UGANDA HUMAN RIGHTS COMMISSION

18TH ANNUAL REPORT 2015

Left Picture
A domestic worker washing clothes.

Right Picture
A typical IK home in Usake village in Kaabong District.

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The 18th Annual Report of the Uganda Human Rights Commission To the Parliament of the Republic of Uganda

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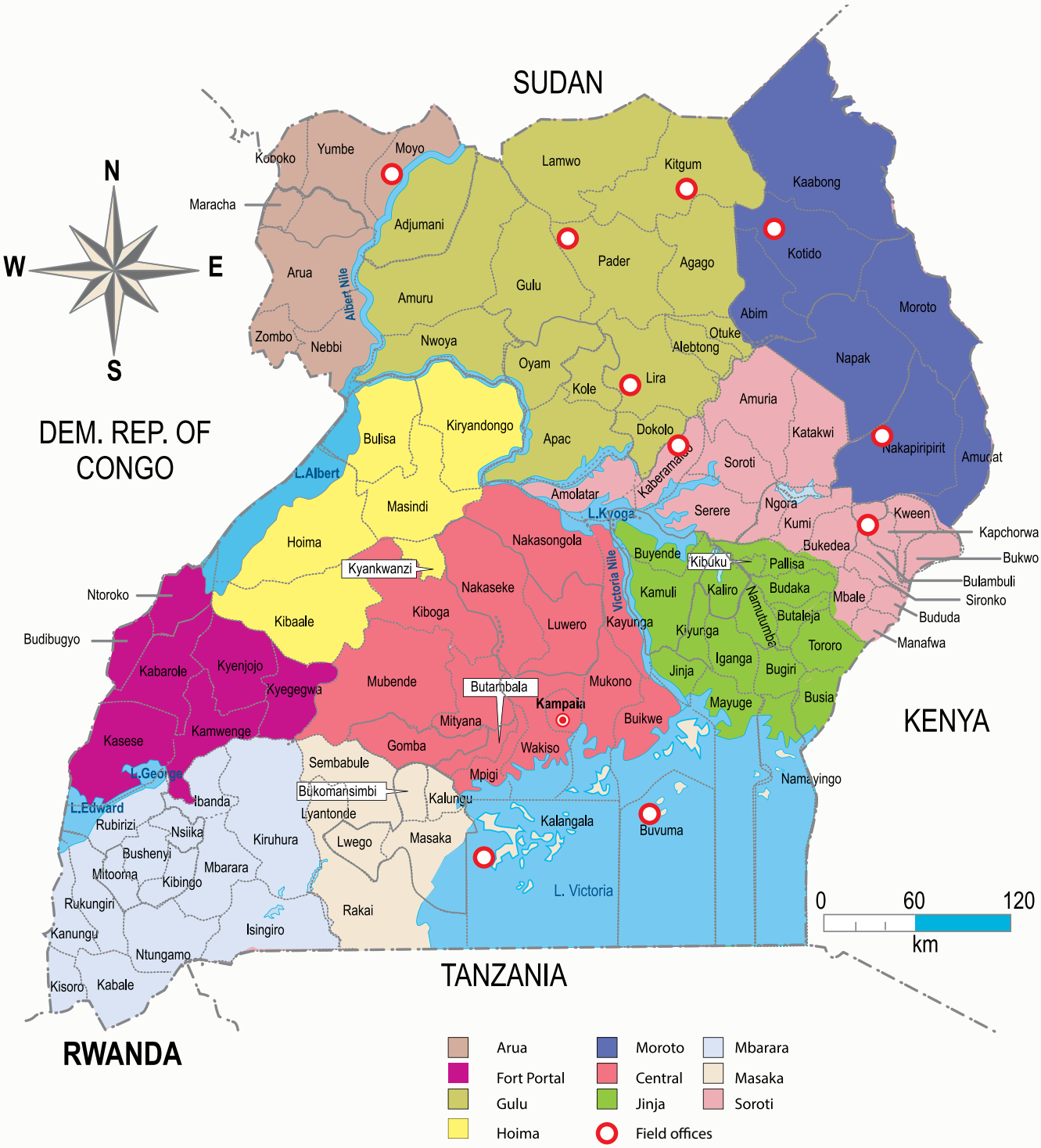
MAP OF UGANDA SHOWING LOCATION OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES



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

Dear Madam,

RE: UGANDA HUMAN RIGHTS COMMISSION 18th ANNUAL REPORT TO PARLIAMENT

Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 18th Annual Report in accordance with Article 52 (2) of the Constitution of the Republic of Uganda.

The report is divided into two sections namely; the activities carried out by the UHRC (Chapters 1-4) and the state of human rights in the country (Chapters 5-9). The former is about the activities of the UHRC in the year 2015, such as complaints management, inspection of places of detention and human rights education and the latter covers the UHRC analysis of the human rights situation in the country in the year 2015.

Yours Faithfully,

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

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** As at 31st December 2015, the Commission was not fully constituted. It was fully constituted in Febraury 2016.*

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ABBREVIATIONS AND ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
ACHPR	African Charter on Human and Peoples Rights
ACME	African Centre for Media Excellence
ACRWC	African Charter on the Rights and Welfare of the Child
ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
APT	Association for the Prevention of Torture
ART	Anti-Retroviral Therapy
ARVs	Anti-Retroviral Drugs
AU	African Union
BVVS	Biometric Voter Verification System
CAFH	Community Action For Health
CAO	Chief Administrative Officer
Cap	Chapter
CAT	Coalition Against Torture
CBD	UN Convention on Biodiversity
CBO	Community Based Organisation
CCEDDU	Citizens Coalition for Electoral Democracy in Uganda
CDOs	Community Development Officers
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEON-U	Citizens Elections Observers Network Uganda
CERD	Convention on Elimination of All Forms of Racial Discrimination
CESCR	Convention on Economic, Social and Cultural Rights
CFPU	Child and Family Protection Unit
CIID	Criminal Intelligence and Investigation Department
CMI	Chieftaincy of Military Intelligence
CMW	Convention on the Rights of Migrant Workers

Col	Colonel
CP	Conservative Party
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisations
CTR	Central
DANIDA	Danish International Development Agency
DCILS	Directorate of Complaints, Investigations and Legal Services
DCCs	District Coordination Committees
DFAD	Directorate of Finance and Administration
DGF	Democratic Governance Facility
DISO	District Internal Security Officer
DM & I	Directorate of Monitoring and Inspections
DP	Democratic Party
DPOs	Disabled Persons Organisations
DPP	Directorate of Public Prosecutions
DRED	Directorate of Research Education and Documentation
DRS	Directorate of Regional Service
DSC	District Service Commission
EC	Electoral Commission
EIA	Environmental Impact Assessment
EMG	Ethnic Minority Group
EOC	Equal Opportunity Commission
ESCR	Economic, Social and Cultural Rights
ESP	Expanding Social Protection
EPPU	Environmental Police Protection Unit
EWERP	Early Warning and Early Response Project
F/Y	Financial Year
FBOs	Faith-Based Organisations
FDC	Forum for Democratic Change
FGD	Focus Group Discussion
FGM	Female Genital Mutilation

FM	Frequency Modulation
GIZ	German Agency for International Cooperation (Deutche Gesellschat Fur Internationale Zusammenarbiet)
GoU	Government of Uganda
HCII	Health Centre Two
HCIII	Health Centre Three
HCIV	Health Centre Four
HIV	Human Immune Virus
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
HRC-U	Human Rights Centre- Uganda
HRE	Human Rights Education
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICGLR	International Conference on Great Lakes Region
ICNL	International Centre for Not-for-Profit Law
IDs	Identity Cards
IFC	International Financial Corporation
IFDH	International Federation for Human Rights
IGG	Inspector General of Government
ILO	International Labour Organization
IRT	Integrated Refugee Trust
ISO	Internal Security Organisation
JEEMA	Justice Forum
JLOS	Justice, Law and Order Sector
KCCA	Kampala Capital City Authority
KDLB	Kampala District Land Board
LAPD	Legal Action for Persons with Disability
LC	Local Council
LCV	Local Council Five
LDU	Local Defence Unit
Lt Col	Lieutenant Colonel
M&E	Monitoring and Evaluation
MAAIF	Ministry of Agriculture Animal Industry and Fisheries

MDAs	Ministries, Departments & Agencies
MHU	Mental Health Unit
MIA	Ministry of Internal Affairs
MIDA	Migration Information Data Analysis
MMS	Medicine Management Supervision
MoESTS	Ministry of Education Science Technology and Sports
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoPS	Ministry of Public Service
MoWT	Ministry of Works and Transport
MPs	Members of Parliament
MSMEs	Medium & Small-Scale Enterprise
MTEF	Medium Term Expenditure Framework
NAP	National Action Plan
NAPE	National Association for Professional Environmentalists
NDP	National Development Plan
NEMA	National Environment Management Authority
NFA	National Forest Authority
NGO	Non-Governmental Organization
NHRI	National Human Rights Institutions
NRM	National Resistance Movement
NSSF	National Social Security Fund
OC	Officer-in-Charge
OHCHR	Office of the High Commissioner for Human Rights
PGB	Presidential Guard Brigade
PISCES	Personal Identification, Secure, Comparison & Evaluation Systems
PNFP	Private Not For Profit
POMA	Public Order Management Act
POPs	Persistent Organic Pollutants
PPP	Peoples' Progressive Party
PPP	Public Private Partnership

PPR	Protect Respect and Remedy
PPTA	Prevention and Prohibition of Torture Act
PRDP	Peace Recovery and Development Plan
PSF	Private Sector Foundation
PWDs	Persons with Disabilities
RDC	Resident District Commissioner
RHRO	Regional Human Rights Officer
RRU	Rapid Response Unit
RSA	Resident State Attorney
SACCO	Saving and Credit Cooperative Societies
SAGE	Social Assistance Grant for Empowerment
SAJCEA	Strengthening of Access to Justice for Children and Youth in East Africa
SEA	Strategic Environmental Assessment
SIGs	Special Interest Groups
SIP	Strategic Investment Plan
SOPs	Standard Operating Procedures
SPARS	Support Supervision Performance Measurement Recognition Strategy
TDA	The Democratic Alliance
UAE	United Arab Emirates
UBC	Uganda Broadcasting Corporation
UBOS	Uganda Bureau of Statistics
UCC	Uganda Communication Commissions
UDHR	Universal Declaration of Human Rights
UFPEA	Uganda Fish Processors & Exporters Association
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission
UJCC	Uganda Joint Christian Council
ULRC	Uganda Law Reform Commission
UN GPs	United Nations Guiding Principles on Business & Human Rights
UN OHCHR	United Nations Office of the High Commissioner for Human Rights
UN	United Nations
UNAIDS	Joint United Nation Programme on HIV/AIDS
UNFPA	United Nations Population Fund

UNICEF	United Nations Children Fund
UOBDU	United Organization for Batwa Development in Uganda
UPC	Uganda Peoples Congress
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPPC	Uganda Printing Publishing Cooperation
UPR	Universal Periodic Review
UPS	Uganda Prisons Services
URA	Uganda Revenue Authority
URSB	Uganda Registration Services Bureau
USA	United States of America
USD	United States Dollar
USMID	Uganda Support to Municipal Infrastructure Development
UWA	Uganda Wildlife Authority
VCCU	Violent Crime Crack Unit
VOT	Voice of Toro
WHO	World Health Organisation
WMZ	Water Management Zone
WWW	World Wide Web

ABOUT UGANDA HUMAN RIGHTS COMMISSION

Vision

A society that respects human rights and fulfils civic obligations.

Mission Statement

To protect and promote fundamental human rights and freedoms in Uganda for sustainable development.

Corporate Values

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

Mandate

The functions of UHRC as per Article 52 (1) are listed as follows: -

a) To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;

b) To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;

c) To establish a continuing programme of research, education and information to enhance respect of human rights;

d) To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;

e) To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;

f) To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

g) To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

h) To monitor the Government's compliance with international treaty and convention obligations on human rights; and

i) To perform such other functions as may be provided by law.

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

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

a) Establish its operational guidelines and rules of procedure;

b) Request the assistance of any department, bureau, office, agency or person in the performance of its functions; and

c) Observe the rules of natural justice.

Furthermore Article 48 (1) of the Constitution grants the UHRC an intervention role in situations where a State of Emergency has been declared, as stated herewith; "The Uganda Human Rights Commission shall review the case of any person who is restricted or detained under emergency laws".

Powers of the UHRC

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

a) To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;

b) To question any person in respect of any subject matter under investigation before the Commission;

c) To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and

d) To commit persons for contempt of its orders.

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

a) The release of a detained or restricted person;

b) Payment of compensation; or

c) Any other legal remedy or redress

Independence of the UHRC

Under Article 54 of the Constitution, UHRC shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

Expenses of the UHRC

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

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

Removal of a Member of the Commission

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

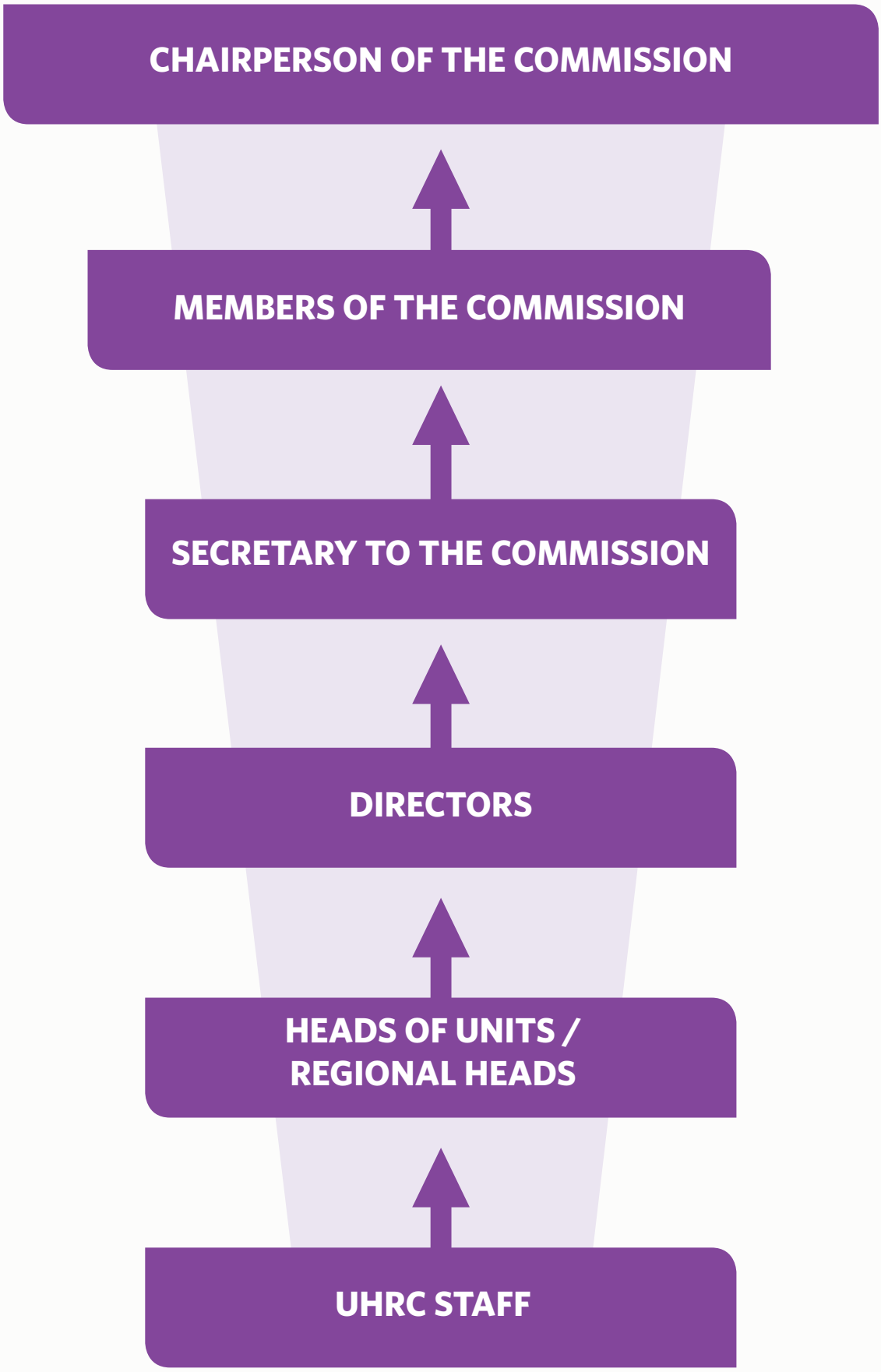
Staff of UHRC

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

Laws governing the functions of UHRC

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

UHRC ORGANOGRAM



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UHRC acknowledges its Directorate of Monitoring and Inspections in particular the Director, Ms. Patricia Nduru and her team: Ms. Priscilla Nyarugoye, Ms. Paula Biraaro, Ms. Freda Nalumansi-Mugambe, Ms. Diana Rutabingwa, Ms. Dianah Akampereza, Ms. Sarah Birungi, Ms. Diana Kobusinge and Ms. Felistas Atim-Odyek for compiling the report. Special gratitude to the members of the Editorial Board, in particular the Chairperson Mr. Med S.K. Kaggwa, Commissioner Katebalirwe Amooti Wa Irumba, Commissioner Hon. Retired Justice Gideon Tinyinondi, Secretary Mr. G.T. Mwesigye and Directors: Ms. Patricia Nduru, Ms. Ruth Ssekindi, Ms. Ida Nakiganda, Ms. Margaret Lucy Ejang, Mr. Kamadi Byonabye. UHRC appreciates the support of other members of the Editorial Board Mr. Charles Mukasa, Ms. Florence Munyirwa, Ms. Rose Mary Kemigisha, Ms. Priscilla Nyarugoye, Ms. Paula Biraaro and Ms. Diana Rutabingwa. UHRC also recognises the efforts made by other members of staff: Mr. Paul Otim, Mr. Willy Agirembabazi, Mr. Farouk Nyende, Ms Theopista Twembi, Ms. Juliet Logose, Ms. Maureen Nalubega, Ms. Roselyn Amayo, Mr. David Obutai, Ms. Rebecca Tino, Ms. Moreen Kiiza, Mr. Robert Muhwezi, Ms. Dianah Akampereza and Ms. Sarah Birungi for drafting and improving the report for publication.

UHRC further acknowledges the contributions made by individuals and organizations during the consultative process. We thank the following people: Hon. Jovah Kamateeka (Parliament), Mr. Javier Sanjuan, (UN-OHCHR), Mr. Crispy Kaheru and Nyanzi Moses (CCEDU), Mr. Wairagala Walabi and Mr. Ashrah Katemera (CIPESA), Mr. Sempala Robert (HRNJ-Uganda), Mr. Muramuzi and Ms. Sostine Namanta (NAPE), Ms. Atengo Wegoye (Uganda Communication Commission), Ms. Persis Basemera, Ms. Aphra Agaba and Ms Nanyanzi Miriam K. (NEMA), Mr. Edmond M. Owor (Uganda Land Alliance), Mr. Opio Robert (Ministry of Lands & Urban Development), Dr, Amandua Jacinto and Dr. Makiganda Dinah (Ministry of Health), Mr. Mugwanya Wilberforce (Ministry of Health-RHD), Mr. Balikunda Felicien (Minority Rights Group), Ms. Rose Kiwanuka (PCAU), Mr. Mulondo Hassan (Uganda Albino Association), Col. Charles Wacha (UPDF), Mr. Victor Aioka (Uganda Prisons Services), Ms. Jackline Mwende and Mr. Tibigambwa (APP), Mr. Kaboggoza J. J and Mr. Okello Patrick (Ministry of Gender Labour and Social Development) Ms, Josephine Kiyingi (Ministry of Justice & Constitutional Affairs), Mr. Patrick Tumwine (HURINET-U), ACP Dinah Kyasiimire (Uganda Police Force), Ms. Zahara Nampewo (School of Law, MUK),Ms. Patricia Kimera (Human Rights Awareness & Promotion Forum), Dr. Christopher Mbazira (PILAC/School of Law MUK) and Ms. Charlotte Ntulume (MUK). The information provided during the consultation meeting and review helped in enriching the draft annual report.

EXECUTIVE SUMMARY

This is the Uganda Human Rights Commission's (UHRC) eighteenth annual report to Parliament. The report is cognisant of the electoral process the country underwent in 2015, which informed its strategic interventions and the assessment of the human rights situation. The first four chapters cover strategic interventions undertaken in line with the specific functions of the UHRC in Article 52(1). The subsequent five chapters are an assessment of the human rights situation in 2015.

The report is primarily informed by: complaints received; investigations conducted including systemic investigations; inspection of detention facilities; human rights education and outreach activities. Furthermore, the report is based on information arising out of monitoring: environmental degradation by selected businesses, pre-election processes, babies' and children homes, selected vulnerable groups including domestic workers and ethnic minorities. The report makes reference to information provided during interviews, focus group discussions and UHRC stakeholders' engagements. Where relevant, secondary information has also been made reference to. The report is comprised of nine chapters contained in two sections as summarised hereinafter in this part.

SECTION ONE

CHAPTER 1: COMPLAINTS MANAGEMENT IN 2015

This chapter analyses complaints management in 2015 by assessing the complaints received, mediated, referred, investigated and resolved.

In 2015, UHRC received 4,227 complaints, which was an 8.27% increase from the 3,904 received in 2014. Of the complaints received; 2,859 (67.63% of the total complaints) were from male complainants, representing a 6.08% increase from the 2,695 complaints received in 2014. Complaints from female complainants constituted 1,400 complaints (33.12% of the total) in 2015, representing a 14.66% increase from the 1,221 in 2014.

Complaints registered decreased by 18.32% from the 895 registered in 2014 to 731. The decline is attributed to among others the existence of a referral mechanism and the strict admissibility criteria used to assess the complaints and determine which ones to register. Of the complaints registered, nine were election related and mainly concerned allegations of deprivation of personal liberty. The highest number of complaints was violation of freedom from torture and cruel, inhuman or degrading treatment or punishment, constituting 37.95% of the total complaints registered, followed by detention beyond 48 hours (27.17%), denial of child maintenance (14.30%), deprivation of property (7.04%) and deprivation of life (3.96%).

Uganda Police Force remained the top respondent in 2015, with 385 (50.65%) out of 760 respondents, followed by private individuals with 182 (23.94%) and the Uganda People Defence Forces with 97 (12.76%). Uganda Police Force, private individuals, Uganda People's Defence Forces, local governments and the Uganda Prisons Services have remained the top five respondents for the last six years.

In 2015, UHRC completed investigations into 840 complaints, which was 93.9% of the annual set target of 894, while 1,365 were partially investigated. UHRC offered advice, counselled and /or referred 3,607 complaints, which was an increase by 16.95% from the 3,084 complaints in 2014. Of these land disputes were the highest with a total of 508 complaints, representing an increment of 6.05% from the 479 in 2014.

UHRC conducted mediations for 163 complaints, which was an increase of 34.71% from 121 mediated in 2014.

UHRC Tribunal concluded 85 complaints in 2015, a 58.7% reduction from the 206 complaints in 2014. This was due to the expiration of the term of office of most of the members of the Commission in April 2015. The UHRC Tribunal awarded a total of UGX 579,300,000 (Five hundred seventynine million, three hundred thousand Uganda shillings) to victims of human rights violations

Recommendations

1. State agencies and institutions implicated as respondents should fully cooperate with Uganda Human Rights Commission to enable it implement its mandate effectively.
2. Ministry of Justice and Constitutional Affairs should fully facilitate state attorneys to enable them attend Uganda Human Rights Commission Tribunal hearings.
3. Ministry of Justice and Constitutional Affairs should pay all outstanding Uganda Human Rights Commission Tribunal awards.
4. Ministry of Justice and Constitutional Affairs should expedite the process of assessment of matters pending amicable settlement and provide feedback to the Tribunal.

CHAPTER 2: ASSESSMENT OF CONDITIONS IN DETENTION FACILITIES

Monitoring conditions in detention facilities is one of the core functions of the UHRC. Through first time and follow up visits, the UHRC inspected 896 facilities in 2015. These comprised of 173 prisons, 205 police stations, 509 police posts, four military detention facilities and five remand homes. This chapter assesses the conditions of detainees paying attention to rights of inmates pending ministerial orders, freedom from torture, detention of civic debtors, health care services, children incarcerated with mothers, juveniles detained with adult offenders, court attendance and staff welfare among other things. Positive developments such as newly constructed and renovated infrastructure, construction of cells for juveniles and female and establishment of human rights committees were noted by UHRC. Human rights concerns included detainees pending ministerial orders, torture and solitary confinement, juveniles detained with adult offenders, children detained with care givers, inadequate staff accommodation are highlighted.

Recommendations

1. As recommended in the previous annual reports:
    - Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service, Uganda Police Force, the Uganda Peoples' Defence Forces and the Ministry of Gender, Labour and Social Development to ensure that the rights of inmates and staff are respected;
    - Uganda Prisons Service, Uganda Police Force and the Uganda Peoples' Defence Forces should enforce the Prevention and Prohibition of Torture Act (2012) in order to hold perpetrators of torture in places of detention accountable;
    - Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with government obligations under the International Covenant on Civil and Political Rights;
    - Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, should ensure that juveniles are separated from adult offenders in all detention facilities and that children who are incarcerated with their imprisoned mothers are catered for;

- Ministry of Finance Planning and Economic Development should adequately facilitate and centralise funding of remand homes through the Ministry of Gender and Social Development in order to address their perennial challenge of funding;
- Justice, Law and Order Sector should implement the diversion guidelines and strengthen the mechanism for diversion of children away from the criminal justice system through mediation arbitration and community service;
- Uganda Prisons Services, Uganda Police Force and the Uganda Peoples' Defence Forces should completely phase out the bucket waste disposal system; and
- Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Minister's Orders.

2. Uganda Law Reform Commission, the Ministry of Justice and Constitutional Affairs, theJudiciary and Parliament should put in place a law to shift the mandate on ministerial orders from the Minister of Justice to judicial officers.
3. Uganda Prisons Services should improve on the daily wage given to inmates for hiring out of their labour services.

CHAPTER 3: HUMAN RIGHTS EDUCATION AND AWARENESS PROGRAMMES

Human rights education is an essential component for duty bearers and rights holders to observe rights as well as fulfilling duties and obligations. UHRC undertook interventions including workshops, trainings, community outreach programmes, media campaigns and advocacy. These were aimed at enhancing levels of human rights awareness, nurturing a culture of respect for human rights, emphasising the importance of citizens' duties and responsibilities relevant to the electoral process. A key intervention was training of security agencies on human rights standards during elections and sensitisation of the community on their rights and obligations in the electoral process.

Due to increased funding, UHRC in 2015 sensitised 43,878 persons drawn from state and non-state actors. This was a 54% increment from the 28,488 reached in 2014. Grass root human rights awareness increased by 40% from 22,621 in 2014 to 31,694 people in 2015. Other awareness activities included human rights education in schools; 160 phone-in radio talk shows; 5,599 radio spot messages; 82 television infomercials; press conferences and commemoration of human rights days.

Recommendations

1. Ministry of Finance, Planning and Economic Development should adequately fund the Uganda Human Rights Commission's civic education mandate. It is imperative that 100% funding is provided in order to ensure sustainability of Uganda Human Rights Commisson's civic education programmes that are currently funded by development partners.
2. Ministry of Information and Communications Technology should continue to emphasise to the general public the importance of attending government programmes and receiving information that is crucial for their effective participation in matters of their governance.

CHAPTER 4: FINANCE AND ADMINISTRATION

This chapter discusses the support activities relating to human, financial and logistical resources which were instrumental in the fulfilment of the UHRC constitutional mandate in 2015. UHRC was allocated UGX 14.6 billion in the FY 2014/2015 compared to the UGX 13.06 billion received in FY 2013/2014. Of the UGX 14.6 billion, UGX 9.78 billion (67%) was appropriated by Government while development partners provided UGX 4.9 billion (33%). It is noteworthy, that funding from GoU has been growing at an

average rate of 4.5% per year since FY 2011/2012. Nevertheless, as highlighted in previous annual reports, the appropriation of funds has not corresponded with the needs of the UHRC. As such, the UHRC has continued to rely on donor funding to fulfil its mandate.

Recommendations

1. Ministry of Finance Planning and Economic Development should:
    - Provide 100% funding to UHRC to address the recurring funding gap in non-wage; and
    - Provide resources under capital development to purchase vehicles, equipment and construct regional offices in a phased manner.
2. Ministry of Finance Planning and Economic Development should operationalise the proposed expanded staff structure that was approved by the Ministry of Public Service to address the human resource gaps.

SECTION TWO

CHAPTER 5: EMERGING HUMAN RIGHTS CONCERNS

This chapter highlights emerging and recurrent human rights concerns which had serious human rights implications in 2015. These included; concerns on babies' and children's homes in Uganda; the state of specific rights of selected vulnerable persons namely: older persons, people living with albinism, persons with physical disability and ex-combatants; the plight of domestic workers; environmental degradation by selected businesses; and the impact of digital technology on personal data safety, human rights and responsibilities. This chapter flags human concerns such: as discrimination of persons living with albinism; exploitation, harassment and abuse of domestic and migrant workers; inadequate measures to prevent, mitigate and remedy human rights abuses by businesses; and the inadequate protection of digital rights

Recommendations on Babies' and Children's homes

1. Ministry of Finance Planning and Economic Development should increase funding to the Ministry of Gender Labour and Social Development aimed at enhancing implementation of the function of probation and social welfare.
2. Ministry of Gender Labour and Social Development should strengthen its implementation of laws and policies governing the provision of alternative care to children especially the regulation of insitutions providing alternative care: prioritisation of family based care and admission of children into child care institutions with court orders.
3. Ministry of Gender Labour and Social Development should centralise its probation and social welfare function for effective functionality and coordination.
4. The Human Rights Committee of Parliament should strengthen their oversight role with regard to monitoring the babies' and children's homes.
5. Parents and guardians should take up their parental responsibility so as to enhance the realisation of children rights.
6. Babies' and Children's homes should comply with the laws and policies that govern the provision of alternative care to children.

Recommendations on Vulnerable Persons

1. Ministry of Gender, Labour and Social Development should roll out the Senior Citizens Grant for Empowerment (SAGE) programme to all older persons in Uganda above 60 years and should provide a comprehensive programme to the public on the roll-out plan.
2. Ministry of Finance, Planning and Economic Development and the Ministry of Gender, Labour and Social Development should increase the amount of money paid to the Senior Citizens Grant for Empowerment beneficiaries to make it more realistic in order to have more positive impact, given that the cost of living is ever-increasing and the rate of inflation is high.
3. Ministry of Health should:
   - Categorise the skin drugs, lotions, sun glasses and hats that are appropriate for persons living with albinism as essential drugs, and provide them free of charge; and
   - Review the National Cancer Policy to specifically include the prevention, early detection, diagnosis and treatment skin cancer, especially for Persons with Albinism.
4. Ministry of Finance, Planning and Economic Development should exempt sun screens from tax to enable people living with albinism access them.
5. Ministry of Works and Transport should:
   - Effectively enforce/implement the Building Control Act 2013 and the provisions of the Persons with Disabilities Act 2006; and
   - Ministry of Works and Transport should ensure that the Regulations for the Building Control Act comply with the requirements for accessibility of Persons with Disabilities.
6. Uganda Peoples' Defence Forces should allocate sufficient funds to the Chieftaincy of Mubende Rehabilitation Centre to enable it effectively carry out its mandate, especially rehabilitating the centre so as to reduce on the congestion, as well as repairing dilapidated structures.

