencies allegedly ordering defaulters to spend the night in their motor vehicles at check points till curfew ends.

iii) Large social gatherings

There have also been isolated reports of social gatherings involving sizeable crowds by some reckless members of the public, in total disregard of the guidelines in place for such gatherings.

5. Slow pace of vaccination

According to the recent Presidential address, a total of 1,139,260 doses of the AstraZeneca vaccine had been administered to the population countrywide; with 902,293 people having received the 1st dose while 233,950 had received the 2nd dose, as of Friday July 30, 2021. This is currently a minimal percentage of the total target population of 22 million people. The need for mass vaccination will result into a large population and therefore herd immunity and is likely to reduce the need for lockdown measures that have been seen to have adverse effects on various spheres of life of the population.

3.0 Recommendations

In order to mitigate the negative impact of the concerns as described above, the Commission recommends the following:

1. The general public is urged to continue to strictly maintain social distancing whenever they are in public spaces and if need be demand for its observance by all. Members of the public are also encouraged to avoid large crowds as much as practically possible.
2. Members of the general public must always wear face masks whenever they are in public places and should endeavor to wear them properly.
3. Citizens are urged to be vigilant and to police one another as a family, community or gathering and not just wait for police or local leaders to enforce SOPs. Citizens can call each other out if some of them neglect to wear masks and to do it correctly.
4. Members of the public are advised not to encourage visitors into their homes or visits to other homes as yet, unless it is absolutely necessary and should be responsible enough to avoid parties and other social gatherings for now.
5. Members of the public should strictly wash hands or sanitise them before accessing any public premises.
6. Members of the public should be vigilant and demand that proprietors of public premises safeguard their right to a safe and healthy environment by providing the necessary facilities to strictly enforce

- SOPs. These include hand washing or sanitizing stations, use of temperature guns and enforcing the requirement of face masks.
7. Whereas members of the public are called upon to strictly observe the Presidential guidelines, security agencies are urged to strictly enforce them to the level of issuing express-penalty tickets to violators where applicable. Security agencies are however reminded to observe and respect human rights and freedoms in the performance of their functions as provided for under Article 221 of the Constitution of Uganda.
 8. The Ministry of Local Government should urgently heed the Presidential directive to immediately fast track implementation and strengthening of the COVID-19 response Community Engagement Strategy as a means of mitigating the effects of the pandemic at community level.
 9. The Ministry of Health and the Ministry of Finance that are spearheading implementation of the multi-pronged approach for Uganda to secure Covid-19 vaccinations should as a matter of urgency prioritise the processes in order to have a sizeable population vaccinated in the shortest time possible. Government should also fast track mass vaccination of the population as a matter of priority to ensure that the ultimate objective is achieved.

4.0 Commission Appointment to the COVID-19 National Task Force

Before we conclude this statement, we wish to announce that the Uganda Human Rights Commission was recently co-opted as a member on the COVID-19 National Task Force. This is an important decision that will ensure that observance of human rights is integrated in decision-making, policies and actions of the taskforce. We will ensure that the Taskforce applies the Human Rights Based Approach in fulfilment of its assignment. Our constitutional duty is to ensure that the Government can guarantee that all decisions, policies and actions implemented in the circumstances of the Covid-19 pandemic will be for the realisation of all the human rights; and will not instead violate them in the implementation processes. In effect, our presence on the task will enhance the capacity of the Government to prevent human rights violations.

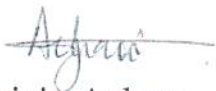
5.0 Conclusion

The fight against the Covid-19 pandemic is a concerted effort by everyone in Uganda; and in the world. Today, more than ever before, every citizen has a critical role to play in curbing the spread of the virus by strictly fulfilling their constitutional duties. By strictly adhering to the SOPs, the citizens will not only protect themselves but also those around them. In so doing, citizens will be fulfilling their constitutional duty to respect the rights of others and to cooperate with lawful agencies in the maintenance of law and order.

Citizens will also be fulfilling their constitutional obligation to be law-abiding; and in this specific instance, to comply with the Public Health (COVID-19) Statutory Instrument 2020 N0. 52 which was put in place to guide the national Covid-19 response. The Commission therefore appeals to every citizen to fulfill their constitutional duties and contribute to the fight against the Covid-19 pandemic.

The Commission equally calls on Government to prioritise acquisition of a sizeable amount of vaccine doses and expedite implementation of the mass vaccination programme in Uganda, to allow the country to eventually go back to normalcy.

FOR GOD AND MY COUNTRY!



Dr. Patricia Achan – Okiria (Mrs)

For: CHAIRPERSON