Recommendations on the plight of Domestic workers

1. Ministry of Foreign Affairs and the Ministry of Gender, Labour and Social Development, should ratify and domesticate the ILO Convention No.189 on decent work for domestic workers and work closely with embassies to ensure that the conditions of work for domestic workers are human rights compliant.
2. Uganda Law Reform Commission should review the existing legislations, such as the Employment Act, 2006 and operationalise the Social Security Policy and the Occupational Health and Safety Act, 2006 to specifically recognise domestic workers and advocate for regulation of domestic work.
3. Ministry of Gender, Labour and Social Development should:
   - Fast track the steps necessary to establish a minimum wage for domestic workers to reduce on their exploitation;
   - Effectively regulate the private companies that recruit migrant workers to ensure adherence to the necessary legal requirements awareness and fulfillment of their responsibilities, and compliance with human rights standards;
   - Initiate plans to have bilateral agreements on exportation of domestic workers with countries where Ugandans are currently employed, to avoid exploitation; and
   - Carry out massive awareness on the work ethics, rights, responsibilities and duties of domestic workers and employers.

4. Uganda Police Force, together with the Ministry of Gender, Labour and Social Development, should put in place measures to:
    - Ensure effective protection of the rights of migrant domestic workers, particularly: raising employers' awareness of their obligations, instituting sanctions in case of violation, securing access of domestic workers to complaint mechanisms; and
    - Enhance their ability to pursue legal, civil and criminal remedies, both during and after employment irrespective of departure from the country concerned.
5. Justice, Law and Order Sector should strengthen legal aid services and ensure that aggrieved domestic workers access justice in a timely and fair manner.

Recommendations on Environmental degradation by selected businesses

1. Uganda Law Reform Commission, Ministry of Water and Environment and National Environmental Management Authority should:
    - Fast-track the environmental law and policy reform process to address evident gaps and emerging issues, so as to make the legal and policy framework more effective; and
    - Ensure that the policy and law reform process is done in a participatory and consultative manner.
2. National Environmental Management Authority and other relevant ministries and lead agencies responsible for environmental management should:
    - Strengthen the capacity of environment inspectors on new and emerging issues, including the use of economic instruments and tax administration for environmental management at national, sector and local levels;
    - Build their capacity to better appreciate and implement the UN Guiding Principles on Business and Human Rights in their operations;
    - Put in place and effectively implement well-developed human rights policies, self-regulatory systems and mechanisms for environmental management, risk assessment, emergency/disaster response and grievances; and
    - Have multi-sectoral consultations and planning of interventions in order to harmonise and coordinate conflicting institutional mandates.
    - Ensure that performance deposit bonds are paid as security by businesses that produce dangerous and/ or toxic substances that have significant adverse impacts on the environment.
3. Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the environment sector non-wage budgets to cater for environmental management, monitoring, supervision and enforcement activities.
4. National Environmental Management Authority, in conjunction with key players such as other government agencies, the private sector and civil society, should ensure that there are massive public awareness programmes on the effects of business operations on the environment and on utilisation of available redress mechanisms.

Recommendations on the impact of digital technology on personal data safety, human rights and responsibilities

1. Ministry of Information, Communications and Technology, Uganda Communications Commission and National Information Technology Authority should:
    - Intensify their efforts to increase public awareness in respect to digital technology, which should cover rights and responsibilities in the use of digital technology. Citizens of Uganda must be made aware of the dangers that relate to new digital space, in order to moderate civil actions.
    - Develop a policy to articulate and address issues of online violence against women, including providing for educational programmes on digital security and safety.
2. Uganda Law Reform Commission should review the Regulation of Interception of Communications Act, 2013 and the Anti-Pornography Act, 2014 to address the overly-restrictive provisions affecting the freedom of speech and expression.
3. Ministry of Information, Communications and Technology should expeditiously table the Data Protection and Privacy Bill in parliament for consideration, so that it is passed as an Act of Parliament.
4. Uganda Communications Commission should:
    - Ensure that any blockage of digital services, such as the Internet, is in accordance with national and international human rights standards and should follow due process; and
    - Ensure that telecommunication companies adhere strictly to the right to privacy by issuing clear guidelines on how personal information should be kept safe and secure, and how it should be utilised.
5. Citizens of Uganda should use digital technologies responsibly, particularly the internet and the social network platforms. They should verify information before sharing it in order to avoid the consequences of propagating unverified information, which might cause disorder and violence.

CHAPTER 6: PREPAREDNESS FOR THE 2016 GENERAL ELECTIONS

This chapter focuses on election-related activities in 2015, specifically the right to vote and take part in government directly or through a nominated representative and the facilitation of the right to vote. UHRC, among other things, put in place an early warning and early response mechanism to monitor the enabling environment, party political preparedness, nomination of presidential and various candidates and the campaign period. In addition, the UHRC carried out civic education, monitored places of detention to locate missing persons reportedly detained on account of election-related incidents and put in place a special complaints-handling mechanism to specifically document and handle election-related complaints.

Though the UHRC noted the peaceful nomination of Presidential candidates, and the progress in the update and display of the voter register, there were still challenges such as: inadequate voter and civic education; lack of and/or inadequate internal democratic processes in political parties; inadequate electoral reforms; and the subjective interpretation and selective application of the law and election guidelines.

Recommendations

1. Parliament of Uganda should:
    - Review all laws relating to elections, including the Presidential Election (Amendment) Act, 2015, Parliamentary Act, 2005, Public Order Management Act 2013 and the Police

Act Cap 303 among others, avoid lacunas for multiple interpretation and discrimination during the electoral process.

- Review the process of appointing members of the Electoral Commission, to ensure transparency and independence in order to build public confidence in the body.
- Review the legal provisions on nomination fees with a view to reducing the apparent current exorbitant rates that are prohibitive; and review the requirement for public servants to resign, which hinders interested contenders from contesting for elective office.
- Provide adequate funding to Uganda Human Rights Commission for continuous civic education, and to the Electoral Commission for voter education and election administration.
- Ratify the African Charter on Democracy, Elections and Governance in order to strengthen the holding of regular free and fair elections and the promotion of human rights and good governance.

2. Media houses should fulfil with their duties and responsibility to promote free and equitable access to the media, to allow political contestants equal opportunity to convey messages to the public.
3. Ministry of Information Communications and Technology should enforce the constitutional requirement for the Uganda Broadcasting Corporation, as a public broadcaster, to provide equal access of all its outlets to all political parties to present their programmes to the citizenry.
4. Uganda Communications Commission and the Ministry of Information Communications and Technology should enforce regulations on the media's compliance with their professional responsibility, to stem irresponsible media reports. These institutions should also monitor and regulate the use of social media platforms in Uganda.
5. Electoral Commission should:
   - Plan and provide logistics for weather changes on voting days; and
   - Emphasise the duty of the public to register and vote through voter education.
6. All political parties should streamline and strengthen their internal democratic processes, party administration and funding in order to address the question of independent candidates.

CHAPTER 7: THE HUMAN RIGHTS SITUATION OF ETHNIC MINORITIES

The chapter assesses the human rights situation of ethnic minority groups monitored by the UHRC in 2015 in the districts of Kisoro, Kabale, Bundibugyo, Yumbe, Kaabong, Moroto, Kween and Bulambuli. The chapter analyses among other things the positive developments following recommendations made by the UHRC from the previous monitoring such as the development of the National Land Policy (2013), the enactment of the Institution of Traditional or Cultural Leaders Act 2011 and the creation of two new constituencies within ethnic minority communities. Human rights concerns such as inadequate participation in the development process, low standard of living, poor appreciation of their language and culture and increasing vulnerability of ethnic minorities due to evictions were observed.

Recommendations

1. As previously recommended in the 11th Annual Report of 2008;
   - Parliament of Uganda should ensure Uganda Human Rights Commission recommendations regarding ethnic minorities are implemented;

- Ministry of Gender Labour and Social Development should develop special affirmative action programmes targeting ethnic minority groups; and
- Ministry of Education and Sports and Ministry of Gender Labour and Social Development should equip district local authorities with skills and resources to educate ethnic minority groups in order to facilitate their participation and representation at local and national levels.

2. Ministry of Gender Labour and Social Development and the Ministry of Foreign Affairs should comply with international reporting obligations on the status of protection of ethnic minority groups to treaty bodies and during the Universal Periodic Review.
3. Ministry of Foreign Affairs should ratify and domesticate the Indigenous and Tribal Peoples Convention, 1989 and should comply with all provisions of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities throughout its various interventions.
4. Parliament of Uganda should amend the 1995 Constitution of Uganda to include provisions for clear categorisation and inclusion of all ethnic minorities and indigenous groups, and also harmonise the conceptual understanding of indigenous peoples under Article 10 (a) of the Constitution with the international and regional standards.
5. Ministry of Gender, Labour and Social Development should:
   - Design a national policy that seeks to recognise the fundamental rights and freedoms of ethnic minorities, and develop deliberate measures to protect their existence and ethnic, cultural, religious and linguistic identity through promotion strategies such as exchange/ exposure visits of ethnic minority.
   - Take affirmative action to enhance access to higher education for Ethnic Minority Groups and participation in decision-making platforms, with a view to uplifting the standards of ethnic minorities
6. Ministry of Lands, Housing and Urban Development and the Ministry of Water and Environment should de-gazette some portion of land under forests and national parks for EMGs and ensure the protection of their existence, including their continued regulated access to the material resources traditional to their existence.
7. Ministry of Gender, Labour and Social Development and the Equal Opportunities Commission should build the capacity of public servants to ensure protection of the identity of Ethnic Minority Groups and refrain from designing laws and policies that have the purpose or effect of assimilating minorities into the culture of dominant ethnicities. instead
8. Ministry of Gender, Labour and Social Development and Ministry of Public Service should ensure that the various ethnic, linguistic and religious communities have equal access to employment opportunities in the public and private sector.
9. Ministry of Education and Sports, in conjunction with the National Curriculum Development Centre, should review the curricula to be consistent with Article 29 of the UN Convention on the Rights of the Child which provides that education should develop each child's personality and talents to the full, and encourage children to respect their parents, their cultures and other cultures. Any Government interventions, like schools, within the EMG settlements should ensure that the teaching is offered in such a way as to ensure that their traditional way of life, practices and languages are preserved.

CHAPTER 8: UHRC's POSITION ON THE PERSONS WITH DISABILITIES BILL 2014, THE NON-GOVERNMENTAL ORGANISATIONS BILL 2015, THE CONSTITUTION (AMENDMENT) BILL 2015, AND THE CHILDREN (AMENDMENT) BILL 2014

This chapter consolidates UHRC's positions on bills and further highlights the recommendations that were incorporated in the Non-Government Organisation Act 2015, and the Constitution (Amendment Act) 2015 that were passed in 2015.

UHRC noted that the Persons with Disabilities Bill 2014 was an effort to bring the law in line with Uganda's human rights obligations. However, concerns including ambiguous definitions in the law such as child labour; the lack of penalties for offences: and a lack of a distinct process of guardian ship from adoption were noted.

UHRC reviewed the Children Amendment Bill 2015 that seeks to align the provisions of the Children Act with the already existing laws that relate to care and protection of children, provide for fair trial of child offenders, enhance the rights and safety of children and regulate adoption and guardianship of children. Human rights concerns that were flagged included the lack of clarification of harmful traditional and cultural practices and the lack of a penalty provision for the criminalised act of engaging children in hazardous employment.

The Persons with Disabilities Bill, 2014 aims to replace and reform the law relating to Persons with Disabilities. UHRC is concerned that the Bill does not adequately provide for the legal capacity of Persons with Disabilities and does not effectively address issues to do with reasonable accommodation and inclusive education for children with disabilities.

Under the Constitution Amendment Bill, UHRC's recommendation of not requiring at least one thousand signatures of registered voters in the constituency by an independent candidate to be able to stand for elections was adopted and the clause was excluded in the Constitution (Amendment) Act 2015.

UHRC recommendations incorporated in the Non-Governmental Organisations Act 2015 include the distinguishing between the bureau and board of directors, strict reference to registration instead of incorporation, representation of NGOs on the Board of Directors, having the Chief Administrative Officer to chair the committee at the district, removal of Resident District Commissioners from the Committee, removal of personal liability for directors, inclusion of safe guards before inspecting an NGO such as providing notice, an independent adjudication mechanisms with appeals to the High Court and that NGOs operating before coming into force of the said Act should continue operating.

CHAPTER 9: GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS AND TREATY BODY REPORTING

The chapter tracks the status of implementation of the various recommendations made by the UHRC to Government in previous annual reports. In 2015, there was 8.33% full compliance, 68.33% partial compliance and 23.33% non-compliance. Government compliance with Universal Periodic Review (UPR) recommendations also been highlighted in addition to the status of treaty body reporting to the various human rights mechanisms. A database and search engine have been developed for all human rights recommendations from international and regional human rights mechanisms, as well as UHRC recommendations to strengthen monitoring and reporting.

Recommendation

UHRC continues to urge the Government to fully comply with all previous recommendations, as well as those made in this report in order to increase respect and observance of human rights in Uganda.

SECTION 1

CHAPTER 1

COMPLAINTS MANAGEMENT

1 INTRODUCTION

The function of investigating and resolving complaints involving human rights violations is one of the core mandates of the Uganda Human Rights Commission (UHRC) as provided for under Articles 52(1) and 53 of the 1995 Constitution of Uganda. This process is aimed at ensuring that victims of alleged human rights violations and abuses receive effective redress and perpetrators are held accountable. UHRC's function on complaints management is fulfilled through investigation, mediation, counselling, giving advice, making referrals and through Tribunal hearings.

The investigation process is intended to establish whether or not the allegations raised constitute human rights violations. Mediation is conducted to help parties resolve their disputes amicably. The Tribunal function requires that the Commission sits as a quasi-judicial tribunal comprised of a single hearing Commissioner assisted by the Legal Counsel to effectively evaluate claims of human rights violations. UHRC has complaints admissibility criteria, which require that those complaints that it cannot handle are referred to other appropriate institutions for effective management. Where a violation is established, the Commission has the powers to order for an appropriate remedy as spelt out under Article 53(2) of the Constitution.

In 2015, UHRC set an annual target to register 1,474 complaints, mediate 311, give advice or refer 92, fully investigate 894 and resolve 274 through the Tribunal. This chapter analyses the UHRC's management of complaints in 2015.

1.1 COMPLAINTS RECEIPT AND REGISTRATION

In 2015, UHRC received complaints from people from all regions of Uganda. These either walked into the Commission's offices to report alleged human rights violations or lodged their complaints through telephone calls, letters, fax or email; while others called in during live radio talk shows. In order to reach out to the rural communities, UHRC also conducted mobile complaints handling exercises where people were able to lodge complaints during UHRC visits to their localities. In addition to the above, UHRC also registered complaints on its own initiative where a violation was suspected.

Mode of receiving complaints

1	Physical visits – walk-ins
2	Mobile complaints handling
3	Postal mail
4	Telephone
5	E-mail
6	Website
7	Fax
8	Live radio talk show – call-ins

1.2 COMPLAINTS RECEIVED IN 2015

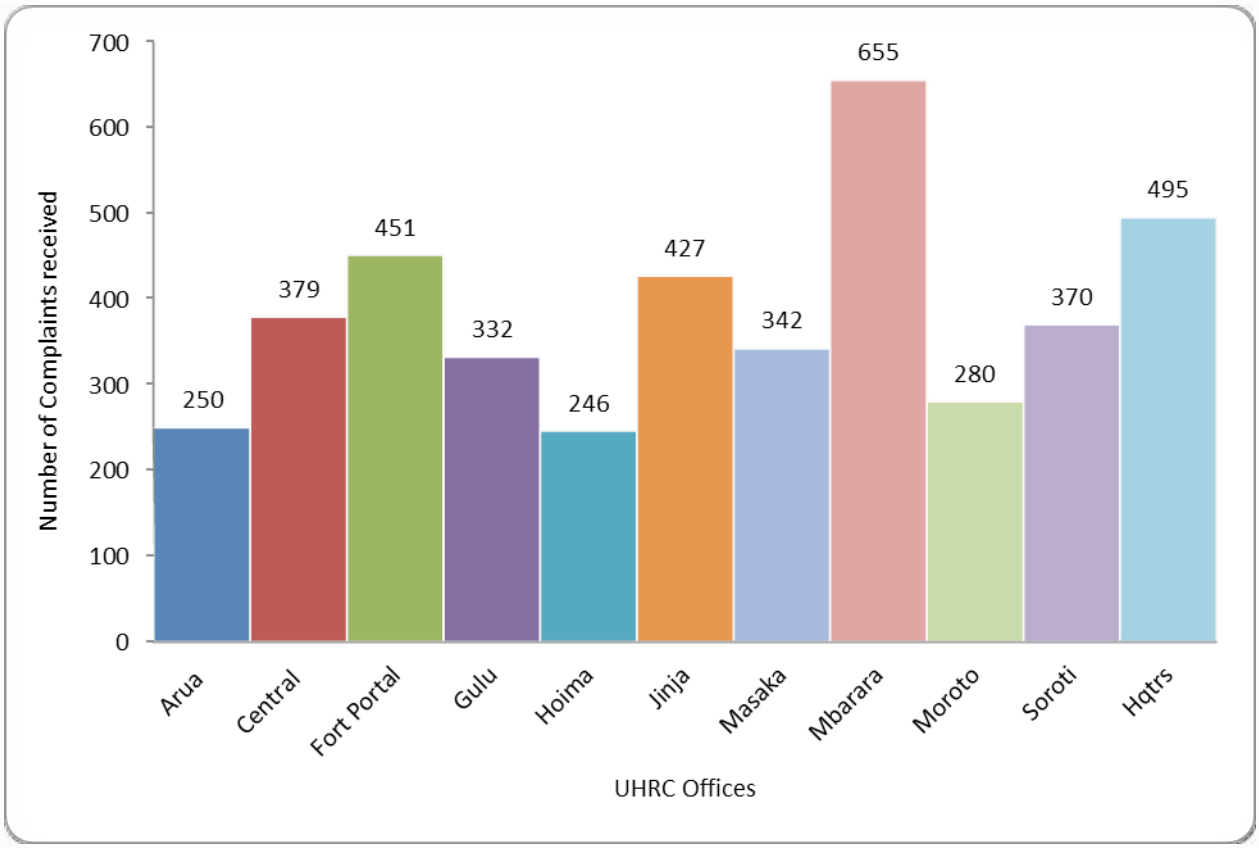
In 2015, UHRC received[1] a total of 4,227 complaints, which was an 8.27% increase from the 3,904 received in 2014. Out of the 4,227 complaints received, 731 were registered[2] since they raised alleged human rights violations. The increase in the number of complaints received is attributed to the increased public awareness programmes conducted by UHRC, as well as complaints that arose from the pre-election period in 2015. The other reasons include: the high level of trust that the public has in UHRC; the open-door policy at UHRC, where all persons who walk in are attended to irrespective of whether or not they have complaints of human rights violations; availability of free services at UHRC; the Commission's mobile complaints handling system; and the high expenses involved in acquiring legal services in other institutions.

Members of the public have given testimonies appreciating the interventions by UHRC when they or people known to them needed redress for human rights violations. As one Atepo Jolly Patrick of Gulu testified:

> *"A police officer shot my son who was studying, I was confused and had nowhere I could report this matter, and I felt helpless. A friend informed me that UHRC is the only organization that can help me and, indeed, they have helped me."*

Figure 1.1 below illustrates the proportion of complaints received in 2015 by the various offices of UHRC.

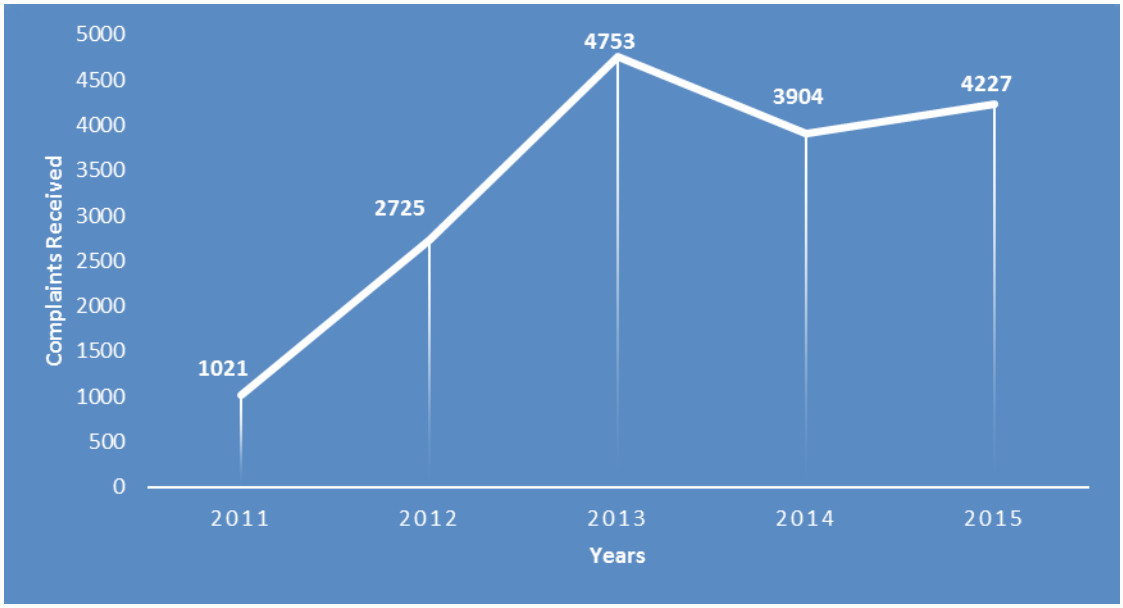
Figure 1.1: Proportion of complaints received by the UHRC in 2015



[1] Complaints received represent all matters reported to UHRC, whether admissible or not.
[2] Complaints registered are those that meet the admissibility criteria of human rights violations handled by UHRC.

As indicated in Figure 1.1 above, Mbarara regional office received the highest number of complaints, totalling 655 (15.49%) and this is partly attributed to the high number of cases related to the electoral period received at the regional office. The regional office also received 54 cases of assault related to election violence, which were referred to the Uganda Police Force (UPF). Mbarara regional office was followed by the UHRC headquarters, with 495 (11.71%) complaints and this was attributed to its location in the city centre with easier access to public transport and a high level of human rights awareness. The headquarters managed the complaints it received by providing advice to the complainants, referring them to other institutions, or transferring the complaints to the UHRC regional offices. Fort Portal regional office ranked third, with 451 (10.66%), followed by Jinja regional office with 427 (10.10%), Central regional office with 379 (8.96%), Soroti regional office with 370 (8.75%), Masaka regional office with 342 (8.09%), Gulu regional office with 332 (7.85%), Arua regional office with 250 (5.91%) and Hoima regional office, which received the least number of complaints, at 246 (5.81%).

Figure 1.2: Trend of complaints received in the past five years



As indicated in Figure 1.2 above, in 2012, UHRC received 2,725 complaints, representing an increase of 166.89% from the 1,021 received in 2011. In 2013, UHRC received 4,753 complaints, marking an increase by 74.42% from the 2,725 in 2012. In 2014, UHRC received 3,904 complaints, representing a decrease by 17.86% from the 4,753 in 2013. There was an increase of 8.27% in 2015. The consistent increase since 2011 is attributed to the establishment of two additional regional offices of Masaka and Hoima and four field offices, namely: Moyo, Kalangala, Kapchorwa and Buvuma, which increased accessibility of UHRC services by taking them closer to the communities.

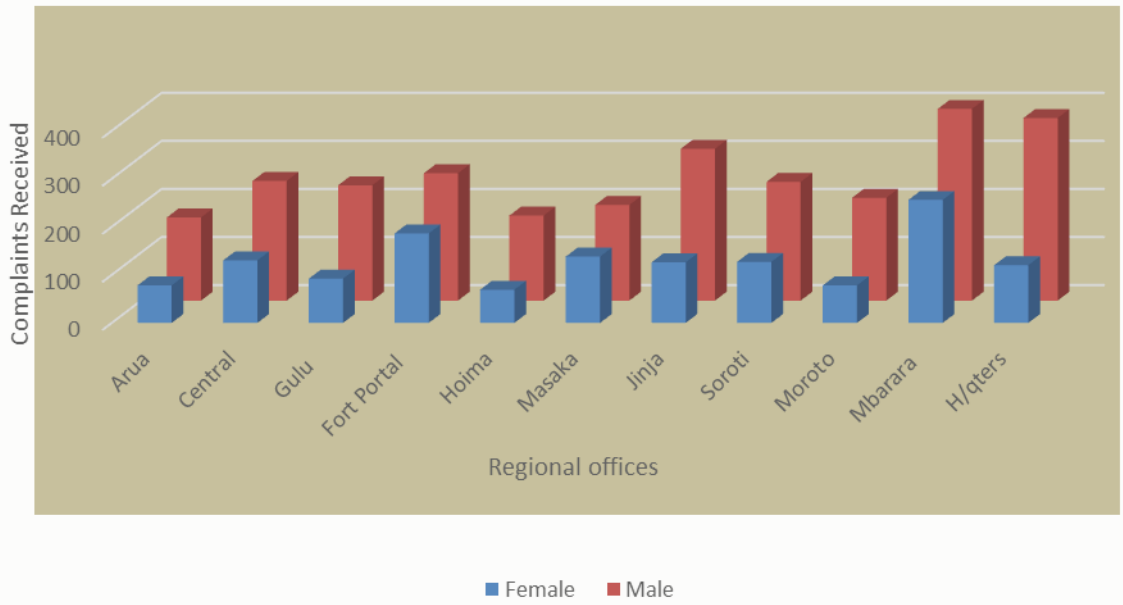
1.2.1 Complaints received disaggregated by gender[3].

As was the case in 2014, UHRC received more complaints from male complainants, compared to the females. UHRC received 2,859 complaints (67.63% of the total complaints) from male complainants, which represented a 6.08% increase from the 2,695 complaints received in 2014. UHRC received 1,400 complaints (33.12% of the total) from female complainants in 2015, representing a 14.66% increase from the 1,221 in 2014. The reason for more complaints being consistently received from male complainants is that it is usually men that are in conflict with the law or that commonly interface with security agents, sometimes leading to alleged human rights violations by security agents. On the other hand,

[3]The number of complaints received disaggregated by gender is more than the total number of complaints received because one complaint can be reported by more than one person.

most complaints registered by female complainants were related to family matters or children's rights. Figure 1.3 below illustrates the number of complaints received disaggregated by gender.

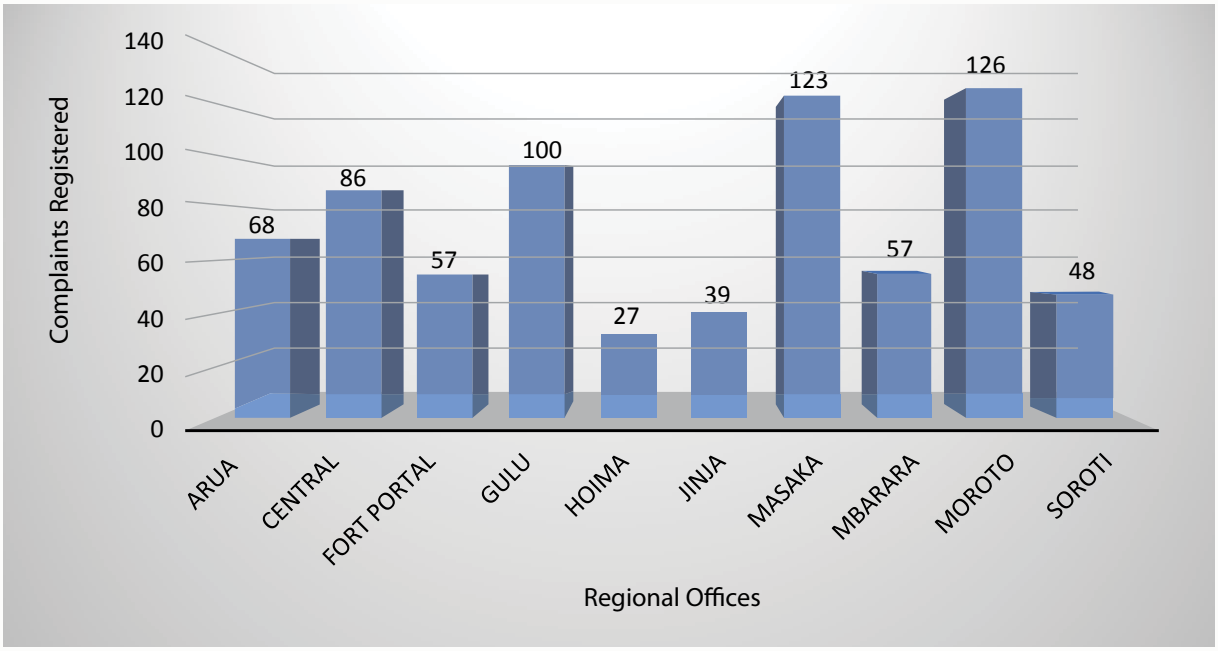
Figure 1.3: Gender disaggregation of complaints received by UHRC



1.3 COMPLAINTS REGISTERED IN 2015

In 2015, UHRC registered a total of 731 new complaints on human rights violations, showing a decrease by 18.32% from the 895 registered in 2014. The decline is attributed to: the strict admissibility criteria used to assess the complaints and determine which ones to register; training of law enforcement officers; and the existence of referral mechanisms in which inadmissible complaints are forwarded to other institutions better placed to handle them. Figure 1.4 below shows the number of complaints registered by respective regional offices in 2015, and Figure 1.5 below highlights a comparison in the number of complaints registered in 2014 and 2015.

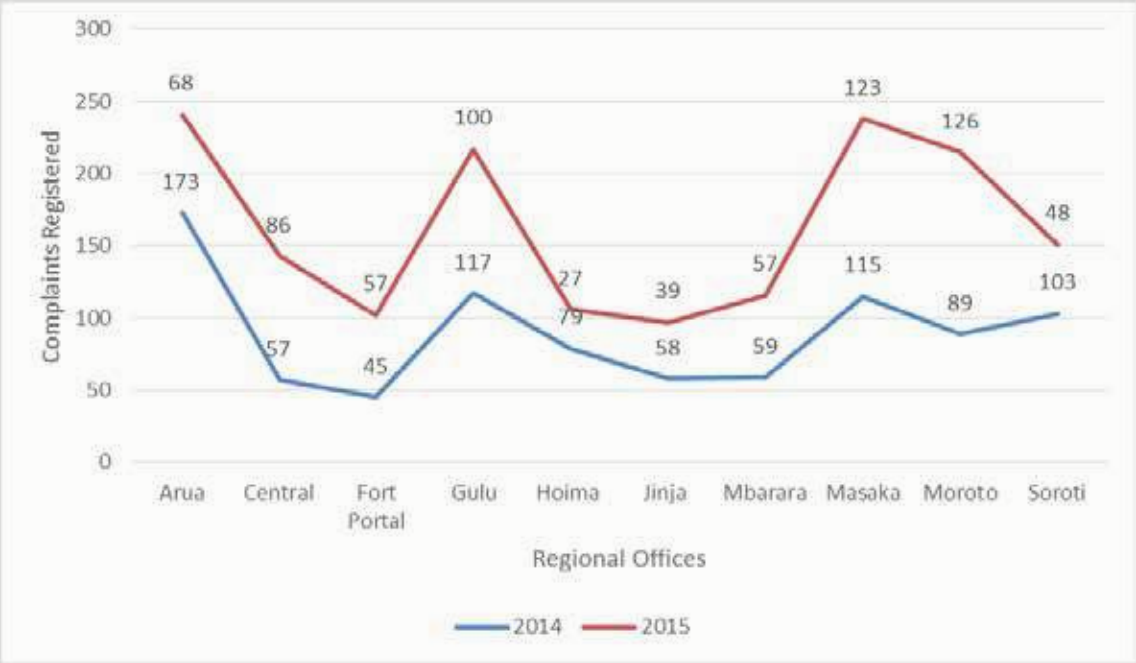
Figure 1.4: Complaints registered by UHRC in 2015



As indicated in Figure 1.4 above, Moroto regional office registered the highest number of complaints in 2015 totalling 126 and constituting 17.23% of all the complaints registered in 2015. The higher number of complaints registered by the Moroto regional office is attributed to its relocation in November 2014 to the Justice, Law and Order Sector (JLOS) House, which is in the centre of Moroto town and, therefore, more accessible to the complainants. In addition, the regional office conducted *baraza* in all six prisons in the region and, in the process, received complaints from inmates. Screening, during human rights awareness campaigns, of drama films acted by local people dressed in Karimojong traditional attire attracted high numbers of community members and enabled victims that had previously been unable to access UHRC lodge complaints. Furthermore, the disarmament exercise in the region led to receipt of 60 complaints of alleged torture, cruel, inhuman or degrading treatment or punishment against Uganda People's Defence Forces (UPDF) soldiers.

Masaka regional office, with 123 (16.82%), registered the second highest number of complaints, followed by Gulu regional office with 100 (13.67%), Central regional office with 86 (11.76%), Arua regional office with 68 (9.30%), Fort Portal regional office with 57 (7.79%), Mbarara regional office with 57 (7.79%), Soroti regional office with 48 (6.56%), Jinja regional office with 39 (5.33%) and Hoima regional office with 27 (3.69%).[4]

Figure 1.5 Number of complaints registered in 2014 and 2015 at the regional offices



In 2015, there was an increase in the number of complaints registered in four regional offices; Moroto, Central, Fort Portal and Masaka. Moroto regional office recorded a notable increase of 41.57%, from 89 complaints registered in 2014 to 126 in 2015. Masaka regional office also registered a 6.95% increase in the number of complaints, from 115 in 2014 to 123 in 2015, while Central regional office registered a 50.87% increase, from 57 complaints in 2014 to 86 in 2015. Fort Portal regional office also registered a 26.66% increase, from 45 complaints in 2014 to 57 in 2015.

Most regional offices registered a decrease in the number of complaints registered from 2014 to 2015: Arua: 60.69%, from 173 to 68; Gulu: 14.52%, from 117 to 100; Hoima: 65.82%, from 79 to 27; Soroti: 53.39%, from 103 to 48; Mbarara: 3.38%, from 59 to 57; and Jinja: 32.75%, from 58 to 39.

[4]ARU stands for (Arua), CRO (Central) , FPT (Fort Portal) , GLU (Gulu) , HMA (Hoima), JJA (Jinja), MBR (Mbarara) , MSK (Masaka), MRT (Moroto) and SRT (Soroti).

The reduction in most regional offices was due to the limited number of mobile complaints handling activities during the reporting period, due to limited funding. As a result, some complainants living in areas far away from the regional offices were not able to lodge their complaints. Other reasons included the continued empowerment of the community members through civic education initiatives, which helped them to avoid violating human rights, and the referral of maintenance matters to the District Welfare and Probation Office.

1.3.1 Election-related complaints registered in 2015

General elections in Uganda were slated for 2016 and so for the bigger part of 2015, electoral processes and election-related activities were going on. UHRC implemented a special project in which all its activities had a special focus on electoral processes. In this regard, during the pre-election period, UHRC registered nine election-related complaints. Of these, Mbarara regional office registered five, while Central, Jinja and Gulu regional offices, as well as the headquarters, registered one complaint each. Table 1.1 below shows the nature of complaints registered and the alleged perpetrators.

Table 1.1 Complaints related to elections

No.	Complaint No.	Nature of complaint	Respondent	Status of file
1.	MBR/50/2015	Torture, property and personal liberty	UPDF and private individual	Partially investigated
2.	MBR/55/2015	Freedom of expression	SACCO group	Mediated successfully
3.	MBR/53/2015	Torture and personal liberty	Uganda Police Force	Partially investigated
4.	MBR/ 52/2015	Property and torture	Private individual	Complaint withdrawn by the complainant and file closed
5.	MBR/44/2015	Personal liberty	Uganda Police Force	Investigations concluded and matter closed
6.	JJA/39/2015	Enforced disappearance	Uganda Police Force and UPDF	Partially investigated
7.	GLU/87/2015	Personal liberty, harassment and intimidation	Uganda Police Force	Partially investigated
8.	UHRC Headquarters	Personal liberty, harassment and intimidation	Uganda Police Force	Referred to Uganda Police Force.
9.	CTR/37/2015	Personal liberty	Uganda Police Force	Partially investigated

1.4 NATURE OF ALLEGED HUMAN RIGHTS VIOLATIONS REGISTERED IN 2015

In 2015, the highest number of allegations was on violation of freedom from torture and cruel, inhuman or degrading treatment or punishment, which constituted 37.95% of the total complaints registered. This was followed by detention beyond 48 hours (27.17%), denial of child maintenance (14.30%), deprivation of property (7.04%) and deprivation of life (3.96%). Table 1.2 below shows the nature of complaints registered in 2015.[5]

Table 1.2: Nature of alleged violations registered at UHRC regional offices in 2015

Nature of violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL	% age
Torture, cruel, inhuman or degrading treatment or punishment	09	45	26	63	14	21	39	33	65	30	**345**	**37.95%**
Deprivation of personal liberty/ detention beyond 48 hours	41	25	25	49	18	07	30	10	24	18	**247**	**27.17%**
Denial of child maintenance	13	19	09	02	02	02	46	12	20	05	**130**	**14.30%**
Deprivation of property	03	04	05	07	04	02	13	04	22	-	**64**	**7.04%**
Deprivation of life	03	05	01	08	-	01	03	02	07	06	**36**	**3.96%**
Violation of the right to health	-	-	-	-	-	-	03		01	01	**05**	**0.55%**
Violation of the right to a fair and speedy trial	-	04	-	-	-	-	-	-	-	-	**04**	**0.44%**
Discrimination on grounds of sex, religion, HIV/AIDS, disability	-	03	01	-	-	01	-	-	-	-	**05**	**0.55%**
Delayed investigations by police	-	-	-	-	-	05	01	-	-	-	**06**	**0.66%**
Denial of right to education	12	02	02	-	-	-	01	05	-	03	**25**	**2.75%**
Denial of remuneration	-	-	-	-	-	03	02	01	04	-	**10**	**1.10%**
Unlawful arrest and detention	-	-	01	-	-	-	06	-	02	-	**09**	**0.99%**
Forced labour	-	-	01	-	-	-	-	-	-	-	**01**	**0.11%**
Enforced disappearance	-	-	01	01	-	-	-	-	-	-	**02**	**0.22%**

[5]The total number of alleged human rights violations is 909, more than the 731 registered complaints because one complaint can involve more than one alleged human rights violation.

Nature of violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL	% age
Denial of fair treatment in administrative decisions	-	-	-	-	-	-	01	-	04	-	**05**	**0.55%**
Denial of freedom of worship	-	-	-	-	-	-	-	-	02	-	**02**	**0.22%**
Denial of access to a prisoner	-	-	-	-	-	-	02	-	-	-	**02**	**0.22%**
Detention of children with adults	-	-	-	-	-	-	02	-	-	-	**02**	**0.22%**
Denial of freedom of expression	-	-	-	-	-	-	01	02	-	-	**03**	**0.33%**
Denial of access to food	-	-	-	01	-	-	-	-	-	-	**01**	**0.11%**
Denial of freedom of movement	-	-	-	01	-	-	-	-	-	-	**01**	**0.11%**
Non-payment of terminal benefits	-	01	-	-	-	01	02	-	-	-	**04**	**0.44%**
TOTAL	**81**	**108**	**72**	**132**	**38**	**43**	**152**	**69**	**151**	**63**	**909**	**100%**

1.4.1 Trends in the nature of complaints registered in 2014 and 2015

Complaints of torture or cruel, inhuman and degrading treatment or punishment were the highest at 345 in 2015, a 3.36% reduction from 357 in 2014. This was followed by complaints on detention beyond 48 hours, at 247, which was a 35.17% reduction from 381 of 2014. Complaints on child maintenance came third at 130, a 0.76% reduction from 131 in 2014. Next were: 64 complaints on deprivation of property, a 16.887% reduction from 77; 36 complaints on deprivation of life, a 10% reduction from 40; 25 complaints on denial of education, a 34.21% reduction from 38; 10 complaints on denial of remuneration, a 56.52% reduction from 23 in 2014; and four complaints on denial of retirement benefits.

Other complaints registered in 2015 included: four on violation of the right to a fair and speedy trial, which decreased by 42.85% from seven complaints in 2014; five on violation of the right to health, which reduced by 61.53%, from 13; five on discrimination on grounds of sex, religion, HIV/AIDS, disability, which increased by 66.66% from three registered in 2014; and nine on unlawful detention, which reduced by 25%, from 12 in 2014. There were six complaints on delayed investigations by police in both 2014 and 2015.

New complaints that were not raised in 2014 were registered in 2015. These were: complaints on forced labour (01), enforced disappearance (02), denial of fair treatment in administrative decisions (05), denial of freedom of worship (02), denial of access to a prisoner (02), detention of children with adults (02), denial of food (01), denial of freedom of movement (01) and denial of freedom of expression (02).

The highest number of complaints on torture or cruel, inhuman and degrading treatment or punishment, totalling 198, was against the UPF, followed by the Uganda People's Defence Forces (UPDF), with 69. Moroto regional office registered the highest number of torture cases, totalling 65. Fourty six of these

were against the UPDF. Despite the reduction in the number of torture complaints compared to 2014, UHRC is concerned about this high number of complaints registered in Karamoja sub-region against the UPDF.

The reduction in complaints on detention beyond 48 hours was attributed to: increased human rights awareness on the rights of suspects among security agents; increased cooperation between UHRC and the different security agents; and the work of the human rights directorates in the UPF, UPDF and the Uganda Prisons Service (UPS), which units worked closely with UHRC and intervened in some of the complaints. Despite this reduction, UHRC noted that suspects continued to be detained in police custody beyond the lawful time and this often created congestion in some cells.

Most of the complaints totalling 219 on alleged violation of the right to personal liberty and on detention beyond 48 hours were against the UPF; and 24 against the UPDF. UHRC noted that detention beyond 48 hours occurred because the police were reluctant to release suspects on police bond, either intentionally or for fear that suspects could interfere with investigations or fail to appear before court. UHRC also noted the challenges that the UPF continued to face, that contributed to detention beyond the 48 hours. These included limited facilitation to transport suspects to court and insufficient human, technical and logistical resources.

As indicated in Table 1.2 above, complaints on denial of child maintenance, at 14.30% of the total number of registered complaints, ranked third among the top alleged violations. UHRC noted with concern that parents, especially fathers, were increasingly neglecting their children, mostly produced in informal relationships. In most of the complaints, fathers had refused or failed to provide school fees for the education of their children or financial support for their welfare, including healthcare, food, shelter and clothing. Most of the complaints were lodged by women on behalf of their children. Table 1.3 below illustrates the trends in the top six complaints registered since 2010.

Table 1.3 Trends in the top six complaints registered since 2010

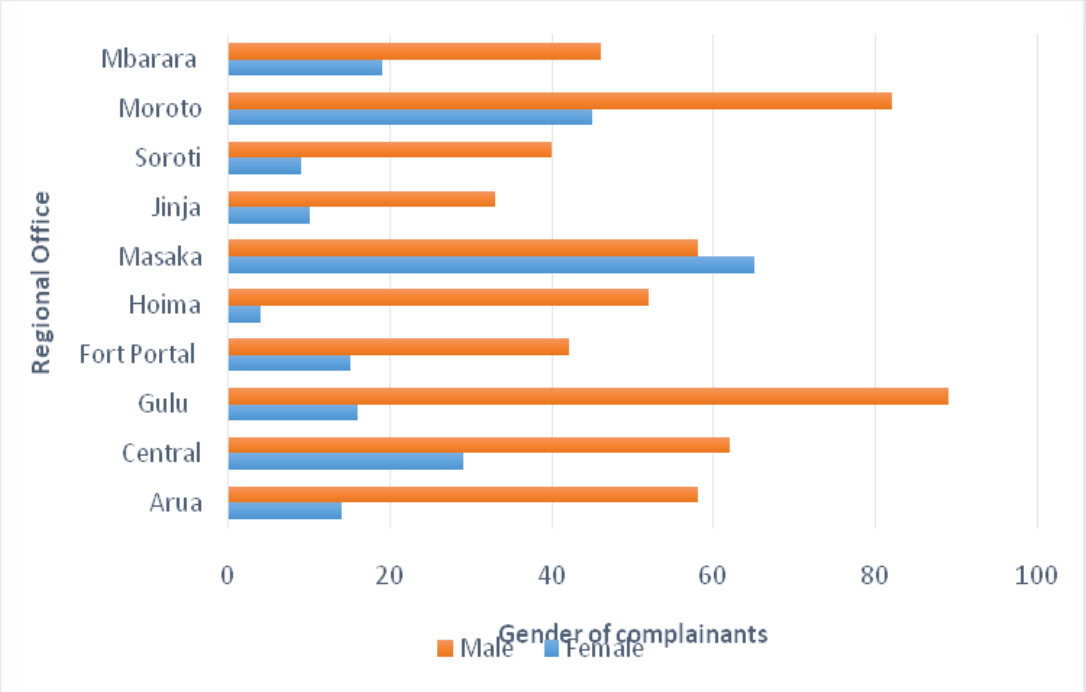
Violation	2010	2011	2012	2013	2014	2015	Total
Torture, cruel, inhuman or degrading treatment or punishment	276	428	303	273	357	345	**1982**
	33%	**39%**	**38%**	**34%**	**35%**	**41%**	**37%**
Deprivation of personal liberty / detention beyond 48 hours	181	264	233	295	381	247	**1601**
	22%	**22%**	**29%**	**37%**	**37%**	**2%**	**30%**
Denial of child maintenance	197	224	147	137	131	130	**966**
	24%	**20%**	**19%**	**17%**	**13%**	**15%**	**18%**
Deprivation of property	97	112	57	63	77	64	**470**
	12%	**10%**	**7%**	**8%**	**8%**	**8%**	**9%**
Deprivation of life	52	60	27	24	40	36	**239**
	6%	**5%**	**3%**	**3%**	**4%**	**4%**	**4%**
Denial of the right to education	28	15	23	14	38	25	**143**
	3%	**1%**	**3%**	**2%**	**4%**	**3%**	**2%**
TOTAL	**831**	**1103**	**790**	**806**	**1024**	**847**	**5401**
	100%	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

As indicated above, complaints on the violation of freedom from torture or cruel, inhuman or degrading treatment or punishment have on average topped the list of alleged violations for the last six years, totalling 1,982, which accounts for 37% of the top five complaints registered. Complaints on violation of the right to personal liberty ranked second at 1,601 (30%), followed by denial of child maintenance (18%), deprivation of property (9%), deprivation of life (5%) and denial of the right to education (2%).

1.4.2 Complaints registered in 2015 disaggregated by gender

In 2015, UHRC registered 793 complainants[6] compared to 941 registered in 2014. This was a 15.72% reduction. As was the case in 2014, UHRC registered complaints from more male complainants than females. Of the total number of registered complaints, 562 (70.87%) were from males while 226 (28.49%) were lodged by females and 05(0.63%) were lodged by institutions. Generally, male complainants reduced by 18.50%, from 666 in 2014 to 562 in 2015, while female complainants decreased by 16.6% from 271 in 2014.

Figure 1.6: Gender of complainants registered in 2015



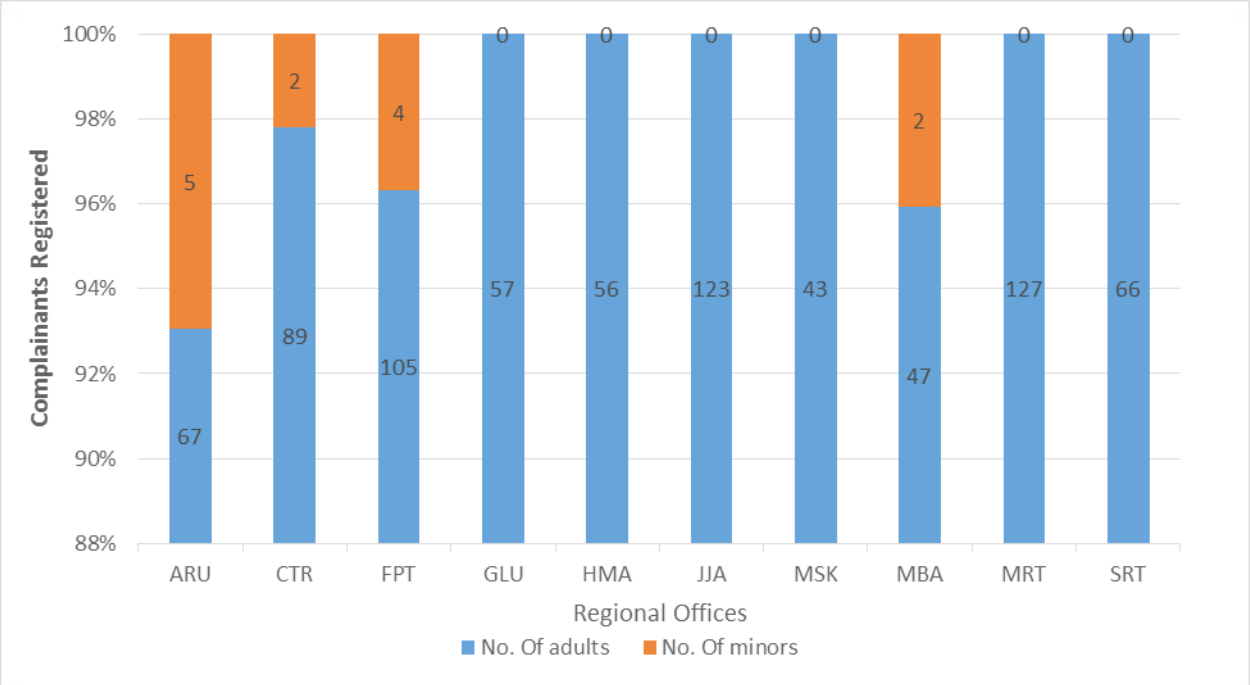
As indicated in Figure 1.6, more males registered complaints in most of the regional offices, except Masaka regional office. Of the 123 complainants registered by the Masaka regional office, 65 (52.84%) were females, compared to the 58 males (47.15%). This higher number of females was attributed to the high incidence of child maintenance cases reported to the regional office. Of the 123 complaints, 46 (37.39%) were on alleged denial of child maintenance.

1.4.2.1 Categorisation of complainants in 2015

As was the case in the previous years, the majority of the complainants registered in 2015 were adults. Of the 793 complainants registered, 780 (98.36%) were adults, while 13 (1.63%) were minors (persons below 18 years of age). Most complaints lodged by minors were on alleged denial of the right to education and maintenance, as well as neglect by their parents. Institutions constituted 0.63% of the total number of complainants in 2015. Figure 1.7 below illustrates this categorisation.

[6]The number of complainants is more than the number of complaints registered because one complaint can involve more than one complainant.

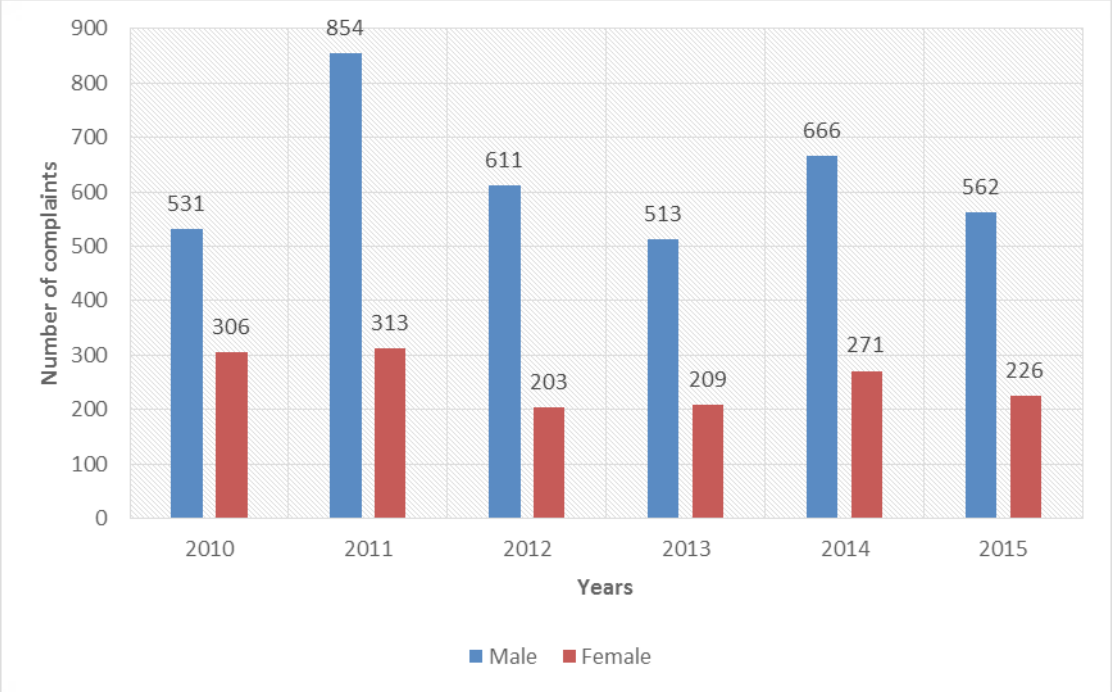
Figure 1.7: Categorisation of complainants registered in 2015



1.4.2.2 Trends in registered complaints disaggregated by gender since 2010

A total of 3,737 males remained on top of the list of complainants for the past five years, accounting for (70.97%) of the total number of complainants (5,265). Female complainants totalled 1,528 in the past five years, representing 29.02% of the total. Figure 1.8 below illustrates this.

Figure 1.8: Trends in registered complaints by gender since 2010



1.5 CATEGORISATION OF RESPONDENTS OF REGISTERED COMPLAINTS

UPF remained the top respondent in 2015, with 385 (50.65%) out of all the 760 respondents. They were followed by private individuals, who constituted 182 (23.94%) of all the respondents, and the UPDF with 97 (12.76%). Other respondents against whom complaints were registered included: the UPS with 28 (3.68%), private business companies with 15 (1.97%), local governments with 14 (1.84%), educational institutions with 06 (0.78%) and the Uganda Wildlife Authority (UWA) with 11 (1.44%). Cultural institutions, Kampala Capital City Authority (KCCA), the Internal Security Organisation (ISO), Local Defence Units (LDUs) and crime preventers each had 03 (0.39%) complaints against them; private security companies and non-governmental organisations had 02 (0.26%) against them, while the Ministry of Public Service, the National Forestry Authority (NFA) and a hospital were respondents in one complaint (0.13%) each. Table 1.4 below illustrates the categorisation of respondents per regional office in 2015.

Table 1.4: Categorisation of respondents per regional office in 2015

RESPONDENT	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	GRAND TOTAL
Uganda Police Force	46	43	34	77	22	25	53	21	31	33	**385**
Uganda People's Defence Forces	03	11	06	07	-	01	05	-	60	04	**97**
Uganda Prisons Service	02	01	01	09	-	05	02	02	04	02	**28**
Individuals	16	24	12	13	04	02	61	33	11	06	**182**
Private business companies	-	-	02	-	-	06	02	-	05	-	**15**
Local governments	-	-	04	-	02	-	05	-	01	02	**14**
Ministry of Public Service	-	01	-	-	-	-	-	-	-	-	**01**
Educational institutions	-	-	01	-	-	-	03	01	01	-	**06**
Cultural institutions	-	-	-	03	-	-	-	-	-	-	**03**
Uganda Wildlife Authority	01	-	01	02	-	-	-	01	05	01	**11**
Kampala Capital City Authority	-	03	-	-	-	-	-	-	-	-	**03**
Private security companies	-	-	-	01	-	-	01	-	-	-	**02**
National Forestry Authority	-	-	-	-	01	-	-	-	-	-	**01**
Internal Security Organisation	-	-	01	01	-	-	-	01	-	-	**03**
Local Defence Unit (LDU)	-	-	-	-	-	-	-	-	03	-	**03**
Hospital	-	-	-	-	-	-	01	-	-	-	**01**
Crime preventers	-	-	03	-	-	-	-	-	-	-	**03**
Non-governmental organisations	-	02	-	-	-	-	-	-	-	-	**02**
TOTAL	**68**	**85**	**65**	**113**	**29**	**39**	**133**	**59**	**121**	**48**	**760**

There was a notable reduction in the number of complaints registered against most security agencies in 2015. For the UPF, the reduction was 20.71%, from 613 in 2014 to 486 in 2015; for private individuals, it was 9.09%, from 220 in 2014 to 200 in 2015; for the UPDF, it was 10.52% from 133 in 2014 to 119 in 2015; and for the UPS, it was 23.68%, from 38 in 2014 to 29 in 2015. Complaints against UWA reduced by 36.36% from 22 in 2014 to 14 in 2015 and education institutions by 52.63% from 19 in 2014 to 9 in 2015. The reason for the reduction with regard to UPF, UPDF, and UPS was UHRC's increased sensitisation of security agents on the concept of human rights and on the Prevention and Prohibition of Torture Act 2012. UHRC trained 1,707 UPDF officers and 452 personnel of security agencies (UPF, UPS, and ISO) in 2015.

1.5.1 Categorisation of violations per respondent

In 2015, most complaints were on violation of the right to personal liberty (detention beyond 48 hours) registered against the UPF. Of all the 486 complaints registered against UPF, 219 were on personal liberty (detention beyond 48 hours), while 200 were on torture, cruel, inhuman or degrading treatment. Complaints made against private individuals concerned mainly the denial of the child's right to maintenance (130), torture, cruel, inhuman or degrading treatment (26) and denial of the right to education (25). A total of 119 complaints were registered against the UPDF, of which the violation of the right to freedom from torture, cruel, inhuman or degrading treatment was the highest with 69 complaints. UPS had 29 complaints, with the highest (21) on torture, cruel, inhuman or degrading treatment. Table 1.5 below illustrates the nature of complaints registered against specific respondents.[7] It should be noted that the number of violations against specific respondents is 907, higher than the number of respondents in Table 1.4 above because a respondent can have more than one alleged human rights violation raised against them.

Table 1.5: Number/nature of complaints registered against specific respondents

Alleged Violation	UPF	UPDF	UPS	Private Individuals	UWA	LG	KCCA	NFA	NGOs	LDUs	Other Institutions	Total
Personal liberty (detention beyond 48 hours)	219	24			3							246
Torture, cruel, inhuman or degrading treatment	200	69	21	26	6	6	3	1		1	10	343
Unlawful arrest or detention	6		1	2								9
Deprivation of life	21	10	2	1		1				1		36
Violation of the right to health	1		1			1					1	4
Deprivation of property	23	14	1	9	5	8					4	64

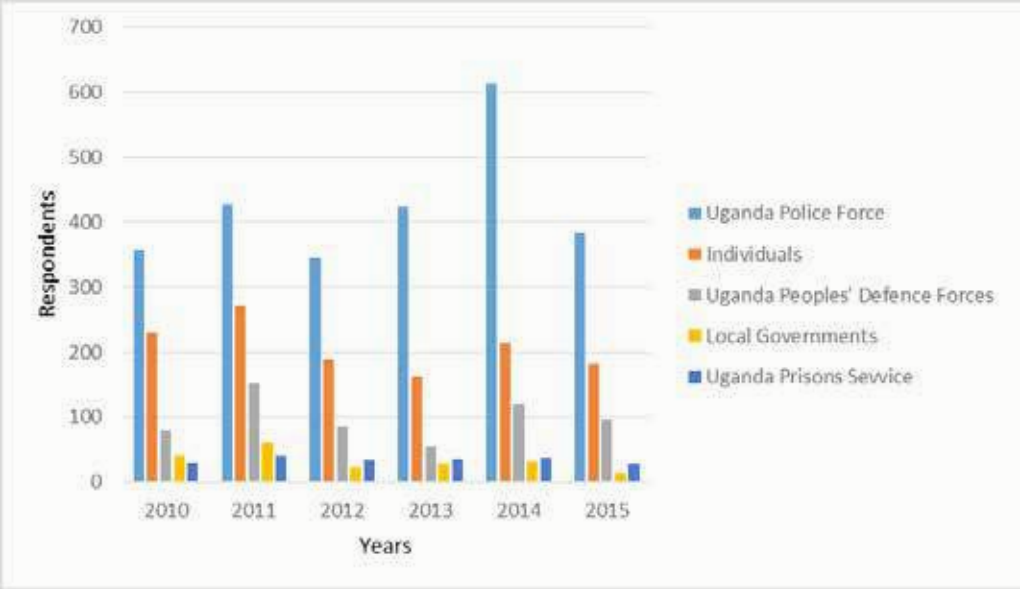
[7]Under Table 1.5, Other institutions include Ministry of Public service, Educational institutions, private businesses/companies, Internal Security organisations, Cultural institutions, hospitals and crime preventers.

Alleged Violation	UPF	UPDF	UPS	Private Individuals	UWA	LG	KCCA	NFA	NGOs	LDUs	Other Institutions	Total
Violation of the right to a fair and speedy trial	3	1										4
Denial of access to a prisoner/ inmate	2											2
Detention of children with adults	2											2
Unfair treatment in administrative decisions	1	1									4	6
Denial of right to freedom of worship	1									1		2
Delayed investigations by police	6											6
Denial of access to food			1									1
Forced labour			1									1
Enforced disappearance			1									1
Denial of right to education				25							3	28
Denial of child maintenance				130								130
Denial of remuneration				3							7	10
Discrimination on grounds of sex, religion, HIV/AIDS, disability				1		1			2		1	5
Violation of the right to freedom of expression				2								2
Freedom of movement											1	1
Non-payment of terminal benefits (pension)											4	4
Total	486	**119**	**29**	**200**	**14**	**17**	**3**	**1**	**2**	**3**	**35**	**907**

1.5.2 Comparison of the top five respondents since 2010

The top five respondents over the past six years (2010-2015) have remained the UPF, private individuals, UPDF, local governments and the UPS. In the six years, the UPF had a total of 2,646 (the highest number of complaints registered against a respondent), while private individuals had 1,271. The UPDF had 622; UPS, 205; and local governments, 200. Figure 1.9 below illustrates the number of complaints registered against the five top respondents in the past six years.

Figure 1.9: Top five respondents in the past six years



1.6 INVESTIGATIONS

UHRC continued to conduct preliminary and further investigations into alleged human rights violations on admitted complaints to, among others, facilitate the rapid response on matters requiring urgent intervention. At the preliminary stage, the investigations aim at establishing the existence of a human rights violation and, if so, lead to further investigations. Investigations are conducted either upon receipt of a complaint or on UHRC's own initiative in accordance with Article 52(1) (a) of the Constitution, which mandates UHRC to investigate at its own initiative or on a complaint made by any person or group of persons against the violation of any human right.

As testimonies of some complainants indicated, UHRC was appreciated for promptly conducting impartial investigations and giving them hope that they would get effective redress. One complainant from Bugembe town council, Jinja district said:

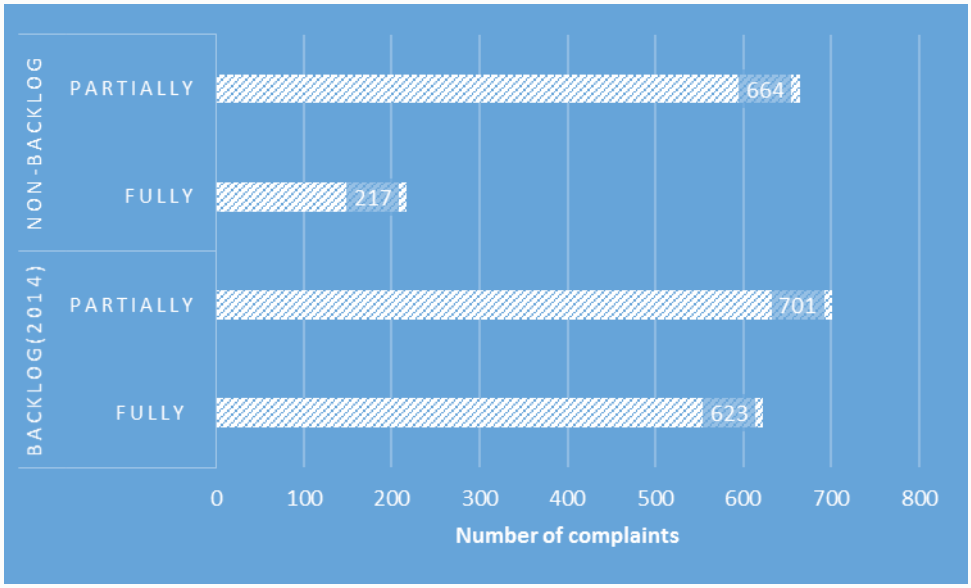
> *"I was told by the investigations team they would follow up my complaint of being detained for eight days at Kakira Police Station. Indeed the Uganda Human Rights [Commission] team did so. I was never at any one point in time asked for facilitation to conduct the investigation until it ended. I now await the outcome of the investigation. By the way, it is upon the Commission's intervention that I was released immediately. Investigations were conducted objectively and thoroughly to the extent that the perpetrators asked for my forgiveness."*

One Adrani of Adjumani town stated:

> *"I was arrested by the police from Adjumani Central Police Station on allegations of theft. During detention, my money [amounting to] UGX 200,000 was taken and kept by the police. After conviction and serving my sentence in prison, I went to claim my money, but police told me it was an exhibit in court. When I reported the matter to UHRC, it was registered and investigated and all my money was paid back."*

In 2015, UHRC completed investigations into 840 complaints, which was 93.9% of the annual set target of 894, while 1,365 others were partially investigated. Some of the complaints files on which investigations were concluded were closed for various reasons, including lack of merit in the case, or the matter being referred to other institutions for better handling. Some complaints were mediated, while others were referred to the UHRC Tribunal. Figure 1.10 below shows the status of complaints investigated in 2015.[8]

Figure 1.10: Complaints investigated in 2015



1.6.1 Investigations initiated by the Commission in 2015

In 2015, UHRC initiated investigations into ten complaints of alleged human rights violations. Of these, four were initiated by Gulu regional office, three by Soroti regional office, and one each by Mbarara, Masaka and Central regional offices. These complaints were taken on following newspaper reports, inspections by UHRC and information from partners, among others. Table 1.6 below illustrates the number of complaints initiated by UHRC in 2015.

[8]Backlog complaints are those complaints that have stayed unresolved for a period of more than a year, and non-backlog complaints are those that are resolved in less than a year.

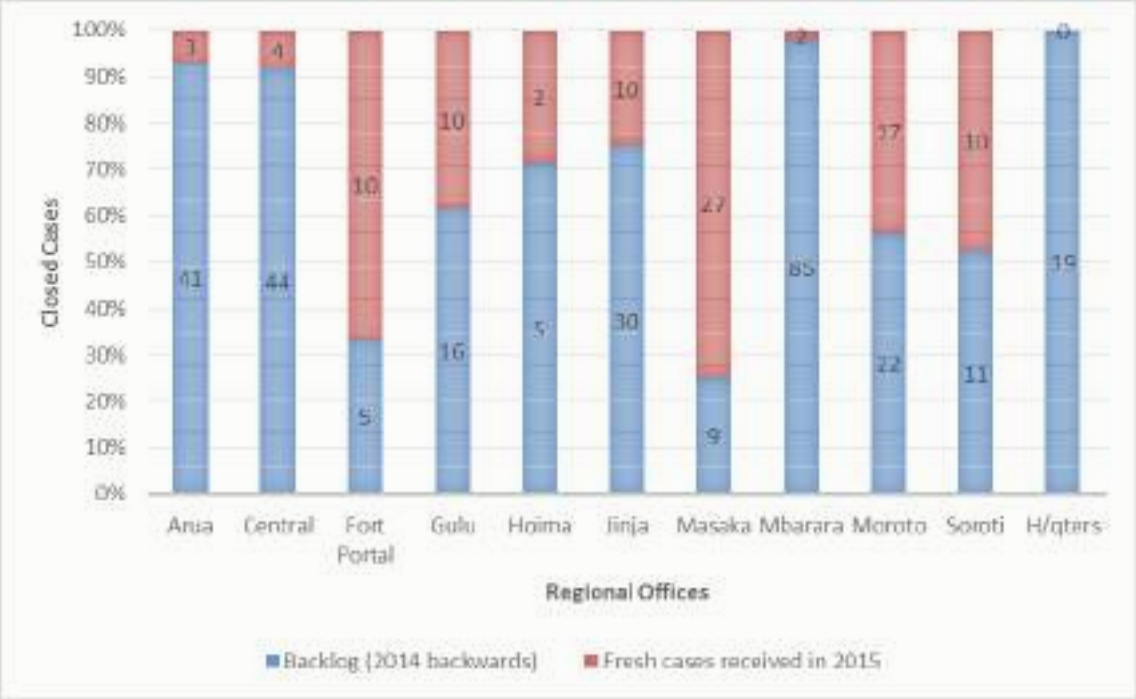
Table 1.6: Number of complaints initiated by UHRC in 2015.

No.	File number	Nature of violation (s)	Respondent(s)	Date of receipt of file	Source of information and Followup	Status of the file
1	GLU/58/2015	Deprivation of the right to life	Minakulu Police Post	10/4/2015	Newspaper	Conclusively investigated
2	GLU/59/2015	Deprivation of the right to life	UPDF 4th Division	10/4/2015	Newspaper	Partially investigated
3	GLU/66/2015	Torture in prison custody	Uganda Government Prisons, Lira	25/5/2015	Newspaper	Partially investigated
4	GLU/81/2015	Deprivation of the right to life	Pader CPS	6/6/2015	Newspaper	Partially investigated
5	MBR/44/15	Torture, cruel, inhuman or degrading treatment	Uganda Police	12/10/2015	Newspaper	Partially investigated
6	SRT/37/2015	Deprivation of the right to life	UPDF	16/7/2015	Partners	Partially investigated
7	SRT/35/2015	Personal liberty (detention beyond 48 hours)	CPS Kaberamaido	16/7/2015	Inspections by UHRC	Partially investigated
8	SRT/41/15	Deprivation of the right to life	Bukalasi Police Post, Bududa district	31/8/2015	News paper	Partially investigated
9	MSK/106/15	Deprivation of the right to life	Uganda Police	24/11/2015	Newspapers and partners	Partially investigated
10	CTR/34/2015	Inhuman and degrading treatment	UPDF - Kajansi Police Station	22/6/2015	Newspaper	Partially investigated

1.6.2 Complaints closed after investigations in 2015

In 2015, UHRC closed 382 complaints after investigations. Of these, 287 were backlog files and 95 were fresh complaints registered during the year. 382 complaints were closed for various reasons, including successful mediations, insufficient evidence, receipt of remedy by the complainant, requests from the complainants, referral to other institutions, cautioning of respondent and not revealing any human rights violation. Other reasons included merging of files, failure to trace respondents and death of complainant. Figure 1.11 below illustrates the number of files closed by respective regional offices and at the headquarters.

Figure 1.11: Proportion of closed cases after investigation in 2015



1.7 ADVICE, COUNSELLING AND/OR REFERRALS TO OTHER INSTITUTIONS

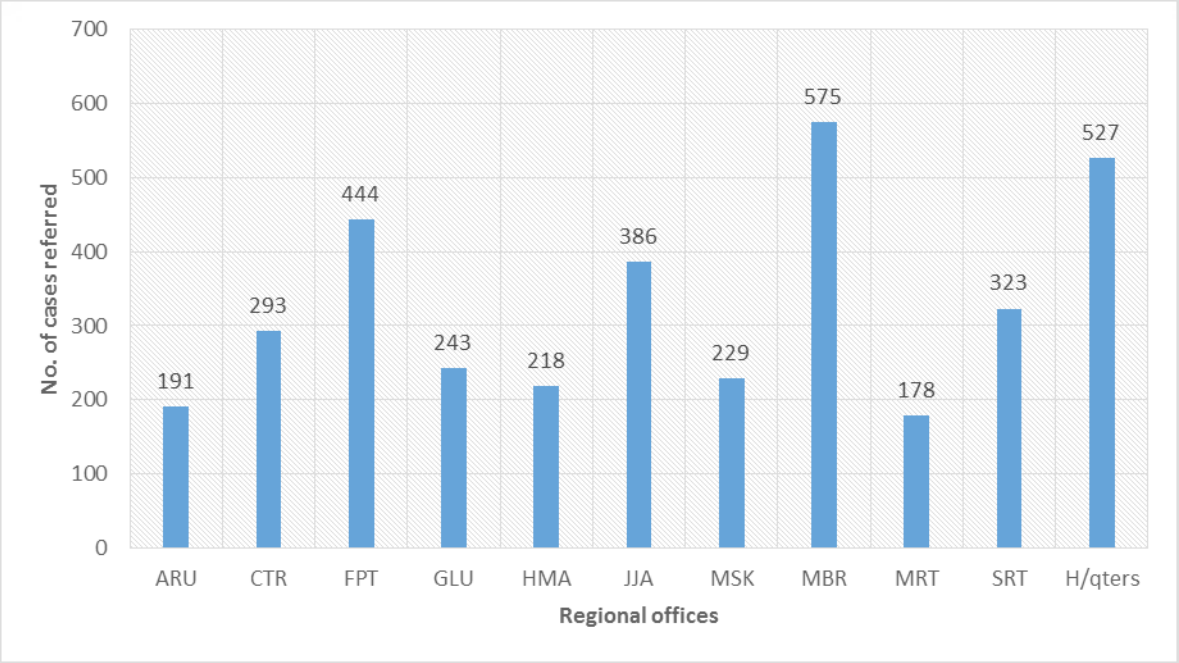
UHRC received a large number of complaints over which it has no jurisdiction or some of which could better be handled by other institutions. UHRC policy is never to turn away any complaint without listening to the complainant. As such, where a complainant brings a complaint that UHRC cannot handle, the party is either given advice on how to go about the matter or is referred to another institution better placed to handle it. By referring complaints, UHRC aims at avoiding duplication of functions and prevents instances of forum shopping, where some complainants lodge complaints in more than one institution or forum.

One Mama Seletina Agoro of Angal in Nebbi District testified:

> *"My case has been in court for the past eight years without any progress. A friend told me that UHRC can help handle my matter just like court can do. I then went to UHRC-Arua and was given a referral letter to Uganda Law Society, and now the case has resumed and is progressing well in court."*

Figure 1.12 below shows the number of complaints where the complainants were advised, counselled and/or referred to other institutions.

Figure: 1.12 Complaints referred or where advice was given per regional office



1.7.1 Nature of complaints in which the complainants got advice, counsel and/or referrals

In 2015, UHRC offered advice, counselled and /or referred complainants in 3,607 complaints, which was an increase by 16.95% from the 3,084 complaints in 2014. Land disputes topped the list of such complaints, with a total of 508, which was an increment of 6.05% from the 479 in 2014. These were followed by 320 complaints on legal aid services/ court procedures, which increased from 174 complaints in 2014. Complaints on denial of child maintenance were 250, increasing by 23.76% from 202 referred in 2014; complaints on assault were 245, increasing by 16.11% from 211 in 2014; complaints related to family disputes increased by 46.53%, from 101 in 2014 to 148 ; and complaints on violation of personal liberty were 148, increasing by 37.03% from 108 referred in 2014. Table 1.7 below shows the nature of such complaints in 2015.

Table 1.7: Complaints in which the complainants got advice / counselling or referrals in 2015

Nature of Complaint	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	H/qs	TOTAL
Accident	3	-	1	4	2	-	5	14		2	8	**39**
Adultery	-	-	-	-	-	-	-	-	1	-	-	**1**
Arson	-	-	1	-	-	-	1	1	6	-	-	**9**
Assault	8	12	31	30	13	10	27	54	9	33	18	**245**
Bride price	-	-	-	-	--		-	3	-	-	-	**3**
Child abduction	-	-	4	-	-	-	-	-	3	-	2	**9**
Child abuse	-	-	2	-	-	-	-	1	2	-	1	**6**
Child custody	-	=	7	7	4	-	7	24	2	5	3	**59**
Child labour	-	-	1	-	-	-	-	-	-	-	-	**1**
Child trafficking	-	-	-	1	-	-	2	1	3	-	1	**8**
Compensation	1	-	21	4	5	23	-	-	1	10	21	**86**

Nature of Complaint	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	H/qs	TOTAL
Contracts	5	3	11	11	7	22	5	43	5	10	4	**126**
Corruption	1	-	4	2	-	30	1	1	-	-	-	**39**
Criminal trespass	-	-	7	-	-	2	3	-	-	5	2	**19**
Defilement	1	2	6	1	-	-	2	6	9	1	5	**33**
Delayed investigations by police	-	-	-	3	--	-	4	-	2	3	-	**12**
Divorce	-	-	1	3	-	-	1	-	1	-	-	**6**
Domestic violence	6	5	5	3	1	-	10	17	-	18	1	**66**
Education	7	-	4	4	-	-	-	6	5	20	2	**48**
Enforced disappearance	2	-	8	3	2	-	-	4	-	1	-	**20**
Family matters	--	1	16	-	-	41	-	72	-	15	3	**148**
Financial assistance	-	-	1	1	1	-	3	-	7	1	3	**17**
Forceful eviction	-	-	-	2	-	4	-	1	-	3	-	**10**
Forced marriage	-	-	-	-	-	-	-	-	1	-	-	**1**
Freedom of expression	-	-	-	-	-	-	3	-	3	-	-	**6**
Fraud	-	-	2	3	5	4	6	1	-	-	3	**24**
Homo sexuality	-	-	-	---	-	-	-	-	1	--	-	**1**
Land disputes	-	22	85	43	34	80	46	89	17	62	30	**508**
Legal advice/ legal representation	2	35	28	9	47	35	13	10	8	12	121	**320**
Defamation	-	-	-	-	-	1	-	-	-	-	1	**2**
Life/murder	3	1	2	3	-	-	5		6	4	15	**39**
Maintenance	28	41	41	25	9		1	48	15	26	16	**250**
Malicious damage to property	-	--	7	5	10	-	4	5	-	4	-	**35**
Malicious prosecution	-	3	2	2	10	7	7	4	1	6	-	**42**
Mob justice	1	-	-	-	-	-	-	2	-	-	1	**4**
Non-payment of retirement benefits (NSSF, pension)	3	17	21	-	3	53	-	2	-	-	13	**112**
Negligence	-	-	1	-	-	-	2	2	-	-	1	**6**
Paternity	-	-	4	-	-	-	--	9	-	-	-	**13**

Nature of Complaint	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	H/qs	TOTAL
Personal liberty	14	14	2	12	2	-	-	23	7	3	71	**148**
Property	57	17	14	13	-	-	12	13	27	10	35	**198**
Police bond	-	-	2	1	-	-	-	-	-	-	-	**3**
Rape	--	2	-	1	-	--	-	-	-	1	1	**5**
Remuneration	18	25	19	10	14	9	21	40	7	9	25	**197**
Right to food	--	-	-	-	--	-	-	-	2	-	-	**2**
Right to health	1	-	-	-	2	-	-	3			1	**7**
Sexual abuse		1	3					1		1		**6**
Succession disputes			4	1	19	35	11	39	2		1	**112**
Theft/robbery			19	2	5		8	4	3	7	3	**51**
Threatening violence	3	3	27	16	14	7	5	8	13	24	7	**127**
Torture	5	11	3	2	1			15	4	1	57	**99**
Unfair dismissal from work	3	11	9	5		17	1		2		32	**80**
Unfair hearing and speedy trial	17	61	8	9	2	6	9	3	2	22	12	**151**
Unfair treatment in administrative decisions	1		3	2	5		2	6	1	4	7	**31**
Unlawful eviction			4				1					**5**
Witchcraft	1		2		1		1					**5**
Discrimination		6										**6**
Inciting violence			1									**1**
TOTAL	**191**	**293**	**444**	**243**	**218**	**386**	**229**	**575**	**178**	**323**	**527**	**3607**

1.8 RESOLUTION OF COMPLAINTS

1.8.1 Mediations

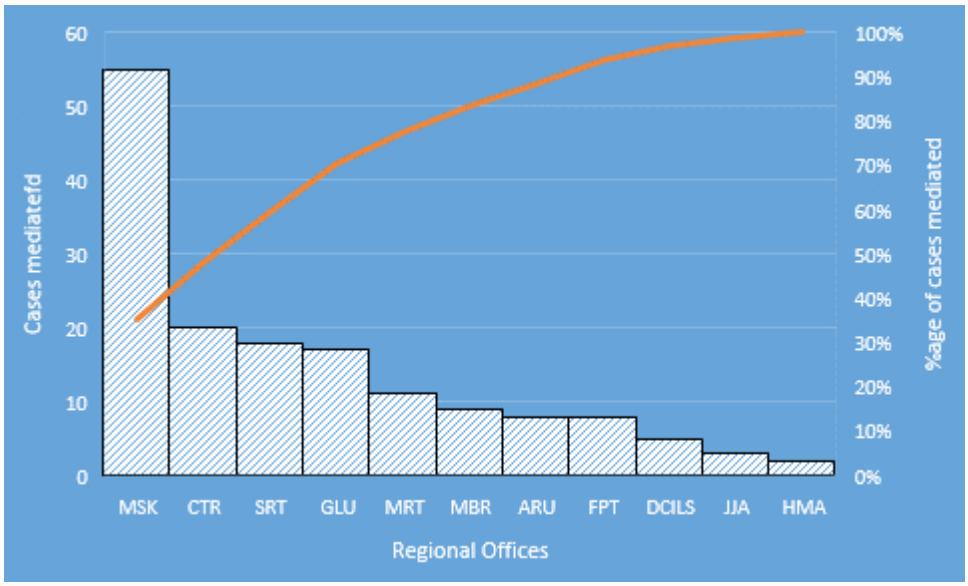
In 2015, UHRC conducted mediations for 163 complaints, which was an increase of 34.71% from 121 mediated in 2014. Of the 163 mediated complaints, 118 (72.39%) were successful, with the parties signing memoranda of understanding clearly indicating the terms agreed upon in the course of the mediation. An appreciative complainant, Jacqueline, aged 12 from Arua, stated:

> *"My [father] had stopped paying school fees for me and my siblings. After reporting him to UHRC, they called and talked to him. We are all back to school now because of UHRC."*

In 45 (27.60%) of the 163 complaints, the mediation failed for various reasons, including: failure by respondents to turn up; parties opting to sort out their complaints outside UHRC; parties failing to reach an understanding; and loss of interest by some complainants. The complaints that were not successfully

mediated were referred to the UHRC Tribunal, the Child and Family Protection Unit (CFPU) of Police, the Family and Children Court and the Labour Office. Those where parties lost interest were closed. Figure 1.13 below illustrates the number of complaints mediated in 2015.

Figure 1.13: Number of complaints mediated in 2015



As indicated in Figure 1.13 above, Masaka regional office mediated 55 complaints, which was 33.74% of the total number of complaints mediated. Central regional office followed with 20 complaints (12.26%), Soroti with 18 (11.53%), Gulu with 17 (10.42%) and Arua with 15 (9.20%). Others were: Moroto regional office with 11 (6.74%), Mbarara with nine (5.52%), Fort Portal with eight (4.90%), UHRC headquarters with five (3.06%), Jinja with three (1.84%) and Hoima with two (1.22%).

A total of 55 complaints mediated by the Masaka regional office had increased by 41.02% from the 39 mediated in 2014. This high number in Masaka was partly attributed to the extra emphasis by the regional office during community *barazas* and media programmes (spot messages and talk shows) on the rights of children, which encouraged parents to seek the services of UHRC whenever they had any issue regarding children. Furthermore, most of the complaints registered at the regional office were successfully mediated and this increased public confidence in mediation, hence the influx of complainants on maintenance matters. The other regional offices registered fewer maintenance matters and thus conducted less mediation; but they also referred most maintenance matters to the Probation and Social Welfare Office and the Child and Family Protection Unit.

UHRC carries out mediation in order to help parties find ways of solving complaints related to family matters, employment, remuneration and specific non-complex land matters, among others. This process is economical, fast and non-adversarial; and it allows the parties involved to decide how best to handle their problem.

UHRC received a testimony from Ms. Grace Mbabazi Atwooki (mother of the complainant), who told a team at her home in Bugaaki sub-county, Kyenjojo district while on a monitoring and evaluation exercise in 2015, that she was satisfied with the mediation done on her son's matter. More so, she revealed that a memorandum of understanding was signed between her and the father of her son, and that it was honoured.

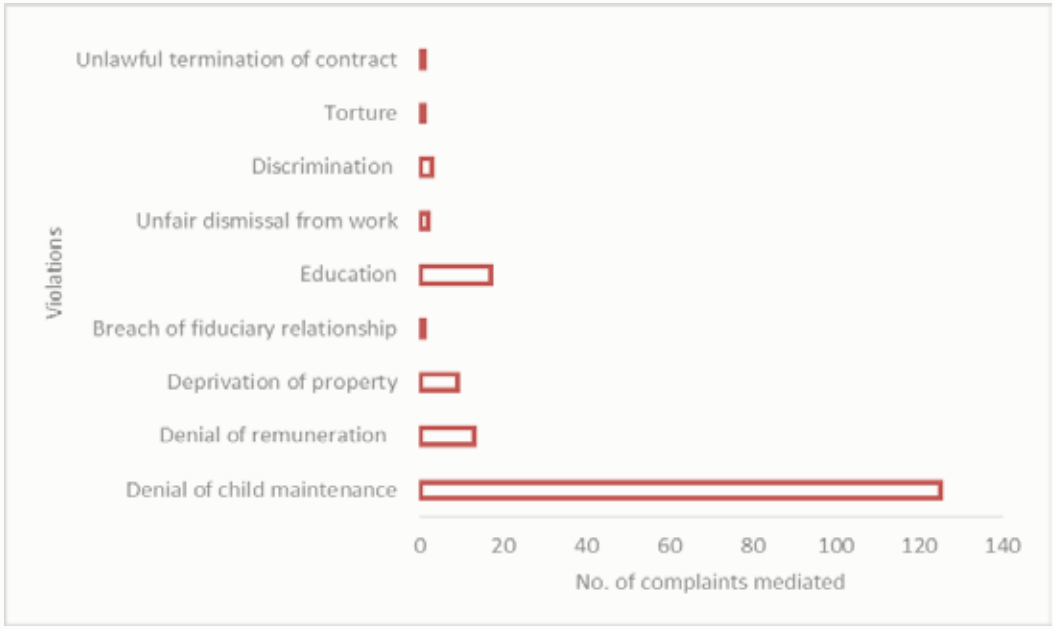
Another grateful respondent from Kyamagwa village in Mafubira sub-county, Jinja district stated:

> *"I first reported my complaint to the Labour Office at Jinja district headquarters, but the matter was not resolved. Then I reported my case to UHRC after my employer refused to pay my wages while I was on leave. It was surprising that within one week, an officer from the Commission contacted me to organise mediation with my bosses. The mediation was held and, after signing the memorandum of understanding, my boss paid my arrears of seven hundred thousand shillings (UGX 700,000). At the time of the matter, I was renting in Masese II but after my payment, I topped up and bought a piece of land that I now live on. I did not pay a cent to the Commission. Even after being paid, none of the UHRC staff asked me for a soda and when I offered to one of the officers she refused and I felt so bad. It was after I shared with one of my colleagues who reassured me that UHRC staff do not take bribes or such appreciations from their clients' compensations. I am very grateful to UHRC because I had never been accorded such ethical treatment elsewhere for all the time I have lived and worked in Jinja."*

1.8.1.1 Nature of complaints mediated in 2015

Denial of child maintenance was the most mediated matter, with 125 complaints, an increase by 25% from the 100 complaints mediated in 2014. Other mediated complaints were on: denial of remuneration (13; a 7.69% reduction from 15 in 2014), denial of education (17; a 26.08% reduction from 23) and deprivation of property (nine; a 125% increase from four in 2014). In 2015, mediation was done on some additional complaints, unlike in 2014, and these were: one complaint each on unfair dismissal from work and breach of fiduciary relationship (breach of trust) and torture; and three on discrimination. Figure 1.14 below illustrates the nature of complaints that were mediated in 2015.[9]

Figure 1.14: Nature of complaints mediated in 2015.



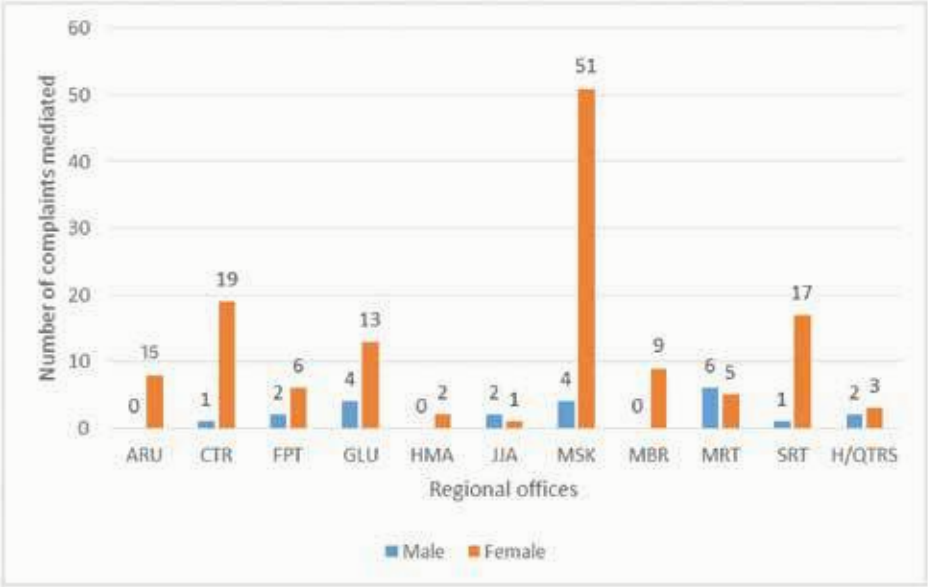
1.8.1.2 Mediated complaints disaggregated by gender

In 2015, most of the complaints mediated were lodged by female complainants. Out of the 163 mediated complaints, 141 (86.50%) were registered by females, while 22 (13.49%) were registered by males. Most of the mediated complaints concerned parents abandoning their duty to provide childcare and child support. In most of the complaints, parents, especially fathers, failed to provide school fees for their children's education and financial support for their children's social welfare, including medical treatment, food, shelter and clothing, among others. Most of such complaints were lodged by single mothers, divorced or separated women. Figure 1.15 below shows the mediated complaints disaggregated by gender.

[9] It should be noted that the number of alleged violations is more than the complaints considered for mediation because one complaint can contain more than one alleged human rights violation.

Figure 1.15: Mediated complaints disaggregated by gender

Figure 1.15: Mediated complaints disaggregated by gender



1.8.2 Resolution of complaints through the UHRC Tribunal

UHRC Tribunal handled and concluded 85 complaints in 2015. This is a 58.7% reduction from the 206 complaints that the Tribunal resolved in 2014. This was attributed to the fact that the term of office of most of the members of the Commission ended in April 2015, hence there were no Tribunal hearings for the rest of the year. The concluded matters were, therefore, handled in the months of February to April 2015.

Of the 85 complaints that the Tribunal disposed of, 66 (77.6%) were resolved in favour of the complainants, with the Tribunal awarding monetary compensatory awards in 59, while seven complaints were resolved through amicable settlement by the parties. The other 19 complaints, constituting 22.4%, were dismissed for various reasons, including lack of sufficient evidence, lack of jurisdiction, want of prosecution,[10]or withdrawal by the complainants. Of the 85 complaints that the Tribunal disposed of, 59 were on the violation of the freedom from torture, 28 on violation of the right to personal liberty and 11 were on violation of the right to life. Table 1.8 below shows the number of complaints and the mode of disposal by the UHRC Tribunal, while Table 1.9 shows the nature of the violations. It should be noted that the total number of violations is higher than that of complaints disposed of because some complaints revealed more than one violation.

Table 1.8: Complaints resolved at the Tribunal in 2015

	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBA	MRT	SRT	TOTAL
Complaints awarded	01	13	06	09	00	09	07	02	08	04	**59**
Complaints amicably settled	00	00	00	03	00	01	00	00	00	03	**07**
Complaints dismissed/closed	01	07	00	02	00	01	00	05	03	00	**19**
Total	**02**	**20**	**06**	**14**	**00**	**11**	**07**	**07**	**11**	**07**	**85**

[10]The complainant, without reasonable cause, fails to appear before the Tribunal to state their claim.

Table 1.9: Nature of complaints disposed of at the Tribunal

REGIONAL OFFICE	NATURE OF VIOLATION					
	Torture	Deprivation of personal liberty	Deprivation of life	Deprivation of property	Discrimination	Denial of fair hearing
ARUA	02	-	-	-	-	-
CENTRAL	14	05	01	-	01 *(on grounds of religion)*	01
FORT PORTAL	02	03	02	-	-	-
GULU	11	01	04	-	-	-
HOIMA	-	-	-	-	-	-
JINJA	08	06	03	-	-	-
MASAKA	04	04	-	-	-	-
MBARARA	04	03	01	02	-	-
MOROTO	10	03	-	-	-	-
SOROTI	04	03	-	01	-	-
TOTAL	**59**	**28**	**11**	**03**	**01**	**01**

1.8.2.1 Tribunal Awards

In 2015, the UHRC Tribunal awarded a total of UGX 579,300,000 (Five hundred seventy nine million, three hundred thousand Uganda shillings) to victims of human rights violations. This is a reduction from the UGX 1,167,980,000 awarded in 2014. As already noted, this reduction is mainly because Tribunal hearings were conducted for only three months in 2015 compared to ten months in 2014. Of the UGX 579,300,000 awarded, UGX 520,300,000 was by order of the Tribunal, while UGX 59,000,000 was agreed upon by the parties in amicable settlements. The highest awards by order of the Tribunal were made in respect of the violation of the freedom from torture (UGX 245,000,000), followed by the violation of the right to life (UGX 153,500,000) and violation of the right to personal liberty (UGX 107,800,000/), as illustrated in Table 1.10 below.

Table 1.10: Nature of violations for which awards were ordered by the Tribunal in 2015

Nature of violation	Total amount awarded by the Tribunal in respect of the violation (UGX)	Percentage of award (%)
Torture	245,000,000	47.1%
Deprivation of life	153,500,000	29.5%
Deprivation of personal liberty	107,800,000	20.7%
Discrimination	7,000,000	1.3%
Denial of fair hearing	6,000,000	1.2%
Deprivation of property	1,000,000	0.2%
Total	**520,300,000**	**100.0 %**

Most of the Tribunal awards were ordered against the Attorney General (AG), who was a respondent in 93.6% of the violations, while the rest of the respondents, namely Uganda Revenue Authority (URA), Lugazi Mixed Secondary School, Mbarara District Local Government and Suam sub-county, constituted only 6.4% shared equally amongst themselves.

The highest awards, amounting to UGX 219,900,000 and constituting 42.3%, that were ordered against the AG, were in respect to complaints in which the UPF was the implicated agency. This was followed by complaints against the AG in which the UPDF was implicated. In these, UGX 179,000,000 (34.4%) was awarded. Others were complaints implicating the Rapid Response Unit/Violent Crime Crack Unit (RRU/VCCU), in which UGX 70,900,000 (13.6%) was awarded, and complaints implicating the UPS, in which UGX 9,000,000 (1.7%) was awarded. Complaints against URA were awarded UGX 15,500,000 (3.0%). Table 1.11[11] below shows the summary of awards per respondent, while Tables 1.12, 1.13 and 1.14 show the details of complaints that the UHRC Tribunal disposed of in 2015. However, it should be noted that the matters that the Tribunal disposed of in 2015 were received in the period 2003 to 2013, hence the violations did not occur during the reporting period.

Table 1.11: Summary of Tribunal awards per respondent by order of the Tribunal[12] in 2015

Respondent	Frequency in complaints	Percentage	Total amount awarded against the respondent (UGX)	Percentage
Attorney General (UPF)	35	56%	219,900,000	42.3%
Attorney General (UPDF)	13	21%	179,000,000	34.4%
Attorney General (RRU/VCCU)	7	11%	70,900,000	13.6%
Attorney General (UPS)	2	3.2%	9,000,000	1.7%
Uganda Revenue Authority	1	1.6%	15,500,000	3.0%
Attorney General (ASTU)	1	1.6%	8,000,000	1.5%
Education institution	1	1.6%	7,000,000	1.3%
Attorney General (PGB))	1	1.6%	6,000,000	1.2%
Sub-county Local Government	1	1.6%	4,000,000	0.8%
District Local Government	1	1.6%	1,000,000	0.2%
Total	**63**	**100.0%**	**520,300,000**	**100.0 %**

Table 1.12: Particulars of matters awarded at the Tribunal in 2015

S/N	Complaint No.	Parties	Violation	Award
Arua Regional Office				
1	UHRC/G/234/2003	Edema Christopher and Attorney General (UPF)	Torture	UGX 4,000,000
			Sub total	**UGX 4,000,000**
Central Regional Office				
2	UHRC/44/2004	Wilson Lubowa and Attorney General (UPS)	Torture	UGX 5,000,000
3	UHRC/117/2006	Julius Muhumuza & Twesigye Innocent and Attorney General (UPDF)	Torture	UGX 30,000,000
4	UHRC/102/2011	Kikujuko Edward and Attorney General (UPF)	Torture	UGX 6,000,000
5	UHRC/147/2006	Pte Monday Julius -and Attorney General (Presidential Guard Brigade – PGB)	Torture	UGX 6,000,000

[11]Under Table 1.11, the total number in the frequency of complaints (63) is greater than the total number of complaints awarded (59) because some complaints implicated more than one respondent.
[12]This data excludes matters settled amicably by the parties.

6	UHRC/39/2009	Micheal Wamukota -and Attorney General (UPF)	Personal liberty	UGX 2,000,000
7	UHRC/104/2005	Yasin Madoi -and- Lugazi Mixed School	Discrimination on grounds of religion	UGX 7,000,000
8	UHRC/59/2007	Lutakome Fred and Attorney General (UPF)	Personal liberty	UGX 3,000,000
9	UHRC/25/2006	Mohammad Kintu and Attorney General (UPDF)	Torture	UGX 2,000,000
10	UHRC/ FPT/10/2005	Kunihira Robert -and- Attorney General (UPF)	Personal liberty	UGX 3,000,000
11	UHRC/118/2009	Ndebika Enock -and- Attorney General (UPF)	Personal liberty	UGX 4,000,000
12	UHRC/75/2005	Ssempiija Sunday Joseph *aka* Siraji Sempijja and Attorney General (UPF)	Torture	UGX 6,000,000
13	UHRC/98/2007	Kikafunda Mubarak and Attorney General (UPF)	Torture	UGX 1,000,000
14	UHRC/62/2010	Muhonge Moses and Attorney General (UPF)	Personal liberty	UGX 2,000,000
			Fair hearing	UGX 6,000,000
			Sub total	**UGX 83,000,000**

Fort Portal Regional Office				
15	UHRC/ FPT/92/2011	Musinguzi Ronald and Attorney General (UPF)	Personal liberty	UGX 4,000,000
16	UHRC/ FPT/76/2008	Kyarikunda Justus (Byauhanga Fred) and Attorney General (UPF)	Life	UGX 25,000,000
17	UHRC/ FPT/18/2009	Mande Steven and Attorney General (UPF)	Personal liberty	UGX 2,000,000
18	UHRC/ FPT/08/2007	Muliisa Misaki & Bagonza Saiti and Attorney General (UPF)	Personal liberty	UGX 1,500,000
			Torture	UGX 2,500,000
19	UHRC/ FPT/09/2009	Rudah James and Attorney General (UPF)	Torture	UGX 4,000,000
20	UHRC/ FPT/69/2008	Kavango Habib and Uganda Revenue Authority	Life	UGX 15,500,000
			Sub total	**UGX 54,500,000**

Gulu Regional Office				
21	GLU/346/2003	Tokwiny Amos and Attorney General (UPDF)	Life	UGX 25,000,000
22	GLU/64/2003	Lam Wilfred and Attorney General (UPDF)	Life	UGX 15,000,000
23	GLU/177/2004	Asiku Bright and Attorney General (UPDF)	Torture	UGX 7,000,000
24	GLU/96/2008	Aracha George -and- Attorney General(UPF)	Life	UGX 25,000,000
25	GLU/46/2005	Okello Francis & Oneka Denis and Attorney General (UPDF & UPF)	Personal liberty	UGX 4,000,000

26	GLU/155/2004	Akullu Maria & Others -and- Attorney General (UPDF)	Torture	UGX 32,000,000
			Life	UGX 16,000,000/
27	GLU/110/2006	Ojoko George and Kia Marizela and Attorney General (UPF)	Torture	UGX 7,000,000
28	GLU/104/2007	Ayera George and Attorney General(UPF)	Torture	UGX 2,000,000
29	GLU/26/2006	Ovoya A Milton & 2 others and Attorney General (UPF)	Torture	UGX 12,000,000
			Personal liberty	UGX 2,000,000
			Subtotal	**UGX 147,000,000**
Jinja Regional Office				
30	JJA/32/2010	Kyakulaga Julius and Attorney General (UPF)	Torture	UGX 6,500,000
			Personal liberty	UGX 1,400,000
			Exemplary damages	UGX 1,000,000
31	JJA/94/2005	Opio Martin and Attorney General (VCCU & Military Police)	Torture	UGX 5,000,000
			Personal liberty	UGX 15,700,000
32	JJA/71/2008	Wakabi James and Attorney General (UPF)	Life	UGX 12,000,000
33	JJA/75/2005	Sempijja Sunday Joseph and Attorney General (UPF)	Torture	UGX 6,000,000
34	JJA/106/2007	Kayima Umar and Attorney General (UPF)	Torture	UGX 2,000,000
			Personal liberty	UGX 23,000,000
35	JJA/70/2009	Nsubuga Charles and Attorney General (RRU)	Torture	UGX 3,000,000
			Personal liberty	UGX 2,000,000
36	JJA/12/2008	Bamutala Robert and Attorney General (UPF)	Torture	UGX 6,000,000
37	JJA/06/2004	Isabirye Augusine and Attorney General (VCCU)	Life	UGX 20,000,000
38	JJA/06/2007	Musungule Musa & Musungule Muzamiru and Attorney General (VCCU)	Torture	UGX 8,000,000
			Personal liberty	UGX 1,500,000
			Subtotal	**UGX 113,100,000**
Masaka Regional Office				
39	MSK/42/2012	Buyondo Ibrahim (Kiyemba Musa) and Attorney General (UPF)	Personal liberty	UGX 5,000,000
40	MSK/18/2012	Makooma Godfrey and Attorney General (UPDF)	Torture	UGX 15,000,000
41	UHRC/71/2009	Ssekyanzi Kizito and Attorney General (RRU)	Torture	UGX 4,000,000

42	MSK/38/2011	Matovu Yusuf (Kanwagi Baziwane) and Attorney General (UPF & RRU)	Personal liberty	UGX 6,000,000
43	MSK/63/2011	Kato Yiga Joseph & Kizito Geofrey and Attorney General (UPF & RRU)	Torture	UGX 5,000,000
			Personal liberty	UGX 5,700,000
44	MSK/12/2013	Keeya Julius and Attorney General (UPF)	Personal liberty	UGX 3,000,000
45	UHRC/62/2007	Sekitoleko Gerazio and Attorney General (UPS)	Torture	UGX 4,000,000
			Subtotal	**UGX 47,700,000**
Mbarara Regional Office				
46	MBA/21/2007	1. Ahimbisibwe Chris and Attorney General (UPDF)	Torture	UGX 8,000,000
			Property	UGX 1,000,000
47	MBR/46/2003	2. Byafura Deogratious and Mbarara District Local Government	Personal liberty	UGX 1,000,000
			Subtotal	**UGX 10,000,000**
Moroto Regional Office				
48	MRT/58/2007	Achup Godfrey and Attorney General (UPF)	Torture	UGX 3,000,000
			Personal liberty	UGX 8,000,000
49	MRT/28/2009	Lokiru Apanyeris & 2 others and Attorney General (UPDF)	Torture	UGX 12,000,000
50	MRT/29/2007	Lokol Albino and Attorney General (UPDF)	Torture	UGX 8,000,000
51	MRT/45/2008	Okengo Micheal and Attorney General (Anti Stock Theft Unit – ASTU)	Torture	UGX 8,000,000
52	MRT/50/2004	Okera Daniel and Attorney General (UPF)	Torture	UGX 1,000,000
			Personal liberty	UGX 2,000,000
53	MRT/11/2011	Lougan John and Attorney General (UPF)	Torture	UGX 4,000,000
54	MRT/61/2007	Teko Peter and Attorney General (UPDF)	Torture	UGX 2,000,000
55	MRT/16/2008	Owili Richard Odai and Attorney General (UPF)	Torture	UGX 2,000,000
			Subtotal	**UGX 50,000,000**
Soroti Regional Office				
56	SRT/228/2007	Obolia Simon Peter & Another and Attorney General (UPF)	Personal liberty	UGX 2,000,000
57	SRT/119/2008	Pusi Micheal & Augustine Sali and Juma Mukwana & Suam Sub-county	Torture	UGX 4,000,000
58	SRT/5/2008	Komom Sam Chepskor and Attorney General (UPF)	Torture	UGX 2,000,000
59	SRT/51/2009	Oile Julius and Attorney General (UPF)	Personal liberty	UGX 3,000,000
			Subtotal UGX 11,000,000	
GRAND-TOTAL			**UGX 520,300,000**	

Table1.13: Matters amicably settled in 2015

S/N	Complaint No.	Parties	Nature of violation(s)	Settlement
	GLU/76/2006	Etot Francis and Attorney General	Torture	UGX 1,000,000
	GLU/96/2004	Okello Santos and Attorney General	Torture	UGX 4,000,000
	GLU/91/2006	Ayella Charles and Attorney General	Torture	UGX 4,000,000
			Subtotal	**UGX 9,000,000**
Soroti Regional Office				
	SRT/124/2007	Edasu Vincent and Attorney General	Torture and Personal liberty	UGX 8,000,000
	SRT/25/2007	Kawesa Simon and Attorney General	Torture	UGX 3,000,000
	SRT/71/2005	Ekuti David and Attorney General	Life	UGX 14,000,000
			Subtotal	**UGX 25,000,000**
Jinja Regional Office				
	JJA/80/2005	Tabisa Anyango Brasio & Wayama Henry -and- Attorney General	Life & Torture	UGX 25,000,000
			Subtotal	**UGX 25,000,000**
GRAND TOTAL			**UGX 59,000,000**	

Table 1.14: Matters dismissed/closed in 2015

	Complaint No.	Parties	Violation	Status
Arua Regional Office				
1	ARU/22/2010	Sambala Swadik & Abiriga Yunus and Attorney General	Torture	Dismissed for insufficient evidence
Central Regional Office				
2	UHRC/49/2009	Kasumba John and Attorney General	Torture	Dismissed for lack of a cause of action
3	UHRC/138/2009	Ekwaro Bernard and Attorney General	Torture & Personal liberty	Application for reinstatement dismissed for want of prosecution
4	UHRC/209/2006	Mbonabucha Gideon and Attorney General (CMI)	Torture	Dismissed for insufficient evidence
5	UHRC/57/2005	Nganda Sentongo and Attorney General	Life	Dismissed for lack of locus before the tribunal
6	UHRC/ 26/2005	Godfrey Ochan & Rwakatera Peter and Attorney General (UPF)	Torture	Dismissed for insufficient evidence
7	UHRC/69/2005	Joseph Ssengonzi and Attorney General	Torture	Dismissed for want of prosecution
8	UHRC/152/2005	Joseph Adebo et al and Attorney General	Torture	Withdrawn by the complainant

Gulu Regional Office				
9	GLU/108/2006	Ali Shaban Otto and Attorney General	Torture	Dismissed for want of prosecution
10	GLU/39/2008	Okeny Joseph and Attorney General	Torture	Dismissed for insufficient evidence
Jinja Regional Office				
11	JJA/46/2012	Lukiiko Stephen and Attorney General	Personal liberty	Dismissed for want of prosecution
Mbarara Regional Office				
12	MBR/61/2009	Mbabazi Dinavance and Attorney General	Life	Closed. Complainant advised to apply for a writ of hebeas corpus from the High Court
13	MBR/41/2010	Tumusiime Nicholas and Attorney General	Torture and personal liberty	Dismissed for want of prosecution. Application for reinstatement lodged
14	MBR/008/2011	Ataho Aida & 11 Others and Attorney General	Property	Dismissed for being statute barred, reported after five years of occurance.
15	MBR/09/2011	Mwesigye Geofrey andAttorney General	Torture	Dismissed for lack of want of prosecution.
16	MBR/68/2010	Kigambo Silas and Attorney General	Torture & personal Liberty	Dismissed for want of prosecution
Moroto Regional Office				
17	MRT/36/2004	Sgt Kusasira John and Attorney General	Torture	Dismissed for the claim had already been settled on monetary terms by the parties.
18	MRT/12/2006	Adupa John and Attorney General	Personal liberty	Dismissed for insufficient evidence to support the claim against the respondent
19	MRT/16/2011	Oryem Ronald Willy and Attorney General	Torture	Withdrawn by the complainant

1.8.2.2 Payment of Tribunal awards by the respondents

As mentioned earlier, in 2015, the Attorney General was a respondent in about 93.6% of the complaints in which awards by order of the Tribunal were made. The other respondents, comprising of 6.4%, included: URA, Lugazi Mixed Senior Secondary School, Suam sub-county and Mbarara District Local Government. However, the Ministry of Justice and Constitutional Affairs (MoJCA) did not pay any of the 2015 awards to the victims of human rights violations. This is because the MoJCA had been paying outstanding Tribunal awards for the period before 2012. Therefore, the UGX 758,552,868[13] that MoJCA paid as compensation to victims of human rights violations in 2015 did not cover any beneficiary of the complaints decided by the Commission during the period 2013 to 2015 (refer to Annex A). As of 31st December 2015, the outstanding awards against the Attorney General was **UGX 5,047,671,968** (Uganda shillings five billion, forty seven million, six hundred seventy one thousand, nine hundred sixty eight).

In order to facilitate the payment of awards by the MoJCA, UHRC, through the Office of the Registrar, issues a clearance letter to every award holder, introducing them to the Office of the Solicitor General, MoJCA for payment. This is done after the expiry of 30 days required for lodging any appeals against such awards. The letter is accompanied by all the documentation relevant for the processing of the award.

[13]See Chapter Nine on Government Compliance with UHRC Recommendations

1.8.2.3 Tribunal status as at 31st December 2015

By the end of 2015, the Tribunal caseload stood at 832. This was an increase from the annual closing caseload of 512 in 2014. This arose because of the absence of a fully constituted Commission to preside over tribunal hearings. Of the 832 complaints files, 271 were pending allocation to presiding commissioners, 150 were pending hearing and 411 were part-heard[14]. Table 1.15 below shows the disaggregated data of complaints pending before the Tribunal as at 31st December 2015.

Table 1.15: Status of complaints at the Tribunal by 31st December 2015

STATUS	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBA	MRT	SRT	TOTAL
Complaints files pending allocation	37	52	23	35	16	20	42	23	03	20	**271**
Complaints pending hearing	02	80	03	12	01	10	01	04	21	16	**150**
Complaints part-heard	16	102	27	59	06	74	28	41	25	33	**411**
Tribunal case load as of 31st December 2015	**55**	**234**	**53**	**106**	**23**	**104**	**71**	**68**	**49**	**69**	**832**

1.9 CHALLENGES AFFECTING THE COMPLAINTS HANDLING PROCESS

As noted in the previous annual reports, the UHRC has continued to experience various challenges affecting the complaints management process; some of which arise from the lack of a witness protection law, lack of a national legal aid scheme and inadequate internal resources. Some of the specific challenges include:

1. Some state agencies and institutions indicated as respondents do not fully cooperate with UHRC to enable it effectively implement its investigations mandate and fight impunity in the country.
2. Irregular attendance of the UHRC Tribunal by state attorneys. This mostly affected the UHRC's regional offices of Central in Ntinda Kampala, Masaka, Jinja and Hoima, which are served by State Attorneys from the Ministry of Justice and Constitutional Affairs headquarters. UHRC has previously been informed that the irregular attendance was caused by the busy schedules at the Ministry of Justice and Constitutional Affairs headquarters with the attorneys having conflicting court sessions, as well as the lack of logistical facilitation to attend the Tribunal hearings. This has led to frequent adjournments or outright non-appearance, leading to case backlog at the UHRC Tribunal. On the other hand, UHRC appreciates the attendance of state attorneys from the Ministry of Justice and Constitutional Affairs regional offices of Arua, Gulu, Moroto, Mbale and Mbarara that have endeavoured to appear at the UHRC Tribunals hearings in those regions.
3. Delayed payment of Tribunal awards. Respondents, especially the Attorney General, take long to pay tribunal awards. Although the Ministry of Justice and Constitutional Affairs has argued that this is mainly due to limited budgetary allocations, UHRC has realised that the delay is sometimes caused by the bureaucratic processes that require the respective state attorney to form the first opinion on whether to appeal or clear payment of the award. This has caused untold delays, especially in cases where the state attorney may not be willing to recommend payment of the award, particularly where the Attorney General was not represented during the hearings.

[14] 'Complaints part- heard' include complaints being heard, those pending amicable settlement, submissions or decision.

4. Delayed settlement of matters adjourned for amicable settlement. By the close of 2014, over 77 complaints in which the complainants and the state attorneys had agreed to amicably settlement were pending approval by the Ministry of Justice and Constitutional Affairs. Of these, only 7 were settled and consent orders signed in 2015.

1.10 RECOMMENDATIONS

1. State agencies and institutions implicated as respondents should fully cooperate with Uganda Human Rights Commission to enable it implement its mandate effectively.
2. Ministry of Justice and Constitutional Affairs should fully facilitate state attorneys to enable them attend Uganda Human Rights Commission Tribunal hearings.
3. Ministry of Justice and Constitutional Affairs should pay all outstanding Uganda Human Rights Commission Tribunal awards.
4. Ministry of Justice and Constitutional Affairs should expedite the process of assessment of matters pending amicable settlement and provide feedback to the Tribunal.

1.11 CONCLUSION

The complaints management process is a fundamental function in the UHRC's mandate. While UHRC has registered a number of achievements in handling complaints of human rights violations, there is still more to be done in ensuring timely and effective resolution of matters through investigations, mediations and the tribunal processes. It is therefore important that the recommendations made by UHRC in this and previous reports be implemented by all organs and institutions to which these recommendations are directed.

CHAPTER 2
ASSESSMENT OF CONDITIONS IN DETENTION FACILITIES

2 INTRODUCTION

In 2015, UHRC continued to inspect detention facilities to assess the conditions of inmates, in accordance with its constitutional mandate under Article 52(2) of the 1995 Constitution; as well as the status of compliance with its previous recommendations and internationally acceptable human rights standards. UHRC inspected 896 detention facilities through first-time and follow-up visits. Of these, 173 were prisons, 205 police stations, 509 police posts, four military detention facilities and five remand homes. UHRC also focused on the rights of inmates pending ministerial orders, freedom from torture, detention of civil debtors, healthcare services, children incarcerated with mothers, juveniles detained with adult offenders, court attendance and staff welfare, among other things. This chapter highlights UHRC's findings, on which it makes appropriate recommendations.

2.1 LEGAL FRAMEWORK

Persons deprived of their personal liberty are still supposed to be treated as human beings. In view of this, internationally acceptable human rights standards for their treatment have been adopted and implemented at the international, regional and national levels to ensure that their rights are protected. Some of these human rights standards are highlighted below.

2.1.1 International legal framework

Several human rights instruments at the international level provide for and guarantee the humane treatment of detainees to protect their human dignity.[15] This is because persons whose liberty has been restricted are vulnerable and solely dependent on the detaining authorities for the fulfilment of their basic necessities and rights. Detainees are entitled to the range of rights and freedoms by virtue of being human beings, including special protection from being subjected to hard labour, any form of discrimination, torture, cruel, inhuman or degrading treatment and arbitrary arrests.[16] Special protection mechanisms are also provided for detainees to access healthcare services, water, food, sanitation facilities and toiletries, including sanitary towels.

Measures are also in place for the protection and treatment of juveniles, women and PWDs in detention in accordance with their respective vulnerabilities.[17] These minimum standards for treatment of detainees in detention facilities are reflected in other regulatory frameworks, including: the Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners), UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), UN Rules for the Protection of Juveniles deprived of their liberty and UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules).

Other instruments on the rights of detainees include: Principles of Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Declaration on the Protection of All Persons from Enforced Disappearance, Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, among others.

[15] International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the UN Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), among others.

[16] Article 9 of ICCPR, Articles 4, 10 and 13 of CAT,

[17] Articles 20 and 37 of CRC, Articles 14-15 of CRPD.

2.1.2 Regional legal framework

The regional human rights instruments that protect the inherent dignity of a human being also protect detainees, particularly from torture, cruel, inhuman and degrading treatment and arbitrary arrest, and provide for their access to healthcare, education and information, among others.[18] The regional human rights instruments provide for protection of detained PWDs, children and women. In particular, measures are provided for the protection of juveniles and children of incarcerated primary caregivers. General Comment 1 developed by the African Committee of Experts on the Rights and Welfare of the Child guides state parties on fulfilment of their obligations in accordance with the Charter.[19]

2.1.3 National legal framework

The Constitution protects and provides for rights of detained persons, including access to legal representation, medical treatment and the next of kin.[20] Other legislation specifically provides for other rights, such as not to be punished twice for the same offence, special protection for juveniles (including not being detained with adults and remanded in adult prisons), removal of persons with mental disabilities from detention facilities, prohibition of corporal punishment and abolition of hard labour.[21]

2.2 DETENTION FACILITIES INSPECTED IN 2015

In 2015, UHRC inspected 896 detention facilities, compared to 1,122 in 2014. These comprised of 173 prisons of a total of 246 (70.3%), 205 of 299 police stations (68.6 %), 509 of 1,811 police posts (28.1%), five of seven remand homes (71.4%) and four of all the military detention facilities.[22] Table 2.1 below shows the number of places of detention inspected by UHRC in 2015 per regional office, while Figure 2.1 and Table 2.2 show the number of detention facilities the Commission inspected over the last five years.

Table 2.1 Number of places of detention inspected by the UHRC in 2015

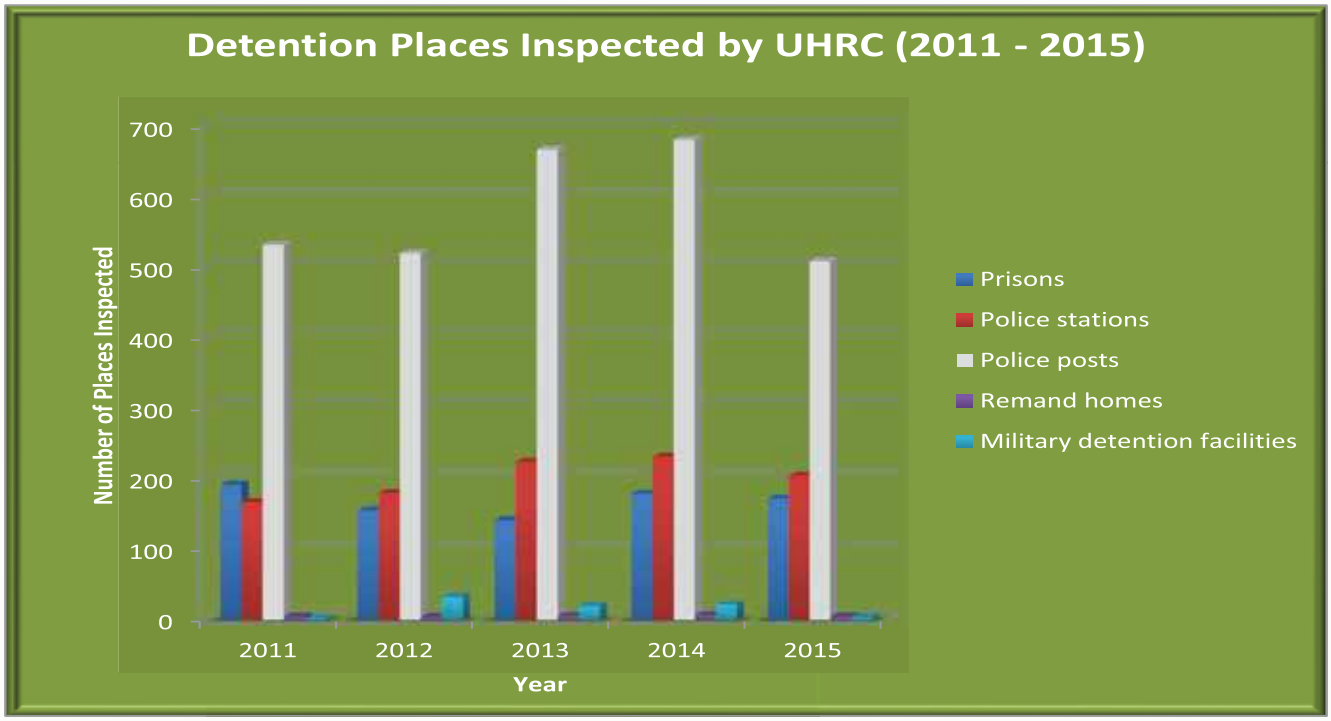
Regional office	Prisons	Police stations	Police posts	Military detention facilities	Remand homes	Total
Arua	12	23	72	0	01	**108**
Central	35	46	60	0	0	**141**
Fort Portal	13	23	100	01	01	**138**
Gulu	19	31	84	0	01	**135**
Hoima	11	6	30	0	01	**48**
Jinja	30	15	28	0	0	**73**
Masaka	28	18	32	0	0	**78**
Mbarara	8	13	46	0	0	**67**
Moroto	05	13	37	03	0	**58**
Soroti	12	17	20	0	01	**50**
Total	173	205	509	4	05	**896**

[18]The Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa; the African Charter on Human and Peoples' Rights; Article 17 and Article 30 of the African Charter on the Rights and the Welfare of a Child; Articles 3-4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
[19] Article 30 of the African Charter on the Rights and the Welfare of the Child.
[20]Articles 23-24 of the Constitution.
[21]The Penal Code Act Cap 120, the Children Act Cap 59, the Uganda People's Defence Forces Act Cap 205, the Uganda Police Act Cap 303, the Uganda Prisons Act (2006), the Trial on Indictment Act Cap 23 and the Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013.
[22]There are four main military detention facilities, namely: Bombo, Makindye, Mbuya and Kakiri, but in addition, there is a military detention centre at every UPDF facility's Quarter Guard, according to a presentation titled 'Update on the conditions of detainees in military places of detention and the status of injured soldiers at Mubende Rehabilitation Center' by Col. Charles Wacha, UPDF Director Human Rights, at the UHRC 18th Annual Report consultative meeting held at the Sheraton Kampala Hotel, 29-31 March 2016.

Table 2.2 Number of detention facilities inspected by UHRC in the last five years

Year	Prisons	Police stations	Police posts	Remand homes	Military detention facilities
2015	173	205	509	05	04
2014	180	232	681	07	22
2013	142	225	667	06	20
2012	156	181	520	04	33
2011	193	168	532	05	02

Figure: 2.1 Number of places of detention inspected by the UHRC over the last five years



2.3 KEY FINDINGS IN PLACES OF DETENTION INSPECTED IN 2015

As was the case in 2014, UHRC found some positive developments as well as recurrent structural and administrative challenges, including cases of long and arbitrary detention, children detained with imprisoned primary caregivers and inappropriate accommodation and sanitation facilities.[23] Both the positive aspects and the challenges are highlighted below.

2.3.1 Assessment of the situation in police and prisons detention facilities

2.3.1.1 Detainees pending ministerial orders

In 2014, UHRC engaged with the Principal Judge to have cases of inmates pending ministerial orders (cases of prisoners awaiting determination by the responsible minister) handled expeditiously. Therefore, UHRC welcomed the High Court judgement that ruled that the mandate to grant orders, in respect of persons to whom a special finding of 'not guilty' due to mental disability is made, was with judicial officers, and not the minister of Justice.[24] Refer to Chapter 9 on Government compliance with UHRC recommendations. However, by December 2015, this judgement had not been implemented.

[23]The analysis is based on the detention facilities visited and inspected by the UHRC in 2014 and 2015.
[24]Bushoborozi Eric vs Uganda HCT-01-CV-0011 of 2015.

Nonetheless, UHRC found 12 detainees incarcerated in Fort Portal Male Prison and Arua Main Government Prison awaiting ministerial orders. One had been on remand awaiting ministerial order since 2009 and the others, since 2011. Table 2.3 below shows some of the detainees awaiting ministerial orders in the inspected detention facilities.

Table 2.3: Detainees awaiting ministerial orders in detention facilities

Initials of inmates	Remarks
K.S	Awaiting ministerial order for 24 years. It was reported that he does not get visitors.
B.E	Awaiting ministerial order for the last 15 years.
K.R	He was imprisoned in 2004 charged with murder and has been awaiting ministerial order since 2006. He has two children and his family has since relocated to Mityana from Kabarole district.
N.J	He was imprisoned in 2009 on murder charges. He does not receive visitors.
B.M	Has been awaiting ministerial order since 2009, although he was imprisoned in 2004 on charges of aggravated defilement.
M.A	Has been awaiting ministerial order since 2006, although he was admitted to prison in 2001. He does not receive visitors.
B.A	A former army officer who was charged with murder and attempted murder in 2006. He is involved in church leadership at the prison.
K.E	Charged with aggravated defilement in 2010 and awaiting ministerial order since 2012.
B.H	He was charged with aggravated defilement and imprisoned in 2010. He has been awaiting ministerial order since 2011.

2.3.1.2 Torture and solitary confinement

"The human rights training we attended were very helpful. I learnt that when I torture a suspect it is entirely on me and me personally..."said an officer from Kasangati Police

Some detainees complained to UHRC about being allegedly tortured by police officers at the time of arrest and by *katikkiros* (leaders among inmates) in prisons. UHRC instituted investigations into these complaints and the authorities were advised to take action against individuals who tortured detainees. Nevertheless, UHRC observed with concern the slow or lack of action taken against the perpetrators after the alleged torture. Table 2.4 shows cases of torture and solitary confinement documented by UHRC during inspections.

Table 2.4: Selected Cases of torture and solitary confinement documented by UHRC during inspections

Name of the detention facility	Initials of the inmate allegedly tortured	Crime suspected to have been committed	Action taken, if any, by the authorities
Nansana Police Station, Wakiso District	K.K	Failure to divulge information related to his charges	No action taken. The O/C said she was not aware. She was advised to investigate and take administrative measures
Kigorobya Police station	M.M	Assault	Complaint registered by UHRC

Name of the detention facility	Initials of the inmate allegedly tortured	Crime suspected to have been committed	Action taken, if any, by the authorities
Kidoma Police Post	M.T	Theft	Complaint registered by UHRC
Hoima Police Station, Hoima District	K.K	Theft	Complaint registered by UHRC
Kijangi Police Post	S.H	Theft	Complaint registered by UHRC
Flying squad attached to Hoima Police Station, Hoima District	A.O	Theft	Complaint registered by UHRC
Dokolo CPS, Dokolo Ddistrict	O.M	Assault	No action taken
Dokolo CPS, Dokolo District	O.A	Theft	No action taken
Kyotera Police Station	K.S	Theft	Matter reported to DPC for action
Kiboga Prison, Kiboga District	R.T	Information not available	No action was taken. Authorities said they were not aware.
Uganda Government Prison Anyeke, Oyam District	O.L	Defilement	Information not available
Uganda Government Prison Anyeke, Oyam District	O.M	Illegal possession of firearms.	Beaten by police during arrest. The prison ensured access of medical services to the victim. Permitted African Centre for Treatment of torture Victims (ACTV) to register the complaint.
Uganda Government Prison Anyeke, Oyam District	O.K	Threatening Violence	Beaten by police during arrest. The prison ensured access of medical services to the victim. Permitted ACTV to register the complaint.
Uganda Government Prison Loro, Oyam District	E.G	Simple robbery	The *katikkiros* responsible were paraded in front of the assembly and warned/ cautioned.
Uganda Government Prison, Dokolo, Dokolo District	O.S	Theft	The *katikkiros* responsible were warned.

Name of the detention facility	Initials of the inmate allegedly tortured	Crime suspected to have been committed	Action taken, if any, by the authorities
Uganda Government Prison, Dokolo, Dokolo District	O.F	Assault	The authorities warned the inmates responsible.

2.3.1.3 Detention over civil debts

UHRC noted that there were detainees incarcerated over civil debts in some inspected detention facilities. This was in contravention of the Government's obligations under Article 11 of the ICCPR that prohibit incarceration merely on the grounds of failure to honour contractual obligations. According to the UPS, they were holding 300 civil debtors in their facilities by December 2015[25] compared to 276 by December 2014. In 2015, UHRC found 30 civil debtors in some of the detention facilities inspected, including Tororo farm prison, Openzizi, Moyo, Arua, Paidha, Yumbe, Ragem, Mubuku, Bwera, Rukooki, Kamwenge and Nebbi government prisons.

2.3.1.4 Access to healthcare services and treatment of HIV/AIDS

Detainees and staff in 550 facilities of the 896 inspected detention facilities accessed healthcare services and treatment within the facilities or from nearby government health centres (HC). UHRC found healthcare services in 140 prisons, 404 police detention facilities, one military detention facility and all the inspected remand homes. In Hoima District for example, suspects at Butema Police Post were taken to Butema HC III; while those at Kinubi Police Post were taken to the police clinic located within Hoima Police Station. Those from Bulindi Police Station were taken to Mparangasi HC III, one and a half kilometres away, while those at Kitoba Police Post were referred to Dwoli HC III about three kilometres away.

Inmates in Kinene Prison had to go to Pader Health Centre III, approximately eight kilometres away; and those in Patongo Prison went to Patongo HC III, about 500 metres away. Detainees in Anyeke Prison went to Anyeke HC IV a kilometre away, and those in Kole Prison went to Okole HC II half a kilometre from the prison.

UHRC also established that detainees living with HIV/AIDS received treatment for opportunistic diseases and were supplied with anti-retroviral drugs (ARVs) in 142 detention facilities. Detainees with HIV/AIDS in 87 prisons accessed ARVs in 2015. Table 2.5 below shows the inspected detention facilities that supplied ARVs to inmates living with HIV/AIDS.

Table 2.5: Detention places that had health services for inmates living with HIV/AIDS in 2015

Regional office	Prisons	Police stations	Police posts	Military detention facilities	Remand homes	Total
Arua	12	23	72	0	01	**108**
Central	35	46	60	0	0	**141**
Fort Portal	13	23	100	01	01	**138**
Gulu	19	31	84	0	01	**135**
Hoima	11	6	30	0	01	**48**
Jinja	30	15	28	0	0	**73**
Masaka	28	18	32	0	0	**78**

[25] V. Aioka, Assistant Commissioner, UPS, 'Status of conditions in Uganda Prisons Service' detention facilities during 2015,' a presentation made at the UHRC 18th Annual Report Consultative Meeting held at the Sheraton Kampala Hotel, 29- 31 March 2016.

Regional office	Prisons	Police stations	Police posts	Military detention facilities	Remand homes	Total
Mbarara	8	13	46	0	0	**67**
Moroto	05	13	37	03	0	**58**
Soroti	12	17	20	0	01	**50**
Total	**173**	**205**	**509**	**4**	**05**	**896**

2.3.1.5 Children incarcerated with their imprisoned mothers

The best interest of a child is paramount in the determination of issues regarding its welfare.[26] It is in the best interest of a child below two years to continue living with its mother, as its survival is tied with staying with her. For this reason, there were 234 babies living with their incarcerated mothers in 2015, according to the UPS. In the detections facilities inspected, UHRC found 53 such children. Table 2.6 below shows details of some of them.

The UPS also reported that detention facilities for women had been supplied with daycare centres, baby clothing, lactating cows for milk and other forms of nutritional support for the babies. Nevertheless, UHRC noted with concern that authorities, especially in up-country stations, still faced difficulties in ensuring that basic requirements were provided.

Children incarcerated with their imprisoned mothers at Koboko Prison in Koboko District

[26] Article 3 (1) of the UN Convention on the Rights of a Child; Article 4 (1) of the African Charter on the Rights and Welfare of the Child; Article 35 of the 1995 Constitution; Section 3 and the First Schedule to the Children Act Cap 59.

Table 2.6: Selected documented cases of children incarcerated with their imprisoned mothers

Name of detention facility	Initials of child	Age of child	Reason
Uganda Government Prison Lugazi, Buikwe District	F.K	Three months	Mother is on remand on charges of theft.
Mpigi Prison, Mpigi District	Two children; names not given	Less than 18 months	Their mothers are on remand.
Nakifuma Prison,	Not given	About a year	Mother is a convict.
Kigo Female Prison, Mukono District	Seven children; names not given	Aged between 2-18 months	Their mothers are either on remand or are convicts.
Hoima Police Station, Hoima District	W.E	Two months	She is still breastfeeding
Koboko Government Prison, Koboko District	A.M	18 months	Information not available
Koboko Government Prison, Koboko District	L.J	14 months	Information not available
Arua Government Prison, Arua District	S.A	One year, 11 months	Information not available
Arua Government Prison, Arua District	J.V	10 months	Information not available
Arua Government Prison, Arua District	B.A	Five months	Information not available
Arua Government Prison, Arua District	I.A	Three weeks	Information not available
Arua Government Prison, Arua District	A.C	Five months	Information not available
Moyo Government Prison, Moyo District	Z	14 months	Information not available
Openzizi Government Prison	A.J	18 months	Information not available
Openzizi Government Prison	A.A	21 months	Information not available
Openzizi Government Prison	E.W	18 months	Information not available
Uganda Government Prison Anyeke, Oyam District	O.R	Six months	Still breastfeeding
Uganda Government Prison Anyeke, Oyam District	A.M	Three years	Lack of willing individual or organization to take up care and custody of the child; the father's death having been the cause of the mother's incarceration.

Name of detention facility	Initials of child	Age of child	Reason
Uganda Government Prison Kineni	A.I	Three years	No fit and proper relative or organization willing to take care of her.
Uganda Government Prison Kineni	A	Two years	No fit and proper relative or organization willing to take care of her.
Alebtong Government Central Prison, Alebtong District	A.E	Five months and three weeks	Still breastfeeding
Uganda Government Prison Kitgum	A.H	Three months	Still breastfeeding
Uganda Government Prison Kitgum	A.J	Eight months	still breastfeeding
Uganda Government Prison Kitgum	A.T	One year, three months	No relative to take care of the baby
Kineni Prison	A.E	Three years	No responsible relative at home
Kyazanga Prison	N.S	Two months	Still breastfeeding
Kyazanga Prison	B	One year and six months	still breastfeeding
Kiruhura Prison	M.A	19 months	Information not available
Kiruhura Government Prison	M	12 months	Information not available
Sironko CPS	E.M	Five months	Mother (a suspect of murder)
Ngora Prison	O	Three months	Mother incarcerated for incest
Kumi Government Prison	V.A	Three years	Nobody from the inmate's family wants to take care or her.
Kumi Government Prison	A.C	One year and four months	Still breastfeeding.
Kumi Government Prison	O	Three months	Child still young
Mbale Female Prison	S.C and M.C	Both two years	The whole family in detention for murder.
Mbale Female Prison	S.N	Two years	No one to take care of her at home.
Mbale Female Prison	F.K	One year	No one to take care of him at home.
Mbale Female Prison	N.F	One years and six months	No one to take care of her at home.
Mbale Female Prison	S.M	One year and six months	No one to take care of her at home.

Name of detention facility	Initials of child	Age of child	Reason
Mbale Female Prison	V.N	One week	Mother delivered while in detention.

2.3.1.6 Incarceration of juveniles with adult offenders

Locking up juveniles with adult offenders not only makes them vulnerable to violence, abuse and ill-treatment, but also exposes them to hard-core criminals. In spite of the prohibition by law not to have juveniles detained with adult offenders, UHRC came across 42 such cases in 2015. During the 2014 inspection, UHRC recorded 26 cases. Table 2.7 shows the detention facilities where juveniles were found detained with adult offenders.

Table 2.7: Selected cases of juveniles detained with adult offenders

Name of juvenile	Detention facility	Crime the juvenile is suspected to have committed	Reason for detention	Sex	Age
R.O	Uganda Government Prison, Anyeke	Information not available	Official record reflected him as adult, but physically looks like a juvenile	M	16 years
O.B	Uganda Government Prison, Anyeke	Information not available	Official record reflected him as adult, but physically looks a juvenile	M	17 years
B.O	Uganda Government Prison, Anyeke	Information not available	Information not available	M	17 years
K.J	Rwibaale Police Post	Lack of juvenile cell	Lack of juvenile cell	M	15 years
A.E	Kisojo Police Post	Information not available	Lack of juvenile cell	M	17 years
A.M	Kyakatwire Police Post	Information not available	Lack of juvenile cell. Upon intervention by UHRC, this juvenile was transferred to the female cell, which was not occupied.	M	15 years
O.D	Bus Park Police Post	Information not available	Lack of juvenile cell	M	15 years
K.S	Kyegobe Police Post	Information not available	Lack of juvenile cell	M	15 years
B.M	Kisomoro Police Post	Information not available	Lack of juvenile cell	M	16 years
A.V	Kibiito Police Station	Information not available	Lack of juvenile cell	M	17 years
T.S	Kibiito Police Station	Information not available	Lack of juvenile cell	M	14 years
A.K	Kibiito Police Station	Information not available	Lack of juvenile cell	M	16 years
T.H	Kamwenge Police Station	Information not available	Lack of juvenile cell	M	16 years

Name of juvenile	Detention facility	Crime the juvenile is suspected to have committed	Reason for detention	Sex	Age
N.P	Kahunge Police Station	Information not available	Lack of juvenile cell	M	16 years
O.J	Kahunge Police Station	Information not available	Lack of juvenile cell	M	16 years
M.F	Kahunge Police Station	Information not available	Lack of juvenile cell	M	15 years
A.A	Kahunge Police Station	Information not available	Lack of juvenile cell	M	16 years
N.P	Buhanda Police Post	Information not available	Lack of juvenile cell	M	12 years
T.H	Kamwenge Police Station	Information not available	Lack of juvenile cell	M	16 years

2.3.1.7 Provision of transport for detainees to court

UHRC noted that efforts were made in 184 detention facilities inspected to ensure transportation of detainees to court. Of these, 42 were prisons, 139 were police facilities and three were remand homes. The prisons included Gulu, Kitgum, Patongo, Atopi, Kabasanda and Butuntumula, while police facilities included Lwampanga, Oyam, Amuru, Agago, Otuke, Alebtong, Pader and Lamwo stations.

Nevertheless, UHRC was concerned that some prisons like Kole, Erute, Lira, Anyeke, Otuke, Pece and Kinene had no transport for detainees. UHRC also found several motorcycles meant to transport suspects to court grounded at police units and in need of repair. Consequently, detainees had to either walk the long distances or be taken to court by public means. At Kamwenge and Bigere police posts, suspects were transported to court and back on *bodaboda* at a cost of UGX 60,000.

2.3.1.7 Prisons and police staff welfare

UHRC assessed the welfare of staff and their working conditions, focusing on salaries, accommodation, transport, staffing levels, stationery and equipment.

a) Payment of salaries

UHRC leant from the staff that their salary was low, even if it was generally being paid on time. There were some complaints about staff not receiving their salary over long periods of time. At Buganikere police post, an officer had not received salary since December 2013 and at Hima police station, five staff members had missed their salary of September 2015. At Rwangara police post, staff could not easily access salary because the bank was far away and they would have to incur transport costs.

b) Staff accommodation

Staff accommodation was still a recurrent problem as many had to make do with the old, dilapidated structures or opt for rentals at their own cost. Staff accommodation at Pece, Otuke, Alebtong, Patongo, Erute and Loro prisons, among others, was in dilapidated structures, while the staff at Kalongo Police Station and at Latanya and Rackok Police Post rented accommodation outside the police units.

Dilapidated staff houses at Ngora Prison with a roof that leaks whenever it rains (right) and at Bukedea Prison (left).

Staff accommodation at Kisomoro Police Post about to collapse (left) and some of the staff accommodation at Katebwa Police Post (right) in Kabarole District

c) Staffing levels

UHRC found inadequate staffing levels generally, which affected output. The inadequate staffing in prisons could not be matched with the evergrowing prison population. Consequently, this impacted on the ability of UPS to provide adequate escort when prisoners were going to court or if they had to ease themselves outside the cells.

d) Stationery and equipment

Most detention facilities that UHRC inspected lacked computers, photocopiers, pens, furniture and radios, among others, which affected staff performance. In some instances, complainants were asked to facilitate officers with pens, paper or fuel for them to be served.

2.3.1.8 Newly constructed and renovated infrastructure

Construction and renovation of structures was noted in 59 prisons in 2015. These prisons included: Kiryandongo Government Prison in Kiryandongo District and Kapchorwa Prison in Kapchorwa District that had new buildings; Loro Government Prison Farm where a new administration block was constructed to replace the dilapidated grass thatched offices; and Anyeke and Kaladima government prisons in Amuru District where grass thatched staff houses were built to ease the accommodation pressure. Ongoing construction was observed at Kaiti Prison and Kisoko Prison (toilets), at Mutufu prison in Sironko District (prison canteen) and at Mutukula Prison, which was nearing completion.

Left to right: Ongoing construction at Kaladima Prison in Amuru District and Loro Prison in Oyam District.

UHRC also observed newly-constructed or renovated facilities at 56 police stations and posts in 2015. These included Agweng, Kilembe, Mukono, Naggalama, Nakasongola, Nwoya, Buliisa, Serere, Kumi and Bukedea Central police stations. Hima Police Station was renovated by Hima Cement Factory, while Kilembe Police Station was renovated by the Africa Nyamwamba Small Hydro Power project. Of the five remand homes inspected, only Gulu Remand Home had new infrastructure.

Left to right: Renovated police facilities at Kilembe and Hima police stations in Kasese District.

2.3.1.9 Old, dilapidated buildings and makeshift structures

UHRC noted in 2015 that 116 police detention facilities, 55 prisons and one remand home had old, dilapidated structures unsuitable for human habitation. None of the military detention facilities inspected had old and dilapidated structures. In 2014, UHRC found old and dilapidated structures at 149 detention facilities of police, 73 of prisons and 12 of the military.

Dilapidated structures at Katwe CPS in Kampala District (left), Buganikere Police Post in Bundibugyo District (centre) and Alero Police Post in Nwoya District (right)

2.3.1.10 Construction of cells for juveniles and females

In 2015, UHRC noted that 35 cells for juveniles and 223 cells for female detainees had been constructed in the detention facilities inspected. Of the 223 cells, 50 were in prisons, 122 were in police stations and 51 were at police posts. Of the 35 cells for juveniles, 29 were in police stations, five in remand homes and one at a police post. In 2014, UHRC found cells for females in seven prisons and one military detention facility, while cells for juveniles had been constructed in 94 police detention facilities.

Newly-constructed cells for juveniles were found at Mukono, Entebbe, Amuria, Katakwi, Adjumani and Nyumanzi (West-Nile region) police detention facilities as well as at prison facilities of Kapchorwa and Mbale. Cells for female detainees had been constructed at Lugazi, Kamuge, Kitgum, Anyeke, and Budaka prisons; Kineni prison in Pader District, Patongo prison in Agago District, Lira prison (female wing) and Atopi prison in Apac District.

2.3.1.11 Records management

Keeping updated record books is among the accountability mechanisms in detention facilities. UHRC noted that there were efforts to keep updated records relating to admission, punishment, complaints, earnings and property, among others. These record books have vital details for, among other things, tracking the situation in detention facilities. Of the 896 inspected detention facilities, 636 had properly updated records. Of these, 134 were prisons, 145 police stations, 353 police posts, two military facilities and two remand homes. Some of the detention facilities found with updated record books were Kyakeitaba, Buhanda, Bigodi, Bundimasoli, Migongwe, Hapuyo, Mpara, Kyegobe and Kisomoro police posts.

2.3.1.12 Human rights committees

> *"The Arua Government Prison human rights committee is contented with the non-violation of human rights as evidenced in our monthly report and a relatively conducive environment. We appreciate the prisons welfare department and the O/Cs office for working hand in hand to make the prison a peaceful place. It's a plea to you that an effort be made to address some of the issues raised in our report"*
> *Best wishes*
> *Human Rights Chairman*
> *EGATIO GILBERT*

Human rights committees in detention facilities carry out continuous monitoring and reporting on any human rights issue as it emerges. They are instrumental in fostering a human rights culture among staff and detainees. In 2015, UHRC found Human rights committees present in 126 of the 173 prisons inspected. These included: Ngora, Bukedea, Kumi, Bugiri, Masafu, Buinja, Kisoko, Tororo Women Prison, Kamuge, Budaka, Kagadi, Biiso, Buliisa, Kiryandongo, Bukwo, Mbale, Serere, Ngenge and Kigumba government prisons.

These committees handled concerns relating to lack of basic requirements, inadequate supply of food, long stay on remand, beatings by the *katikiros*, access to relatives and the rights of staff, among others. Nevertheless, some prisons like Loro Prison Farm and Bubukwanga Government Prison did not have the committees. Figure 2.2 shows human rights committees established by prisons inspected by UHRC from 2012 to 2015.

Figure 2.2: Human rights committees established in prisons inspected by UHRC from 2012 to 2015

2.3.1.13 Phasing out of the use of the bucket system

UHRC found ongoing efforts to phase out the 'bucket system' in the detention facilities inspected. The 'bucket system' refers to the practice of using buckets for inmates to ease themselves within the cells.

a) Buckets completely phased out

UHRC noted that of the 896 detention facilities inspected in 2015, 61 had completely eradicated the use of bucket system. Of the 61 facilities, 37 were prisons, 22 were police stations, one was a police post and one was a remand home. UHRC established that the construction and renovation works in military detention facilities helped the UPDF to phase out the use of buckets.[27] Prisons that completely phased out the use of buckets included: Uganda Government Prison Kauga, Lugazi, Anyeke, Pece, Gulu male wing, Lira female section, Dokolo, Lamwo, Patongo, Kineni, Lugore, Mpigi, Kitgum, Atopi and Erute. All the aforementioned prisons were found with functional inbuilt flush toilets in the wards. Police detention facilities that had completely eradicated the use of buckets included: Kagadi Police Station and Dokolo, Otuke, Amuru, Pader, Agago and Lamwo central police stations.

Flush toilets at Lira Prison female wing (left) and in Erute Prison (right) in Lira District

[27] n.22 above.

Bathroom and toilet facilities at Lamwo Prison in Lamwo District

b) Phasing out the use of the bucket system during the day

UHRC found that 165 facilities had phased out the use of buckets during the day, but were using them at night. Of those, 27 were prisons, 45 were police stations, 92 were police posts and one was a remand home. The prisons facilities included: Buwambo, Kicheche, Aber, Loro, Kaladima, Bukomero, Otuke, Alebtong, Pece and Kole prisons. The police facilities included: Bwere, Katwe, Mabira, Nyenga, Nakasajja, Naggalama, Migeera, Lwampanga, Nakasongola CPS, Mpigi and Kanoni police stations, as well as Kiburara, Buhuhira, Kagando, Kisoga, Katuugo, Nakitoma, Nabiswera, and Lwabiyata police posts.

A bucket containing urine in a cell at Bwera Police Station in Kasese District

c) Bucket system during both day and night

UHRC found that 107 out of the 896 inspected detention facilities still used buckets during the day and at night. Of these, 22 were prisons and 85 were police facilities. The prisons included Bukwo, Mutufu, Ngenge, Amuria, Ngora, Nakifuma, Nakisunga, Nagojje, Kabasanda, Makurubita, Nyimbwa, Bamunanika and Wabusana government prisons. The police facilities included Zirobwe and Kibibi police stations, as well as Kakooge, Kibuye, Kirinda and Vvumba police posts.

A bucket and a tray containing urine inside cells at Alero Police Post in Nwoya District (left) and at Starch Factory Police Post in Lira District (right)

2.3.1.14 Freedom of worship

UHRC found that in the 896 detention facilities inspected, 485 observed and promoted the right to freedom of worship of the detainees. Of these 129 were prisons, 107 were police stations, 245 police posts, three remand homes and one was a military detention facility. The prisons included: Amolatar, Kaberamaido, Katakwi, Kapchorwa, Hoima, Bugambe, Biiso, Buliisa, Kagadi, Kyankwanzi, Ivukula, Kibuku, Kamuge, Agule, Isingiro and Kiruhura government prisons, in addition to the 305 Infantry Brigade - Hima military barracks located in Kasese District.

A religious leader leading juveniles in prayers at Fort Portal remand home in Kabarole District

2.3.1.15 Ventilation, lighting and storage

The detainees' accommodation in several facilities inspected had poor lighting and ventilation, hence a persistent stench in the air. Inadequate ventilation impacted on the lighting inside the cells or wards. Of the 896 facilities inspected, 24 prisons and 106 police detention facilities had poorly-ventilated cells. These included Tororo Prison Farm, Budaka, Bugiri, Bukwo, and Ngenge prisons. Police facilities included

Ntoroko and Katwe police stations, as well as Kiburara, Kanara and Kisaka police posts. Poor lighting was found in 110 of the facilities inspected, which included 10 prisons and 100 police detention facilities. Some of them were: Rakai, Bukwo, Ngenge, Pece and Otuke prisons, as well as Lira, Atiak, Kwera and Agweng police stations, and Rackoko, Kilak, Starch Factory and Railways police posts.

Former Cotton Store converted into a Prison ward at Rakai Government Prison in Rakai District

Lack of or inadequate room for storage was a challenge in 18 prisons, 103 police facilities and one remand home that UHRC inspected. Detention facilities with a challenge of storage facilities included Otuke and Aber prisons. Kole prison had borrowed a room from the local government for storage. At Dokolo and Oyam police stations, juvenile cells had been turned into stores due to lack of proper storage facilities.

2.3.1.16 Sanitation and personal hygiene

UHRC examined sanitation and hygiene in terms of availability of water for bathing, washing and general cleaning; provision of soap, razor blades, sanitary towels for female detainees and cleanliness of detainees. Provision of sufficient water essential for personal cleanliness was noted in 301 out of the 896 inspected detention facilities. Of these, 66 were prisons, 233 were police detention facilities and two were remand homes.

The efforts to eradicate the use of buckets contributed to the good sanitation and cleanliness in the inspected detention facilities. UHRC, however, observed that inadequate water supply and poor disposal of human waste led to the poor hygiene in some of the inspected facilities, particularly where the buckets continued to be used both during the day and at night.

Detention facilities that did not have adequate water for sanitation and personal hygiene included Kiboga, Kasangati and Rubanda prisons, as well as Buseruka Police Post and Nakaloke and Bunkhongo police stations.

In addition, UHRC noted that in 37 prisons and 73 police detention facilities, sanitary towels for female detainees were not provided. Some of them were Kiboga, Kasangati, Kitgum, Kineni, Patongo, Dokolo, Alebtong and Okute prisons, as well as Buseruka Police Post and Gulu Remand Home.

2.3.1.17 Lack of beddings and uniforms for inmates

In 133 detention facilities, comprising 35 prisons, 95 police detention facilities and three remand homes, detainees did not have adequate uniform– they had one pair of uniform with no clothes to change into when they washed. They were also found sleeping on the bare floor. This was the case in Ngora, Ngenge, Kumi and Bukedea prisons, as well as Mbale, Arua and Ihungu (Masindi district) remand homes.

Detainees in tattered uniforms at Ngora Prison in Ngora District (left), beddings in a cell at Kumi Prison in Kumi District (centre) and a tattered sleeping mat in a cell at Alero Police Post (right).

UHRC found that 234 out of the 896 detention facilities inspected did not have adequate beddings; so, detainees used either tattered blankets, mats or pieces of papers. This was observed in 41 prisons, 192 police detention facilities and one military detention place inspected. These facilities included: Mutufu and Ngora prisons; Ngai, Iceme, Aber, Kwera and Kangai police posts; as well as Dokolo, Otuke (adult cells), Agawata, Adwari and Olilim police stations.

2.3.1.18 Access to food

A total of 247 out of the 896 detention facilities inspected provided food to detainees. In 157 prisons, 87 police detention facilities and three remand homes, detainees were provided with three meals a day. This was the case at Fort Portal female prison (Katojo), Kyenjojo, Nagojje, Mpigi, and Nakasongola female and male prisons. Nevertheless, UHRC noted with concern that others were not regularly feeding the detainees due to unreliable and insufficient supply of food from regional prisons headquarters and the lack of imprest funds for police detention facilities.

Facilities like Bwera prison failed to provide breakfast to the detainees, while Kamwenge prison provided two meals – either breakfast and supper. Kigolobya, Oyam, Mbalala, Kyampisi and Kazo police stations and Katuugo, Kakooge and Kisoga police posts did not provide any food.

UHRC observed with concern that of the 896 detention facilities inspected, only seven provided special meals for vulnerable detainees such as expectant mothers, children, persons living with HIV/AIDS and the sickly. In addition, UHRC noted that in Loro, Anyeke, Erute, Alebtong, Lamwo, Patongo, Kineni prison farms, detainees were allowed to prepare individual meals to supplement the food served. At police detention facilities, suspects were allowed to receive food from relatives. All in all, feeding detainees remained a big problem, especially in police detention facilities.

2.3.1.19 Access to information

UHRC found that in 212 detention facilities inspected, detainees could access information through radio, television, books and verbal communication on critical national issues. Of the 212, UHRC found that 106 prisons had endeavoured to provide detainees with information. This was the case at, for example Gulu, Lira, Kitgum, Patongo, Hoima, Kyegegwa, Masindi, Lamwo, Sentema, Kyankwanzi, Kiryandongo, Dokolo,

Paidha, Arua main, Openzizi, Yumbe, Lobule, Yumbe, Koboko, Olia and Ragem government prisons, as well as at 46 police stations, 60 police posts and Gulu Remand Home. Nevertheless, UHRC observed that in Kumi, Bukwo, Kapchorwa, Kaberamaido, Amolatar, Giligili, Bidibidi and Nebbi prisons, there were no measures in place to provide information to the detainees.

Left: Juveniles at Gulu Remand Home watching television. Right: an inmate at Pece prison takes the UHRC inspection team through a well stocked prison's library.

2.3.1.20 Disciplinary measures

UHRC noted efforts in 2015 to have in place disciplinary measures to address errant detainees. Of the 896 detention facilities inspected, 377 had measures to deal with indiscipline. These included 114 prisons, 259 police detention facilities, three remand homes and one military detention facility. Measures for disciplining errant detainees ranged from warning, cautioning, counselling, isolation, manual labour, loss of remission and loss of privileges, to preferring fresh charges on the detainee.

Errant detainees at Kalungu prison, for example, were kept inside when others were released to move around and enjoy the fresh air in the prison compound. At Biiso prison, detainees who assaulted others or attempted to escape were criminally charged in court. Other disciplinary measures were menial labour, including slashing and cleaning wards, buckets and pit latrines for a period, demotion in the case of a *katikkiro* (leader among inmates), writing their names in punishment books, as well as denial of access to visitors.

2.3.1.21 Right to work

Work in detention facilities should be remunerated to foster reintegration. However, the right of detainees to access adequate remuneration was still a challenge in 2015 as had been observed in the previous UHRC annual reports. Detainees who were provided with work were found in 404 of the inspected detention facilities, specifically in 145 prisons, 258 police detention facilities and one remand home. In 275 detention facilities, comprising 131 prisons, 143 police facilities and one remand home, detainees whose services were hired out got paid and some earned a paltry UGX 500 per day. These earnings were recorded.

Despite the standard six hours of work per day that is provided for, UHRC found that detainees in 14 prisons were overworked. This was the case at Dokolo, Alebtong, Erute, Loro, Anyeke, Lugore, Kineni, Lamwo, Kaladima, Patongo, Kagadi, Atopi, Maluku (Mbale district), Ngenge, Koboko and Lobule prisons. In addition, UHRC found that in 11 prisons, female detainees had been subjected to hard labour and sick detainees had been subjected to work. This was the case with Loro, Dokolo, Anyeke, Aber, Kineni, Patongo and Ngenge prisons.

A register of inmates' earnings for 2014 at Pece prison in Gulu District

2.3.1.22 Access to water

Detention facilities inspected had access to water at nearby sources, including piped water, boreholes, spring wells and harvested rainwater. This was noted at Ntungamo, Gulu main, Lugore, Kineni, Patongo, Lira main, Erute, Dokolo, Butoolo, Buwama, Nyimbwa, Hoima, Kagadi, Kisoko, Budaka, Kakiika, Kiburara, Mparo and Rubanda prisons; Njeru, Nkozi, and Pader police stations; and Lapul and Angagura police posts. Nevertheless, UHRC also noted challenges of access to water in facilities in Sanga and Kiruhura prisons in Kiruhura district; Isingiro prison in Isingiro district and at Buseruka police post.

2.3.1.23 Long and arbitrary detention

UHRC noted with concern that in some of the inspected detention places, prolonged and arbitrary detention had persisted.

a) Long and arbitrary detention in police detention facilities

Suspects were found detained for three to 38 days over the lack of a magistrate, delays on the part of the resident state attorney, delays with investigations and lack of sureties for the detainees to be granted bail. Other reasons cited were: safe custody for the detainees; fear that suspects could easily jump bail, given the long period that trials for capital offences take; and weekends when they could not be produced in court.

b) Long and arbitrary detention in prisons

UPS reports indicated that the average length of stay on remand was 10.5 months for capital offenders and two months for petty offenders. The UPS also reported a reduction in the remand prisoner population from 55.1% to 54.6%. However, UHRC noted with concern the recurrent problem of long and arbitrary detention in prison facilities due to irregular court sessions, frequent court adjournments and failure to cause-list matters of inmates whose cases have been committed to court. Table 2.8 shows some documented cases of inmates that UHRC found arbitrarily detained in prison facilities.

Table 2.8: Selected documented cases of inmates arbitrarily detained in prisons

Initials of the inmate	Name of detention facility	Crime suspected to have been committed	Duration in detention	Reason for long/ arbitrary detention
T.R	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
M.M	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
B.J	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
K.J	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
B.T	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
K.M	Mubuku Prison Farm	Theft	Beyond 60 days	Numerous court adjournments
O.J	Uganda Gov't Prison Anyeke	Aggravated defilement	1 year	Pending High Court
A.S	Uganda Gov't Prison Anyeke	Murder	1 year, 7 months	Pending High Court
A.Q	Uganda Gov't Prison Anyeke	Murder	1 year, 11 months	Pending High Court
O.A	Uganda Gov't Prison Anyeke	Murder	1 year, 11 month	Pending High Court
O.J	Uganda Gov't Prison Anyeke	Murder	1 year, 11 months	Pending High Court
O.R	Uganda Gov't Prison Anyeke	Murder	1 year, 11 months	Pending High Court
O.G	Uganda Gov't Prison Anyeke	Murder	1 year, 11 months	Pending High Court
O.D	Uganda Gov't Prison Anyeke	Murder	1 year, 11 months	Pending High Court
O.J	Uganda Gov't Prison Anyeke	Aggravated defilement	1 year, 1 month	Pending High Court
O.J	Uganda Gov't Prison Anyeke	Aggravated defilement	01 year, 02 months	Pending High Court
A.S	Uganda Gov't Prison Anyeke	Murder	1 year, 2 months	Pending High Court
O.R	Uganda Gov't Prison Anyeke	Murder	1 year, 2 months	Pending High Court
A.D	Uganda Gov't Prison Anyeke	Murder	1 year, 2 months	Pending High Court
A.P	Uganda Gov't Prison Anyeke	Murder	1 year, 2 months	Pending High Court
O.G	Uganda Gov't Prison Anyeke	Murder	1 year, 2 months	Pending High Court
O.S	Uganda Gov't Prison Anyeke	Murder	1 year, 9 months	Pending High Court
O.R	Uganda Gov't Prison Anyeke	Murder	2 year, 1 month	Pending High Court
A.E	Uganda Gov't Prison Anyeke	Murder	1 year, 4 months	Pending High Court
E.R	Uganda Gov't Prison Anyeke	Murder	2 years, 2 months	Pending High Court
O.T	Uganda Gov't Prison Anyeke	Murder	1 year, 1 month	Pending High Court
O.B	Uganda Gov't Prison Anyeke	Murder	2 years, 5 months	Pending High Court
O.V	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.S	Uganda Gov't Prison Anyeke	Murder	1 year, 09 months	Pending High Court
O.T	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.V	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court

Initials of the inmate	Name of detention facility	Crime suspected to have been committed	Duration in detention	Reason for long/ arbitrary detention
O.C	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.P	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.A	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.D	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.N	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.F	Uganda Gov't Prison Anyeke	Murder	1 year, 9 months	Pending High Court
O.S	Uganda Gov't Prison Anyeke	Murder	1 year	Pending High Court
O.S	Uganda Gov't Prison Anyeke	Murder	1 year, 10 months	Pending High Court
O.B	Uganda Gov't Prison Anyeke	Aggravated defilement	2 years, 1 months	Pending High Court
A.J	Uganda Gov't Prison Anyeke	Murder	2 years	Pending High Court
A.J	Uganda Gov't Prison Anyeke	Murder and aggravated robbery	2 years, 1 month	Pending High Court
O.T	Uganda Gov't Prison Anyeke	Aggravated defilement	2 years, 1 month	Pending High Court
O.G	Uganda Gov't Prison Anyeke	Aggravated defilement	2 years, 1 month	Pending High Court
O.S	Uganda Gov't Prison Anyeke	Murder	2 years, 1 month	Pending High Court
A.S	Uganda Gov't Prison Anyeke	Aggravated defilement	1 year, 11 month	Pending High Court
O.J	Uganda Gov't Prison Anyeke	Aggravated defilement	4 months	Pending High Court
O.M	Uganda Gov't Prison Anyeke	Murder	11 month	Pending High Court
O.D	Uganda Gov't Prison Anyeke	Murder	2 years, 1 month	Pending High Court
A.F	Uganda Gov't Prison Anyeke	Murder	4 months	Pending High Court
A.M	Uganda Gov't Prison Anyeke	Aggravated defilement	2 years	Pending High Court
O.W	Uganda Gov't Prison Pece	Theft of cattle	1 year 3 months	Trial affected by transfer of judicial officer
O.M	Uganda Gov't Prison Pece	House breaking & theft	1 year 5 months	Frequent adjournments
O.W	Uganda Gov't Prison Pece	Theft	10 months	Frequent adjournments
K.D	Uganda Gov't Prison Pece	Theft of vehicle	11 months	Frequent adjournments
O.M	Uganda Gov't Prison Pece	Illegal entry into a national park	4 months	Frequent adjournments
M.L	Uganda Gov't Prison Pece	Illegal entry into a national park	4 months	Frequent adjournments

Initials of the inmate	Name of detention facility	Crime suspected to have been committed	Duration in detention	Reason for long/ arbitrary detention
O.P	Uganda Gov't Prison Pece	Illegal entry into a national park	4 months	Frequent adjournments

c) Long and arbitrary detention in remand homes

UHRC also noted with concern the prolonged and arbitrary detention of juveniles in the inspected remand homes. UHRC found juveniles detained for periods ranging from three months to a year for reasons such as awaiting High Court trial, awaiting sentencing, awaiting committal and numerous adjournments. Table 2.9 below shows documented cases of prolonged and arbitrary detention in remand homes.

Table 2.9 Documented cases of long and arbitrary detention in remand homes

Name of inmate	Name of detention facility	Crime suspected to have committed	Duration in detention	Reason for long/ arbitrary detention
O.E	Gulu Remand Home	Aggravated defilement	7 months, 14 days	Awaiting High Court trial
O.P	Gulu Remand Home	Aggravated defilement	9 months, three weeks	Awaiting High Court trial
O.D	Gulu Remand Home	Aggravated defilement	6 months	Awaiting High Court trial
O.P	Gulu Remand Home	Aggravated defilement	6 months, 9 days	Awaiting High Court trial
O.B	Gulu Remand Home	Aggravated defilement	9 months, 3 weeks	Awaiting High Court trial
O.I	Gulu Remand Home	Aggravated defilement	8 months, 1 week	Awaiting High Court trial
D.O	Gulu Remand Home	Aggravated defilement	1 year, 2 days	Awaiting sentencing after file got lost in Dec 2014
O.D	Gulu Remand Home	Aggravated defilement	7 months	Awaiting committal
M.S	Gulu Remand Home	Aggravated defilement	6 months, 3 weeks	Awaiting committal
O.E	Gulu Remand Home	defilement	9 months	Protracted trial before CM Gulu
O.P	Gulu Remand Home	Theft	3 months, 3 weeks.	Frequent adjournments

2.3.2 Remand Homes

UHRC inspected five remand homes in 2015, namely Arua Remand Home in Arua District, Fort Portal Remand Home in Kabarole District, Mbale Remand Home in Mbale District, Ihunga Remand Home in Masindi District and Gulu Remand Home in Gulu District. UHRC found that Arua Remand home had been operationalised and, therefore, it had adequate wards, food, beddings and mattresses. In addition, UHRC

observed that the environment at Fort Portal Remand Home was generally clean. UHRC further observed that Gulu, Arua and Fort Portal remand homes provided clean water and the juveniles had access to facilities for bathing.

In spite of this progress, UHRC was informed that families of juveniles did not visit them while in detention. In addition, UHRC was informed that the children were rejected by their families when they were taken back to resettle in the community. As noted in the previous Annual Reports, remand homes faced challenges such as inadequate funding, inadequate accommodation and uniforms, inadequate transport, wide area covered by remand homes and delays by the courts to hear cases. In addition, Gulu Remand Home did not provide adequate meals to the juveniles and had overcrowded dormitories.[28]

2.3.3 Military detention facilities

The four military detention facilities that UHRC inspected in 2015 were 305 Infantry Brigade - Hima barracks located in Kasese District, Rengen LDU Battalion and Nakapelmoru 403 Brigade headquarters in Kotido District, and UPDF 3rd Division headquarters in Moroto District. At Hima army barracks, UHRC interacted with Lt. Col. Alex Namara, Deputy Brigade Commander, who informed the team that two UPDF soldiers had been charged with various disciplinary offences. UHRC observed that there was a Unit Disciplinary Court to handle minor offences. It was also noted that detainees were provided with bedsheets, in addition to being allowed to prepare their own meals.

2.4 RECOMMENDATIONS

1. As recommended in the previous UHRC annual reports:
    - Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service, Uganda Police Force, the Uganda Peoples' Defence Forces and the Ministry of Gender, Labour and Social Development to ensure that the rights of inmates and staff are respected;
    - Uganda Prisons Service, Uganda Police Force and the Uganda Peoples' Defence Forces should enforce the Prevention and Prohibition of Torture Act (2012) in order to hold perpetrators of torture in places of detention accountable;
    - Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with government obligations under the International Covenant on Civil and Political Rights;
    - Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, should ensure that juveniles are separated from adult offenders in all detention facilities and that children who are incarcerated with their imprisoned mothers are catered for;
    - Ministry of Finance Planning and Economic Development should adequately facilitate and centralise funding of remand homes through the Ministry of Gender and Social Development in order to address their perennial challenge of funding;
    - Justice, Law and Order Sector should implement the diversion guidelines and strengthen the mechanism for diversion of children away from the criminal justice system through mediation arbitration and community service;
    - Uganda Prisons Service, Uganda Police Force and the Uganda Peoples' Defence Forces should completely phase out the bucket waste disposal system; and

[28] J Kaboggoza Ssembatya, Assistant Commissioner/Children Affairs, Ministry of Gender, Labour and Social Development, 'Status of remand homes and rehabilitation centres in 2015', a presentation made at the UHRC 18th Annual Report consultative meeting held at Sheraton Kampala Hotel, Kampala on 29-31 March 2016.

- Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Minister's Orders.

2. Uganda Law Reform Commission, the Ministry of Justice and Constitutional Affairs, the Judiciary and Parliament should put in place a law to shift the mandate on ministerial orders from the Minister of Justice to judicial officers.
3. Uganda Prisons Services should improve on the daily wage given to inmates for hiring out of their labour services.

2.5 CONCLUSION

UHRC notes that even though there were commendable interventions towards improving the conditions in detention facilities in 2015, a lot more needed to be done for these interventions to become reality. The structural and administrative challenges that underpin the recurrent nature of these concerns must be addressed in order to enhance the realisation of a human rights culture and the enjoyment of rights by all in detention facilities.

CHAPTER 3
HUMAN RIGHTS EDUCATION AND AWARENESS PROGRAMMES

3 INTRODUCTION

Human rights education (HRE) is essential for state agencies and other duty bearers to enable the government meet its obligations to respect, protect and fulfil human rights. In order for them to claim their rights and seek redress for violations, the citizenry need to know and understand human rights. Ultimately, HRE is essential to the long-term prevention of human rights violations as an investment in the development of a strong human rights culture in societies.

UHRC is mandated to conduct civic education and, particularly, HRE under Article 52 (1) (c), (e) and (g) of the 1995 Constitution of Uganda. UHRC, as a national human rights institution, has a crucial role to play in advancing HRE to:

- Inform and educate about human rights;
- Foster the development of values and attitudes which uphold human rights;
- Encourage action aimed at defending human rights from violation;
- Empower people (through human rights knowledge) to know their rights and claim them;
- Emphasise citizens' duties and responsibilities; and
- Promote the understanding of tolerance, co-existence and peace among the citizens of Uganda.

Through its HRE interventions, UHRC seeks to address the three learning dimensions of knowledge, values/attitudes and skills. Effective HRE not only provides knowledge about human rights protection mechanisms, but also develops the requisite skills for the promotion, defence and application of human rights in daily life. It also fosters the attitudes and behaviours needed to uphold human rights for all members of society.[29] Furthermore, it encourages everyone to not only uphold their own rights, but also respect the rights of others.

3.1 EDUCATION AND AWARENESS ACTIVITIES

In 2015, UHRC conducted HRE activities targeting both state agents and the general populace. The activities included workshops, trainings, community outreach programmes, media campaigns and advocacy through commemoration of international human rights days. These interventions were aimed at enhancing the levels of human rights awareness, nurturing a culture of respect for human rights, emphasising the importance of citizens' duties and responsibilities and enhancing the awareness of rights, civic duties and responsibilities relevant to the electoral process.

UHRC sensitised a total of 43,878 persons drawn from government institutions, security agencies, schools, cultural and religious institutions and grassroots communities. This was a 54% increase in the number of people sensitised from the 28,488 reached in 2014. It was attributed to the increase in the human rights awareness activities conducted by UHRC as a result of more funding. Furthermore, UHRC enhanced its civic education interventions in preparation for the 2016 general elections.

[29] Available at http://www.ohchr.org/Documents/Publications/WPHRE_Phase_2_en.pdf. Last accessed on 6 June 2016.

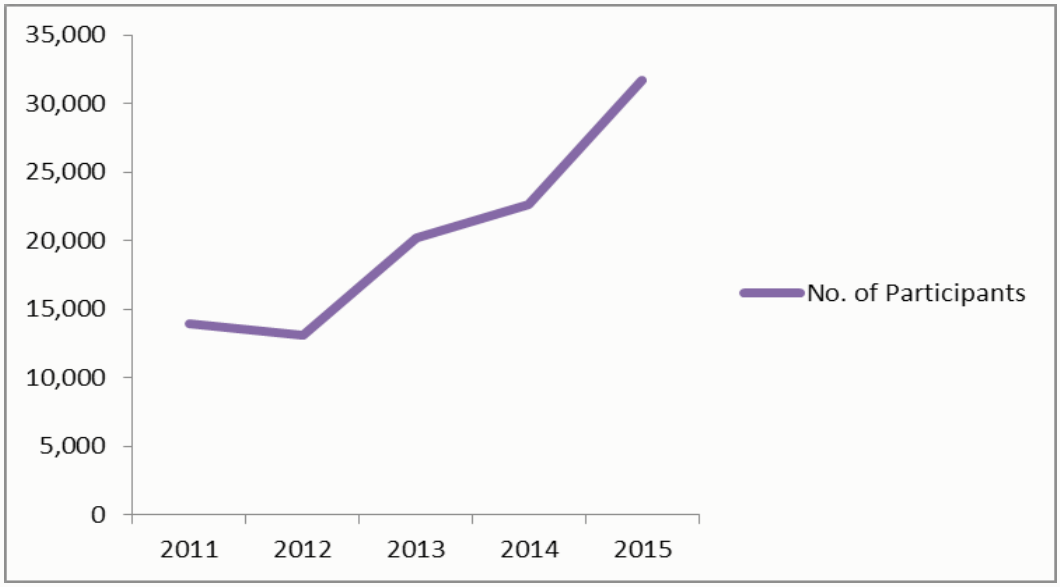
3.1.2 Human rights awareness for grassroots communities

UHRC used community meetings (*baraza*) as a platform for creating awareness, sharing vital information and providing citizens with an opportunity to discuss human rights issues relevant to their contexts. The choice of districts where the community meetings were conducted was influenced by the prevalence of specific human rights issues. Furthermore, during the electoral process, community meetings were conducted in areas that were considered hot spots for conflict and violence. This was done to provide a platform for dialogue and to forestall the likely human rights violations that could result from violence.

A total of 31,694 people attended the grassroots human rights awareness campaigns in 72 districts where UHRC conducted *baraza*. This was a 40% increase from the 22,621 people who attended them in 2014. This was attributed to enhanced mobilisation strategies such as the use of local radio stations, as well as local leaders at grassroots level to inform communities about the UHRC's impending community engagements. The increase can also be attributed to the fact that community meetings were conducted in prisons and places of worship as well. UHRC also opened a new field office in Buvuma islands and popularised its operations through community *baraza*.

It is also worth noting that there has been a steady increase in the number of people who have attended UHRC's community meetings over the past five years. Figure 3.1 below shows the comparative attendance of community meetings over the last five years.

Figure 3.1: Attendance of community meetings conducted by UHRC over a five-year period



Of the 31,694 *baraza* participants in 2015, 20,664 were male and 11,030 female. The women were fewer due to various influences, including: the patriarchal nature of most societies, which dictates that women should not attend public meetings with men; the poor attitude of women towards attending meetings; and domestic chores and demands that keep women at home or in their gardens. Despite being fewer than men, more women attended in 2015 as shown by the 31.5% increase in their number from the 8,385 of 2014. This was achieved through mobilisation strategies that targeted women to ensure their increased participation. UHRC involved women leaders at the grassroots level in the mobilisation of fellow women and conducted the meetings in the afternoon when women were free after their gardens and doing their chores. Figure 3.2 below presents the gender disaggregation of attendance of community meetings per regional office in 2015.

Figure 3.2: Attendance of community meetings disaggregated by gender per UHRC regional office

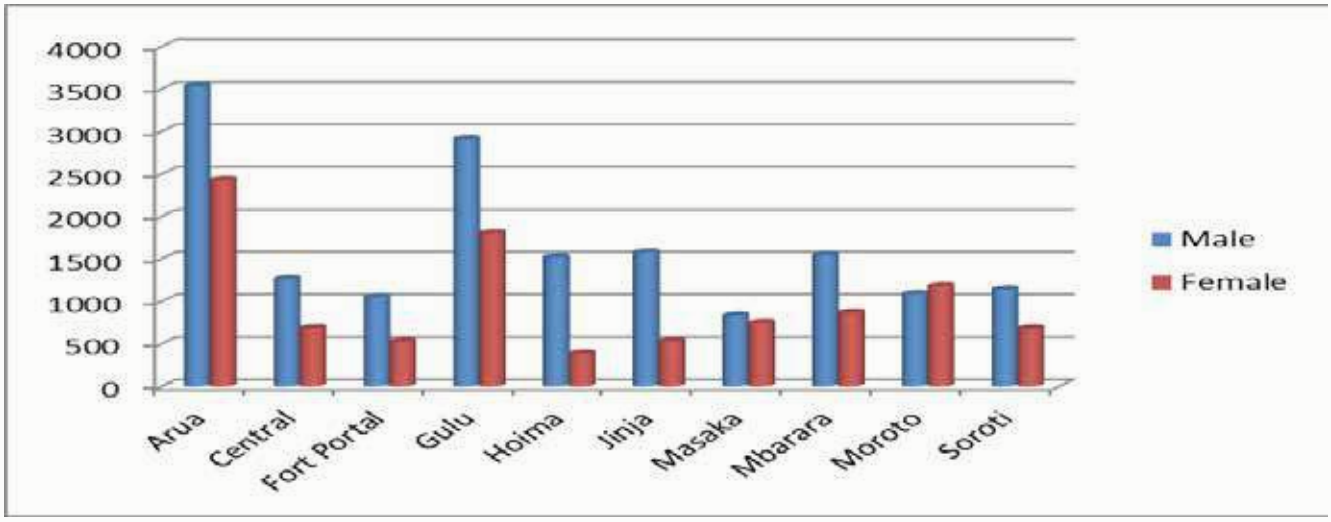


Figure 3.2 indicates that Arua regional office registered the highest attendance of both men and women, while more women (1,183) than men (1,092) attended the community meetings conducted by the Moroto regional office. This was attributed to the mobilisation strategy that made it easier to reach more women in the villages and mobilise them.

Women attending a community meeting at Rupa Primary School in Rupa sub-county, Moroto district

The community meetings enabled participants to gain an understanding of a wide range of human rights issues, including: the rights of children, workers and suspects; the rights and duties of prisoners; the rights, duties and responsibilities of citizens; the provisions of the PPTA; mob action, female genital mutilation (FGM), as well as early and forced marriages as human rights issues; property rights focusing on land; and the law on succession.

Communities were also sensitised on issues relevant to the electoral process, including the role of security agencies; the rights and obligations of voters and political candidates; electoral offences as provided for by the electoral laws; and the importance of observing the rule of law during the electoral process.

During their interaction with UHRC, the communities raised several human rights issues of concern that they wanted addressed by the relevant authorities. These were:

- The escalating land disputes;
- The need for construction of more police posts in rural areas;
- Crime preventers harassing people in the villages;
- Police demanding payment for police bond;

- The need for extensive legal education, as people are ignorant of the laws in place;
- The urgent need to conduct elections for Local Council 1 leaders;
- The increasing cases of early and forced marriages, leading to high school dropout rates of the girl-child;
- Detention of suspects by police beyond the mandated 48 hours;
- The increasing incidents of sale of property without spousal consent;
- Delayed administration of justice by courts of law and the high cost of justice;
- The challenges of widows and orphans in accessing justice and land ownership;
- The high levels of alcohol consumption, fuelling domestic violence in the communities;
- Alleged torture of inmates by fellow inmates;
- Long remand periods for prisoners, which affect access to justice;
- Abduction for marriage in some communities in Karamoja sub-region; and
- The need to build more remand homes for juvenile offenders.

Communities also raised issues of concern relating to the electoral process. These included:

- Increased commercialisation of elections, which manifested in higher incidences of voter bribery by candidates;
- Alleged use of excessive force by security agencies during the electoral period;
- The means of voter verification to be used by the Electoral Commission (EC) on polling day;
- Use of hate speech by some political candidates, leading to incitement of violence;
- Lack of a clear mechanism on how persons with disability (PWDs) would vote, which resulted in their being misguided by candidates' agents;
- Tribal and religious differences fuelling conflict during the electoral process; and
- Limited voter education by the Electoral Commission (EC).

UHRC conducted its community meetings in collaboration with other key stakeholders such as police, community development officers (CDOs), the Resident District Commissioners (RDCs) and legal aid service providers. The stakeholders were able to respond to some of the issues the community members raised.

Through the community meetings, UHRC was able to enhance awareness and positively influence attitudes; something that was confirmed by testimonies of some community members when monitoring and evaluation (M&E) teams engaged them. UHRC established that, among others:

- Communities were utilising alternative methods of dispute resolution, especially for land disputes, domestic violence and child abuse cases.
- Communities were able to appreciate the rights of the girl-child. During the M&E exercise conducted among members who had participated in the UHRC community meetings, 86% of those interviewed indicated that their interaction with UHRC enabled them to know that girls too are entitled to their right to education so that they can play a positive role in their communities and country at large.
- Community members confirmed that they understood the importance of duties and responsibilities to the enjoyment of rights.

- Communities gained knowledge on women's rights, specifically to access land. This was attested to by 81% of the community members that were interviewed, who believed that women should also own land and that it was not culturally wrong.

Some of the testimonies of community members that had participated in the UHRC *baraza* are reproduced below:

"I am very happy for the sensitisation. My husband used to violate the rights of his own biological children as he could not pay their school fees. I reported the complaint to the team from UHRC during the community meeting. The staff from UHRC organised a mediation meeting between me and my husband there and then during the community meeting. My husband now cooperates and pays school fees for the children. I urge the UHRC to continue conducting more community sensitisation meetings." A participant in a *baraza* in Oluffe sub-county, Maracha District.

"I had a case of my brother who was arrested by police and was asked to pay UGX 100,000. But after the community meeting by UHRC, I learnt that police bond is free." A participant in a community meeting in Luweero District.

"My nephew has now taken his children to school. He used to say education is nothing or useless. He has now understood the importance of education as a result of the community baraza he attended organised by UHRC." A participant in a *baraza* in Nanda village, Mutunda sub-county, Kiryandongo District.

UHRC staff conducting a community baraza in Kochi sub-county, Yumbe District

UHRC also received and registered complaints from the public during the community meetings, as was the case in West Nile sub-region where Arua regional office registered a total of 13 complaints. These were then handled through the established UHRC complaints management system as explained in Chapter 1.

3.1.3 Human rights education through village road shows

With support from the Democratic Governance Facility (DGF) and the JLOS, UHRC acquired two new civic education vans for HRE through village road shows. UHRC staff moved in the vans from village to village or from one trading centre to another conducting HRE. This was an interactive and animated way of conducting civic education through screening of videos, drama shows and conducting quizzes. Ultimately, through the use of the civic education vans, UHRC enhanced its grassroots engagement by reaching never-before-reached rural and urban areas. Village road shows were conducted in the districts of Lira, Kole, Hoima, Masindi, Mpigi, Luweero, Wakiso, Kampala, Kalungu, Sembabule, Lyantonde, Rakai, Kalangala, Masaka and Bukomansimbi. UHRC reached 5,806 people, 4,080 of whom were male and 1,726 female.

It should be noted that although 5,806 people registered their presence, UHRC messages reached many more people through village road shows, although they did not register.

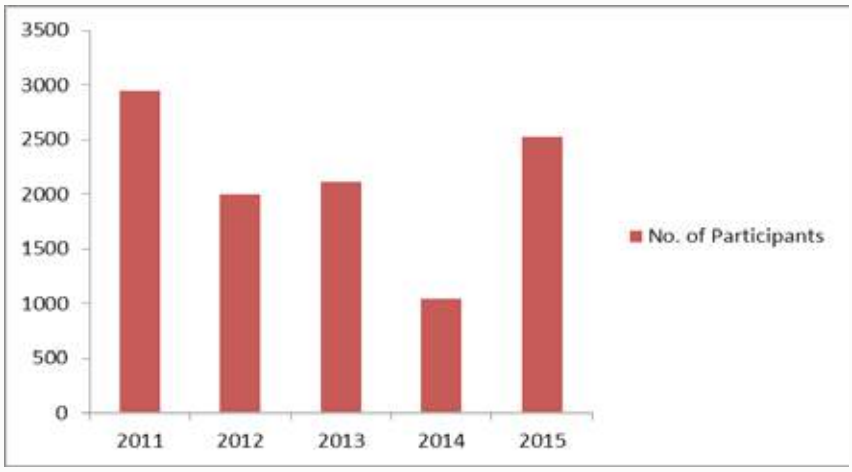
Human rights issues discussed during the road shows included: rights of vulnerable persons such as women, children, PWDs, and older persons; the provisions of the POMA ; land rights; duties and responsibilities of citizens during elections; and the need for a peaceful and violence-free electoral process. The communities raised issues of concern, including the rising cases of domestic violence in communities, the delay in payment of pension, the escalating land disputes, the general lack of access to justice for vulnerable persons, insufficient voter education by the EC, and the lack of clarification by the EC on the method to be used for voter verification.

UHRC teams conducting civic education through the use of civic education vans.

3.1.4 Human rights education for security agencies

Article 221 of the Constitution expressly obliges security agencies to respect human rights and freedoms in the performance of their functions. In view of this, UHRC targets security agencies for HRE as a means of empowering them to fulfil this constitutional obligation and prevent the occurrence of violations of human rights. In this regard, UHRC trained a total of 2,532 members of the UPDF, UPF, UPS and the Internal Security Organisation (ISO) in 2015. The number of officers trained increased by 142% in 2015 from the 1,042 trained in 2014. The increase is attributed to UHRC's special interventions focusing on compliance with human rights standards during the electoral process. Figure 3.3 below shows the number of trained members of security agencies over the last five years.

Figure 3.3 Number of security agents trained by UHRC within a five-year period



The illustration shows that more security agents were trained in 2011 and 2015. This was because these were years when UHRC enhanced interventions for security agencies related to general elections.

3.1.4.1 HRE for the Uganda People's Defence Forces

During the period under review, UHRC implemented special training programmes for the UPDF. In total, UHRC trained 1,707 UPDF officers and men, 1,596 of whom were male and 111 female. The trainings were conducted at 4th Division Headquarters Gulu, 5th Division Headquarters Pader, Armoured Brigade in Masaka District, Rusese and Kavera barracks in Kasese District, Artillery Brigade in Masindi District, Airforce base in Entebbe Wakiso District, Magamaga barracks in Mayuge District, Bugema barracks in Mbale District, Bondo barracks in Arua District and the Brigade headquarters in Nakapiripirit and Kaabong districts.

UHRC conducted the trainings to influence behavioural change towards the respect, protection and promotion of human rights. The trainings were conducted in collaboration with experienced facilitators from the UPDF Directorate of Human Rights Affairs. Participants acquired knowledge in basic human rights principles and the role of the UPDF in the promotion and protection of human rights; the provisions of the PPTA; principles and safeguards during arrest and detention; principles governing the use of force; code of conduct for the UPDF (both national and international); and the administration of justice within the UPDF.

The training of security agents contributes to their level of appreciation and respect for human rights. In some instances, this is reflected in the trends on complaints registered against a specific security agency. In 2015, there was a 13% reduction of complaints registered against the UPDF, from 112 in 2014 to 97 in 2015. This reduction was particularly noted in regional offices where trainings were conducted for the UPDF, such as Arua regional office, from seven in 2014 to three in 2015 (57%); Gulu regional office, from 16 in 2014 to seven in 2015 (56%); and Soroti regional office, from seven in 2014 to four in 2015 (43%). There was a reduction in the number of complaints registered against the UPDF by the Moroto regional office from 64 in 2014 to 60 in 2015. However, the office continued to register the highest number of complaints (62%) against the UPDF compared to other regions.

UHRC planned to intensify its engagements with the UPDF in Karamoja sub-region to ensure their compliance with human rights standards in the execution of their work.

UPDF officers after a training conducted by UHRC at 4th Division Headquarters, Gulu District

UHRC team conducting detach-to-detach training at Kalapata detach, Kaabong District

3.1.4.2 HRE for security agencies in preparation for the general elections

Under the Early Warning and Early Response Project funded by the Democratic Governance Facility, UHRC conducted trainings for security agencies in recognition of the important role they would play in ensuring a peaceful and violence-free electoral process. The trainings were conducted in the districts of Wakiso, Mbale, Kabarole, Arua, Gulu, Jinja, Moroto, Mbarara, Hoima and Masaka. A total of 452 participants (386 male and 66 female) attended, including RDCs and senior officers from UPF, UPS, ISO and UPDF.

Participants gained knowledge in human rights standards relating to elections and the role of security agencies in elections and elections management processes. Participants also discussed pertinent issues of concern that had arisen from the electoral process and resolutions were made on how best the issues could be handled. Some of the pertinent issues of concern were:

- The need to convene joint meetings of the EC, UHRC, security agencies and political candidates in areas where tensions were high and the likelihood of the eruption of violence was high. The hotspot districts identified by the security agents included Kasese and Bundibugyo, where some sections of the youth were being mobilised to engage in acts of violence, as well as Mbarara where political candidates needed to be restrained over the kind of messages they were sending out to their supporters. The recommended joint meetings would ease the tensions and provide a platform for resolving the concerns, which would ultimately forestall violence.
- The delay in delivery of election materials by the EC, which could cause unrest among voters and sometimes escalate into violence.

3.1.4.3 Dissemination of the Prevention and Prohibition of Torture Act among security agencies

UHRC implemented the 'Anti-Torture Project' with support from DANIDA to popularize the PPTA 2012. As part of the project, UHRC conducted trainings for security agencies, including Police, UPDF, Prisons, ISO, and RDCs in the districts of Gulu, Lira, Wakiso, Mbarara, Moroto and Soroti. A total of 373 participants (343 male and 30 female) attended.

Participants gained knowledge on basic human rights concepts and the key provisions of the PPTA. The trainings discussed some of the agencies' structural and systemic challenges that hinder them from effectively implementing the provisions of the PPTA, and made recommendations to mitigate them. Participants pledged commitment to ensuring the effective implementation of the PPTA.

3.1.4.4 Promotion of the Human Rights Based Approach to Development

In 2015, UHRC in partnership with the National Planning Authority (NPA), GIZ, the United Nations Office of the High Commissioner for Human Rights (OHCHR) conducted national and regional capacity building workshops for sector and local government planners to equip them with practical skills to develop human rights indicators for a tool designed to intergrate the human rights based approach (HRBA) into local government and sectoral plans and to include human rights indicators into the National Development Plan II Monitoring and Evaluation (M&E) results framework and the local government reporting framework.

3.1.5 Human rights education in schools

UHRC facilitated the formation of Human Rights and Peace Clubs in secondary schools. Human Rights and Peace Clubs are an initiative that is intended to promote a culture for the respect of human rights and the attendant duties and responsibilities in schools. This is achieved through the various activities that the clubs implement both within the schools and surrounding communities.

3.1.5.1 Sensitisation workshops to facilitate the formation of Human Rights and Peace Clubs in secondary schools

UHRC conducted sensitisation programmes for 1,848 students and teachers (974 male and 874 female) from secondary schools in the districts of Nebbi, Luweero, Mpigi, Mityana, Amuru, Gulu, Hoima, Masindi, Isingiro, Sheema, Mbarara, Moroto, Kotido, Kaabong, Abim, Amudat, Nakapiripirit and Soroti. The trainings enhanced participants' knowledge of human rights, enabled them appreciate the importance of fostering a culture of respect for human rights in schools and facilitated the establishment and operationalisation of 110 new Human Rights and Peace Clubs in the districts of Luweero, Mityana, Ntoroko, Bundibugyo, Kyenjojo, Kyegegwa, Kasese, Kamwenge and Kabarole. UHRC has to date established 269 Human Rights and Peace Clubs in secondary schools countrywide as shown in Annex B.

3.1.5.2 Support to Human Rights and Peace Clubs

UHRC supported Human Rights and Peace Clubs in schools by visiting them and monitoring their activities (refer to Annex B). UHRC established during the visits that the clubs were involved in various activities within the schools and surrounding communities, including: HRE and awareness; peer counselling and guidance; advocating for environmental protection; debates, music, dance and drama competitions; and conducting mediation in instances where there was conflict. Below are some testimonies from members of Human Rights and Peace Clubs.

"The Human Rights and Peace Club of St. Joseph's College Layibi facilitated dialogue between St. Joseph's College and Sir Samuel Baker Secondary School with the aim of fostering peace and coexistence. This dialogue was initiated as a result of an acrimonious relationship between the two schools. Consequent to the dialogue, the two schools signed a memorandum to maintain peace and harmony."

- Patron of the Human Rights and Peace Club, St. Joseph's College Layibi in Gulu District.

"We were able to reconcile growing conflict between Aringa and Kakwa students, which had led to discrimination amongst the students. Previously, there was growing conflict between the Aringa and Kakwa students, but when UHRC established the club in the school in June 2014, it helped to bring the two tribes together on the basis of equality and non-discrimination, and this is a very big achievement for us".

- A club member at Nyai Secondary School in Koboko District.

In Koboko district, the Human Rights and Peace Club members of Ayume Memorial Secondary School and Nyai Secondary School embarked on a joint tree planting project.

During monitoring visits, UHRC continued to build capacity of the leadership of the clubs. UHRC disseminated information, education and communication (IEC) materials such as posters highlighting the rights and duties of students, T-shirts, badges, 'talking compounds' and copies of guidelines for the establishment of School Human Rights and Peace Clubs. UHRC also participated in some of the club activities such as the handover and inauguration ceremonies for new club executives.

UHRC staff member poses with the Human Rights and Peace Club members of Kako Senior Secondary School, Masaka District

UHRC team with Human Rights and Peace Club members of St. Joseph's College Layibi, Gulu District

UHRC team celebrates a handover and inauguration ceremony with Human Rights and Peace Club members of Ediofe Secondary School, Arua District

Members of the Human Rights and Peace Club of Nakigo Senior Secondary School in Iganga District perform a drama skit

3.1.6 Engagements with stakeholders concerning specific human rights issues

3.1.6.1 Clan beatings in Acholi and Lango sub-regions

UHRC received reports that it was a practice for alleged offenders within communities in Acholi and Lango sub-regions to be subjected to clan beatings in the presence of their families and communities. The clan beatings were meted out under the guise of 'culture', hence presenting a conflict between culture and human rights. Consequently, UHRC conducted four meetings with the cultural leaders of the Ker Kwaro Acholi and the Lango Cultural Foundation to discuss the issue of clan beatings and its human rights implications. A total of 102 participants (80 male and 22 female) attended the meetings. The importance of culture was emphasised and UHRC informed the participants that where culture conflicts with human rights, the latter takes precedence. The meetings further discussed the provisions of the PPTA and the role of cultural leaders in promoting violence-free communities. The cultural leaders pledged to promote human rights within their communities and to continue with dialogue seeking alternative methods of disciplining errant members of their communities.

3.1.6.2 Early and forced marriages in West Nile sub-region

UHRC conducted two consultative meetings for stakeholders in the districts of Yumbe and Zombo to discuss the issue of early and forced marriages of the girl-child in the West Nile region and its implications on fundamental human rights. The 90 participants (74 male and 16 female) included representatives from police, the Directorate of Public Prosecutions (DPP), district local governments, cultural leaders, religious leaders, opinion leaders, political leaders and civil society organisations (CSOs). The discussions focused on the disruption of the right to education and exposure to various health risks that the girls were facing, among other implications. The stakeholders made a commitment to ensure the prevention of early and forced marriages in their communities through advocacy, raising awareness and reporting incidents when they occur.

Following the meetings, the police in Zombo District conducted a sensitisation drive in 15 Primary schools and educated pupils, parents and teachers about the benefits of education and the disadvantages of early and forced marriages. Furthermore, police and teachers introduced measures of monitoring pupils' attendance in schools and following up cases where girls dropped out of school.

3.1.6.3 Advocacy for the effective implementation of the Prevention and Prohibition of Torture Act

UHRC held advocacy meetings for the effective implementation of the PPTA 2012 and the ratification of the UN Optional Protocol to the Convention Against Torture. A total of 154 stakeholders (84 male and 70 female) from the judiciary, the DPP, CSOs and UHRC's development partners attended the meetings. As a result of the meetings, the stakeholders took steps towards the development and enactment of the Regulations to the PPTA, which are instrumental to its effective implementation.

3.1.7 Promoting and protecting the rights of vulnerable persons

UHRC implemented the 'Strengthening Human Rights of Vulnerable Persons in Uganda Project' in the districts of Hoima, Masindi, Mpigi, Luweero, Kampala, Wakiso, Lira and Kole. Supported by the German Federal Enterprise for International Cooperation (GIZ), the project was aimed at engaging key stakeholders to address human rights that are specific to vulnerable persons. Its focus was on women, children, PWDs, persons living with HIV/AIDS, ethnic minorities and older persons.

384 participants (258 male and 126 female) that attended the meetings received training in human rights and discussed issues affecting vulnerable persons in their communities. The participants, drawn from KCCA, district local governments, CSOs, Police, Prisons and the media, gained knowledge on the concept of human rights, the Human Rights Based Approach to development, the rights of vulnerable persons

and the implementation of laws that could affect vulnerable persons, such as the PPTA and the Public Order Management Act, 2013 (POMA). Participants identified the issues affecting vulnerable persons as: unemployment, challenges in accessing justice, marginalisation in property ownership, challenges in accessing health services and marginalisation of PWDs during the electoral process.

3.1.8 An electoral process that complies with human rights standards

In recognition of the pivotal role played by the EC in managing the electoral process in Uganda, UHRC conducted training for members and staff of the EC on the importance of ensuring compliance with human rights standards during the electoral process. The training was attended by 68 senior officials (51 male and 17 female), among whom was the EC vice chairperson, Mr. Joseph Biribonwa, and other commissioners. The participants gained knowledge in basic human rights principles and the Human Rights Based Approach to elections.

UHRC also trained its own members of staff in preparation for the electoral process. Participants gained knowledge on the issue of elections and human rights, including: the imperatives of monitoring elections; the importance of early warning and early response; and hotspot identification, mapping and analysis. As a result of the training, attended by 76 participants (45 male and 31 female), UHRC members and staff were equipped with skills that enabled them to effectively monitor the electoral process.

In addition, UHRC conducted a public dialogue for key stakeholders derived from government institutions, security agencies, development partners, CSOs, faith-based organisations (FBOs) and the media to discuss issues of concern during the electoral process. The keynote address by the Deputy Attorney General, Hon. Rukutana Mwesigwa and the discussions throughout the dialogue brought to the fore issues for the attention and intervention of UHRC as it implemented its Early Warning and Early Response Project. During the public dialogue, UHRC also launched the two civic education vans, as well as the election song it had commissioned.

3.1.9 Media programmes

UHRC raised awareness on various human rights and electoral issues through the use of media. Media programmes included radio and television talk-shows, radio spot messages, advertisements, press statements, briefings, infomercials and newspaper supplements.

3.1.9.1 Radio talk-shows

In 2015, UHRC conducted 160 live phone-in radio talk-shows on various radio stations countrywide, as shown in Table 3.1 below. This was a 68% increase from the 95 that were conducted in 2014. The talk-shows were conducted in various languages, including English, Runyankore-Rukiga, Runyoro-Rutooro, Luganda, Lugbara, Alur, Madi, Rukonzo, Kiswahili, Luo, Ng'akarimojong, Kupsabiny and Ateso.

Table 3.1: Radio talk-shows conducted by the UHRC head office and regional offices in 2015

Head office	Radio station	Number of radio talk-shows
	CBS FM	1
	Continental FM	1
	Jubilee FM	1
	Kyoga Veritus	2
	Pearl FM	1
	Mega FM	1
	Top Radio	1
	Radio One	1
	Delta FM	1

	Radio Sapienta	1
	Radio Simba	2
	KFM	2
Subtotal		**15**

Regional offices		
Central		
	103.3 Buwama FM	08
	Musana 107.8 FM , Nakaseke district	02
	Radio Kiboga Ltd. 89.5 FM, Kiboga district	02
	UBC Buruuli FM, Nakasongola district	02
Subtotal		**14**

Arua		
	Radio Pacis 90.9 FM	04
	Radio Paidha 87.8 FM	01
	Voice of Life 100.9 FM	1
	Radio Pakwach 100.2 FM	1
	Spirit FM 104.5, Koboko	1
	Arua One 88.7 FM	1
	Voice of the Nile 106.1 FM, Moyo	1
	Trans Nile Broadcasting Services FM 98.6, Moyo	1
	Radio Amani FM 89.1, Adjumani	1
Subtotal		**12**

Gulu		
	Radio Rupiny, Gulu	8
	Radio Q-FM	03
	Choice FM	1
	Radio Apac, Apac district	2
	Shine FM, Oyam	1
	Pol FM, Kitgum	1
	Radio Palwak, Pader	1
	Luo FM, Pader	1
	Radio Unity, Lira	1
	Mighty Fire FM, Kitgum	1
	Gulu FM, Gulu	2
	Voice of Lango	2
	Rhino FM	2
Subtotal		**26**

Hoima		
	Kiryandongo FM	1
	Spice FM	2
	Bunyoro Broadcasting Sevices	2
	Kibaale Kagadi Community Radio	1

	Radio Hoima	1
	Radio Maria	1
	Kings Broadcasting Services	1
	Liberty Broadcasting Services	1
Subtotal		**10**

Jinja		
	Baaba FM	3
	Eastern Voice FM	2
	Rock Mambo	3
Subtotal		**8**

Mbarara		
	Radio West	10
	Kanungu Broadcasting Services	1
	BFM Radio, Bushenyi	4
	Vision Radio, Mbarara	5
	Freedom Radio, Kabale	1
	Radio Rukungiri	1
	Endigito Radio	1
Subtotal		**23**

Moroto		
	Woebil Communications Ltd (WCL) 98.3 Karibu FM	1
	89.0 Voice of Karamoja	2
Subtotal		**03**

Masaka		
	Impact FM	2
	Suubi FM	4
Subtotal		**6**

Soroti		
	Etop FM, Soroti	5
	Gold Radio, Mbale	7
	Teso Broadcasting Service	6
	Dokolo FM	2
	Elgon FM	2
Subtotal		**22**

Fort Portal		
	Kasese Guide Radio 100.5 "Voice of the Truth"	1
	Kyenjojo FM	1
	Voice of Kamwenge	2
	Jubilee Radio 105.6 FM	7
	KRC 102 FM	4

	Life FM	1
	Voice of Toro (VOT)	1
	Hits FM	1
	Radio Messaiah Kasese	1
	Development FM Bundibugyo	1
Subtotal		**20**
Grand total		**160**

A total of 810 listeners (657 male and 153 female) called into the interactive talk-shows to contribute to the discussion on the various human rights topics. The choice of topics was influenced by prevalent human rights issues in a particular region, as well as the electoral process. They included: human rights, duties and responsibilities of citizens as provided for by the Constitution; rights of suspects; the POMA and the freedom of assembly and association; the provisions of the PPTA; the draft National Action Plan on Human Rights; rights of vulnerable persons; and the right to vote. Others were: the duties and responsibilities of the State, political candidates and the general public during the electoral process; UHRC's role in the electoral process through the Early Warning and Early Response Project; the role of security agencies during the electoral process; and available mechanisms of dispute resolution during the electoral process.

The callers discussed human rights issues, including: concerns over increased cases of child neglect; the escalating land disputes; challenges in accessing justice; the need for the EC to clarify on the method of voter verification; the alleged commercialisation of politics and voter bribery; the alleged use of hate speech by both candidates and their supporters during campaign rallies; and concerns over the inadequate voter education by the EC.

UHRC also developed and produced serialised skits specifically popularising the PPTA, which always preceded radio talk-shows. They were aired to raise awareness and further inform the discussions during the talk-shows.

Through the radio talk-shows, UHRC was able to raise awareness on key human rights issues and to disseminate information that was relevant to the electoral process. The talk-shows further enhanced UHRC's visibility, which might have contributed to the increase in the number of people who sought UHRC services, from 3,904 in 2014 to 4,227 in 2015.

3.1.9.2 Radio spot messages

UHRC ran a total of 5,599 radio spot messages and 400 jingles on radio stations countrywide. They were aired in English, Luganda, Runyoro-Rutooro, Rukonzo, Luo, Japadhola, Ateso, Ng'akarimojong and Lusoga. Through these, listeners gained knowledge on human rights issues such as mob action as a human rights violation, the operationalisation of the PPTA, the rights of suspects, rights of vulnerable persons and the right to vote. Others were: the draft National Action Plan on Human Rights, the duty and obligation of citizens to ensure peaceful and violence-free elections, and the importance of co-existence and tolerance during the electoral process.

3.1.9.3 Television talk-shows and infomercials

UHRC conducted three television talk-shows on Bukedde TV, WBS TV and Channel 44 TV. The talk-shows were a joint advocacy effort by UHRC and the Coalition Against Torture through which the implementation of the PPTA was popularised. Viewers called in into the interactive shows that were in English and Luganda, to contribute to the discussions.

In addition, UHRC aired 82 infomercials on NBS TV and Bukedde TV, in which viewers were informed about the content and relevance of the National Action Plan on Human Rights. The infomercials were

aired in English and Luganda. Refer to Annex C for the list of the television talk-shows and infomercials aired by UHRC in 2015.

3.1.9.4 Newspaper supplements/adverts

UHRC ran 15 newspaper supplements, advertorials and commentaries on specific human rights themes. They were published in seven local newspapers. Through these, readers gained knowledge on human rights issues such as the importance of the implementation of the PPTA and the opportunity to contribute views to the process of the National Action Plan on Human Rights.

3.1.9.5 Media briefings

Through periodic media briefings, UHRC continued to offer guidance to government, other stakeholders and the general public on emerging human rights issues in the country. In 2015, UHRC held eight formal press conferences at which it made pronouncements on various incidents that had an impact on the enjoyment of human rights. These were, among others: the rampant murders of Muslim clerics, the commemoration of the International Human Rights Day, and the escalating incidence of police brutality against journalists. Through the media briefings, UHRC called for action by the relevant stakeholders and informed the media coverage of human rights issues. This raised awareness on the human rights issues that were highlighted. Refer to Annex D for the details of the press conferences that were held in 2015.

3.1.10 Civic education through music

UHRC used music, a non-traditional channel, to advocate for peaceful and violence-free elections. UHRC coordinated the composition, production and launch of a song titled: *'Obululu Tebutwawula'* (elections should not divide us), which was used during civic education activities in the electoral period. The song, performed by Ugandan artistes Ray Signature and Fille in a mixture of Luganda and English, was developed under the UHRC Early Warning and Early Response Project. It particularly targeted the youth and generally urged Ugandans to exercise their civic duty to vote. It preached tolerance among people with divergent political allegiances during the electoral process.

The song was played on radio stations countrywide, as well as during community meetings and village road shows. In some instances, the song was translated into the local dialect to enable the listeners appreciate its message, as was the case in the West Nile sub-region where it was translated into Lugbara, Luo and Madi. Through the song, UHRC was able to widely disseminate its message of peaceful and violence-free elections to the public and especially the youth.

3.1.11 Information posted on UHRC website in 2015

UHRC posted a total of 16 stories on its official website (www.uhrc.ug) on various topical issues related to human rights, its upcoming and implemented activities, as well as public announcements.

3.1.12 Human rights education through information, education and communication materials

In 2015, UHRC used information, education and communication (IEC) materials to reinforce and enhance its human rights education and awareness campaign. UHRC developed, produced and disseminated 92,016 IEC materials for schools, government institutions and the general public. They included posters, T-shirts, brochures, car stickers, fliers, banners, billboards and institutional adverts on outdoor digital screens. The messages disseminated through the IEC materials included: children's rights and duties; the rights of vulnerable persons; the National Action Plan on Human Rights (NAP); the mandate of UHRC and the location of its various offices; and the provisions of the PPTA. The materials were produced in various languages such as English, Luganda, Ateso, Luo, Runyoro-Rutooro, Ng'akarimojong, Kiswahili, Lugbara and Runyankore-Rukiga.

The billboards and digital institutional adverts on outdoor digital screens were strategically placed at vantage points where many people could easily view them. The locations included Busega and Mulago roundabouts, Kyambogo and Jinja Road Yard junctions, all in Kampala.

A UHRC anti-torture billboard at Busega roundabout in Rubaga division, Kampala District

3.1.13 Human rights education through partnerships

In order to augment its working relationship with its key stakeholders, UHRC conducted HRE through partnerships. This collaboration also enabled UHRC to offer its technical expertise in various human rights areas. In 2015, UHRC participated in human rights education activities organised by stakeholders such as government institutions, CSOs, international human rights organisations and FBOs. The activities implemented through partnerships were radio talk-shows, trainings, workshops and community meetings. UHRC made presentations on selected human rights topics, which included: land rights in Uganda, duties and obligations of citizens, the provisions of the PPTA, rights of children and women, the human rights relevant to the electoral process, the role of health workers in the protection and promotion of human rights, the rights of refugees and FGM as a human rights issue.

Some of the organisations and institutions that UHRC partnered with were the United Nations Office of the High Commissioner for Human Rights (OHCHR), CARITAS/Justice and Peace Commission, RDCs, UPF and the judiciary. Others were: ACORD, Makerere University, Network for Empowerment of Marginalised Children and Youth, Transparency International, Mbarara Institute for Social Development, Aids Information Centre, Refugee Law Project, Governance and Public Policy Research Centre, Law and Advocacy for Women in Uganda, HURINET and Kapchorwa Civil Society Organisations Alliance.

In partnership with the Human Rights Centre Uganda (HRCU) and the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), UHRC jointly implemented the 'Promote Awareness and Understanding of Human Rights Project' in the districts of Jinja, Tororo, Mbale and Soroti. UHRC participated in the project in which the Human Rights Centre Uganda and its implementing partners enhanced the understanding and application of human rights, as well as the standards in the implementation of the POMA, PPTA and the Anti-Pornography Act. Human Rights Defenders gained knowledge relevant to the implementation of laws and participated in radio talk-shows and community meetings for the general public.

3.2 HUMAN RIGHTS PROMOTION THROUGH RESEARCH

UHRC has a constitutional mandate to establish a continuing programme of research to enhance the respect of human rights. In 2015, UHRC launched its research on child sacrifice and its human rights

implications. The research, which was precipitated by the high number of incidents of child sacrifice in the country, was conducted in the districts of Mukono, Masaka, Rakai, Lira, Gulu, Kamuli, Soroti and Hoima. The respondents included community members, community leaders, families that were affected by child sacrifice and officials from UPF and CSOs. The research revealed that the major causes of child sacrifice were:

- The desire for quick wealth, whereby witchdoctors advised people who desired to amass and protect their wealth to engage in acts of ritual murders of children to appease the 'gods' who would then reward them through wealth;
- Poverty, such that people kidnapped children for child sacrifice in return for money; and
- The deep belief in witchcraft by some community members who were easily exploited by witchdoctors.

The research revealed that child sacrifice affected the enjoyment of human rights of both the victims and their families. Specifically, the affected human rights and freedoms included:

- The right to life
- The right to freedom from cruel, inhuman or degrading treatment
- The right to education
- The right to liberty and security of the person
- The right to family protection.

In view of the findings, UHRC made recommendations to government ministries, UPF, community members and their leaders on how the challenge of child sacrifice could be addressed in Uganda. These were:

- A multi-sectoral approach that involves government ministries, departments and agencies, as well as CSOs in raising awareness to fight child sacrifice.
- The need for government to regulate the activities of traditional healers through the implementation of a stringent regulatory framework.
- The need for government to sufficiently fund the UPF to ensure expeditious investigations of crimes involving child sacrifice.
- The need for local leaders to mobilise their communities to heighten their vigilance in reporting persons suspected of ill intent against children to sacrifice them.

3.3 UHRC LIBRARY AND DOCUMENTATION SERVICES

As a national focal point for human rights, UHRC through its Library and Documentation Centre (LDC) ensures that human rights materials are maintained, catalogued and available to not only members of staff but also to the general public.

In 2015, the UHRC library services were accessed by students, researchers and members from the legal and media fraternities, totalling to 1,124. They comprised 551 researchers, 358 students, 200 lawyers and 15 journalists. There was a 32% increase in the users of the UHRC library services in 2015, from 853 in 2014. The LDC was also equipped with 401 new materials in 2015 that included textbooks, journals and periodicals.

3.4 COMMEMORATION OF INTERNATIONAL, REGIONAL AND NATIONAL HUMAN RIGHTS DAYS

UHRC, as the National Human Rights Institution (NHRI), coordinated joint advocacy activities with partners to commemorate selected International Human Rights Days and conduct advocacy for human rights promotion under various human rights themes. The UHRC partners included CSOs, international agencies, sister institutions and other human rights defenders.

3.4.1 World Press Freedom Day (3rd May)

UHRC, in conjunction with the Uganda Journalists Association, the UN Office of the High Commissioner for Human Rights, the Human Rights Network for Journalists and the Human Rights Centre Uganda (HRCU), spearheaded the commemoration activities for the World Press Freedom Day 2015. The theme was: *'Media Freedom: Partnerships for Free and Fair Reporting'*. UHRC mobilised the public and the media fraternity to celebrate the fundamental principles of press freedom, evaluate press freedom in Uganda, defend the media from human rights violations, advocate for their independence and pay tribute to journalists who have been injured or have lost their lives in the exercise of their profession. UHRC and its partners took the opportunity to advocate for a free and fair environment for the media, especially during the electoral period.

The commemoration activities were conducted in Jinja and included a press discourse, a medical camp and community sensitisation, games and sports, zebra crossing painting, tree planting and a peaceful procession. The prime minister of Busoga Kingdom, Mr. Joseph Muvawala, was chief guest at the main event.

3.4.2 International Day in Support of Victims of Torture (26th June)

UHRC and the Coalition against Torture commemorated the day under the theme*:* ***'Implement the Anti-Torture Law'.*** The advocacy was, therefore, for the effective implementation of the PPTA. The commemoration activities were in Kampala and Fort Portal. They included a community dialogue for urban refugees that was held at Old Kampala Primary School, public dialogues, exhibitions, media campaigns, regional dialogues for security agencies and peaceful processions. The Head of the European Union Delegation, Ambassador Kristian Schmidt, was the chief guest at the main event in Kampala, while the LC V chairperson of Kabarole district, Mr. Richard Rwabuhinga, was chief guest for the main event in Fort Portal.

3.4.3. International Human Rights Day (10th December)

UHRC, in partnership with the UN OHCHR and CSOs annually come together on 10th December to commemorate the International Human Rights Day. The day is an opportunity to remind both the duty bearers and rights holders of their duty and obligation in the fulfilment of the protection and promotion of human rights in Uganda.

Under the theme: *'Our Rights. Our Freedoms. Always'*, the commemoration specifically focused on the 50 years of the ICCPR and the CESCR. The theme emphasised freedom from fear and want, as well as the freedoms of speech and worship.

UHRC and partners jointly carried out pre-event media activities to popularise the day. The commemoration activities included a strategic forum to foster peaceful general elections and the main event, which was a public debate in Kampala aired live on NBS TV to take stock of human rights promotion. A total of 196 participants attended the debate, drawn from government institutions, CSOs, security agencies, academia, politicians, religious institutions and development partners, among others. The debate panel was constituted by representatives from UHRC, UPF, HURINET and HURIPEC, while the Third Deputy Prime Minister, Rt. Hon. Ali Kirunda Kivejinja, presided over the function as chief guest.

3.5 CHALLENGES IN THE PROVISION OF HUMAN RIGHTS EDUCATION

1. UHRC continues to experience constraints caused by inadequate funding that have limited its civic education campaign efforts. In 2015, the UHRC was expected to implement a vigorous and sustained civic education campaign to create awareness and reinforce the knowledge Ugandans had in preparation for the 2016 general elections. However, UHRC's efforts were constrained due to inadequate funding.

2. The poor attitude of some community members towards attending public meetings affects UHRC's mobilisation efforts. This is further exacerbated by the demand for allowances as an incentive to attend public meetings which, ironically, are for their own good.
3. The trainings conducted for security agencies notwithstanding, statistics of complaints lodged at the UHRC indicated an increase in the torture complaints registered against UPF and UPS from the 2014 numbers as elaborated in Chapter 1. In spite of the slight reduction in the complaints registered against UPDF, the UHRC needed to intensify its interventions on sensitising security agents about the provisions of the PPTA in order for its efforts to effectively translate into the desired behavioural and attitudinal change.

3.6 RECOMMENDATIONS

1. Ministry of Finance, Planning and Economic Development should adequately fund the Uganda Human Rights Commission's civic education mandate. It is imperative that 100% funding is provided in order to ensure sustainability of Uganda Human Rights Commisson's civic education programmes that are currently funded by development partners.
2. Ministry of Information Communications and Technology should continue to emphasise to the general public the importance of attending government programmes and receiving information that is crucial for their effective participation in matters of their governance.

3.7 CONCLUSION

UHRC conducted civic education targeting both the duty bearers and rights holders through various interventions as highlighted above. The human rights education strategies empowered the targeted groups to fulfil their obligations, claim their rights and respect the rights of others, especially during the electoral process. UHRC implemented new innovations such as the village road shows conducted using the civic education vans, all of which extended its outreach. It is evident that UHRC needs to further intensify its HRE efforts in order to realise the desired impact of a citizenry that respects and promotes human rights.

CHAPTER 4

FINANCE AND ADMINISTRATION

4.0 INTRODUCTION

This chapter covers the operational and administrative structure of UHRC, which facilitates all other institutional functions to achieve the Commission's objectives. It highlights the matters relating to the human, financial and logistical resources of the UHRC, which were instrumental in the fulfilment of the constitutional mandate in 2015.

UHRC service delivery was made possible by availability of financial resources provided by the Government of Uganda (GoU) and development partners. In 2015, the total funding UHRC required to carry out its operations was UGX 22.57 billion. Of this, Parliament appropriated UGX 9.78 billion, while development partners provided UGX 4.9 billion. The total funds available to UHRC's operations were UGX 14.6 billion, which was 65% of the total required amount. As a result, UHRC had a funding gap of UGX 7.97 billion, representing a 35% deficit. Inadequate resource allocation is a recurring problem affecting service delivery and the achievement of the UHRC objectives.

The funding from development partners was mainly used for core activities such as: investigation of complaints; resolution of human rights complaints; visiting jails, prisons and all other places of detention; human rights education and awareness, research and documentation; and monitoring and reporting on compliance with international, regional and national human rights instruments, among others as reported on in the preceding chapters.

Development partners also funded some one-off activities, including: popularisation of the PPTA; training in business and human rights; training in human rights in the oil and gas sector; establishment of the Situation Room and observation of the general election of 2016. Due to the restriction imposed by development partners on utilisation of their funds, only GoU funds could be spent on office operations such as staff costs, goods and services, utilities, maintenance, transport, equipment, machinery, furniture and fittings.

4.1 THE OPERATIONAL AND ADMINISTRATIVE STRUCTURE OF UHRC

The Commission is comprised of the chairperson and six members who, unlike the staff, serve for a renewable term of six years. The Commission is responsible for controlling and directing the affairs of UHRC. The secretary to the Commission, who is also the accounting officer, is the head of administration and is responsible for the day-to-day running of the UHRC, overseeing policy implementation.

4.1.1 Directorates, regional and field offices

Functionally, UHRC has five directorates, namely: Finance and Administration; Regional Services; Monitoring and Inspections; Complaints, Investigation and Legal Services; and Research, Education and Documentation. Other administrative structures are the ten regional offices and ten field offices through which UHRC takes services nearer to the people. The specific functions of each are highlighted below.

4.1.1.1 Directorate of Finance and Administration (DFAD)

It is responsible for overseeing the day-to-day administration and management of the affairs of UHRC, including funds.

4.1.1.2 Directorate of Complaints, Investigations and Legal Services (DCIL)

It is responsible for resolution of complaints and provision of legal services to UHRC.

4.1.1.3 Directorate of Research, Education and Documentation (DRED)

It is responsible for designing civic education programmes for sensitising the masses on human rights and the Constitution, in addition to conducting research on pertinent human rights issues.

4.1.1.4 Directorate of Monitoring and Inspections (DM&I)

It is responsible for monitoring government's compliance with international human rights instruments, monitoring the state of human rights in the country, compiling annual and periodic reports, as well as inspection of places of detention.

4.1.1.5 Directorate of Regional Services (DRS)

It is responsible for providing advice, support and facilitation for the planning, management and reporting on activities of regional offices.

4.1.1.6 Regional and field offices

In consideration of the need to take human rights services closer to the citizens of Uganda, UHRC has progressively established ten regional offices in Gulu, Arua, Soroti, Jinja, Fort Portal, Mbarara, Masaka, Moroto, Central and Hoima. UHRC has also established ten field offices located in Kaberamaido, Kapchorwa, Kotido, Nakapiripirit, Pader, Kitgum, Lira, Moyo, Kalangala and Buvuma.

The regional offices are responsible for implementing the programmes and activities of the UHRC in their areas of jurisdiction, including receiving and resolving complaints, monitoring the human rights situation, inspecting places of detention, and conducting human rights awareness creation programmes and civic education. They, therefore, play a crucial role in the execution of UHRC's mandate and the achievement of its strategic objectives.

The presence of regional offices in the different regions of the country made it possible for many people, especially victims of human rights violations, to access human rights services, subsequently, enabling UHRC to achieve its mandate. Table 4.1 below shows the regional offices, the field offices and the districts they cover.

Table 4.1: List of regional offices and districts they cover

Regional office	Field offices	Districts covered
Arua	Moyo	Adjumani, Arua, Koboko, Maracha, Moyo, Nebbi, Yumbe and Zombo
Fort Portal	None	Bundibugyo, Kamwenge, Kabarole, Kyenjojo, Kasese, Kyegegwa and Ntoroko.
Gulu	Lira, Pader and Kitgum	Agago, Alebtong, Amuru, Apac, Dokolo, Gulu, Kitgum, Lira, Nwoya, Otuke, Oyam, Lamwo, Kole and Pader.
Jinja	None	Bugiri, Busia, Namutumba, Butaleja, Buyende, Iganga, Jinja, Budaka, Luuka, Namayingo, Kaliro, Kamuli, Mayuge, Tororo and Pallisa.
Mbarara	None	Buhweju, Bushenyi, Ibanda, Isingiro, Kabale, Kanungu, Kiruhura, Kisoro, Mbarara, Mitooma, Rubirizi, Rukungiri, Ntungamo and Sheema.
Moroto	Nakapiripirit and Kotido	Abim, Amudat, Kaabong, Kotido, Moroto, Nakapiripirit and Napak.

Regional office	Field offices	Districts covered
Soroti	Kaberamaido and Kapchorwa	Amolatar, Amuria, Bukedea, Bududa, Bukwo, Kaberamaido, Kapchorwa, Katakwi, Kumi, Manafwa, Ngora, Serere, Sironko, Kween, Bulambuli, Mbale, and Soroti.
Masaka	Kalangala	Kalangala, Kalungu, Masaka, Rakai, Sembabule, Bukomansimbi, Lyantonde and Lwengo.
Central	Buvuma	Buikwe, Buvuma, Kampala City (with 5 Divisions), Kayunga, Mpigi, Mukono, Gomba, Mubende, Wakiso, Nakaseke, Nakasongola, Luwero, Mityana, Kiboga and Butambala.
Hoima	None	Kibaale, Hoima, Buliisa, Masindi, Kyankwanzi and Kiryandongo.

4.1.2 Staffing levels

The total staffing level of UHRC as at 31st December 2015 was 223, compared to 232 in the year 2014. This comprised two members of the Commission,[30] 174 substantive staff and 49 volunteers. In terms of gender disaggregation, females were 122; representing 55% of the total staff, and males were 101 representing 45%. The staff based at the head office were 107, while 116 were in the regional offices. Annex E provides the details of staff on the establishment and volunteers.

4.1.2.1 Staffing levels over the last five years

UHRC continued to operate with a very lean structure that did not meet its operational needs. On average, there has been an increase in the total number of substantive staff from 158 to 180, representing a 14% increase in the last five years. However, this increase has not been sufficient to cater for the Commission's human resource requirements.

In its long-term human resource plan, UHRC in the year 2012 prepared and submitted to the Ministry of Public Service (MoPS) an expanded establishment and staff structure of 826 staff and 33 regional offices. However, in the medium-term plan, which covered FY 2012/13 to FY 2016/17,[31] UHRC had planned to have 469 staff and 14 regional offices, and to bring on board the remaining 357 staff and 19 regional offices during the following medium-term planning cycle, beginning in FY 2017/18 through to FY 2020/21.

The expanded structure was meant to improve the staffing levels both at the head office and regional offices in the current establishment and to enable the opening of four more regional offices in Kampala, Kabale, Mbale, Lira and Hoima. To date, only Hoima regional office was added to bring the current total to 10.

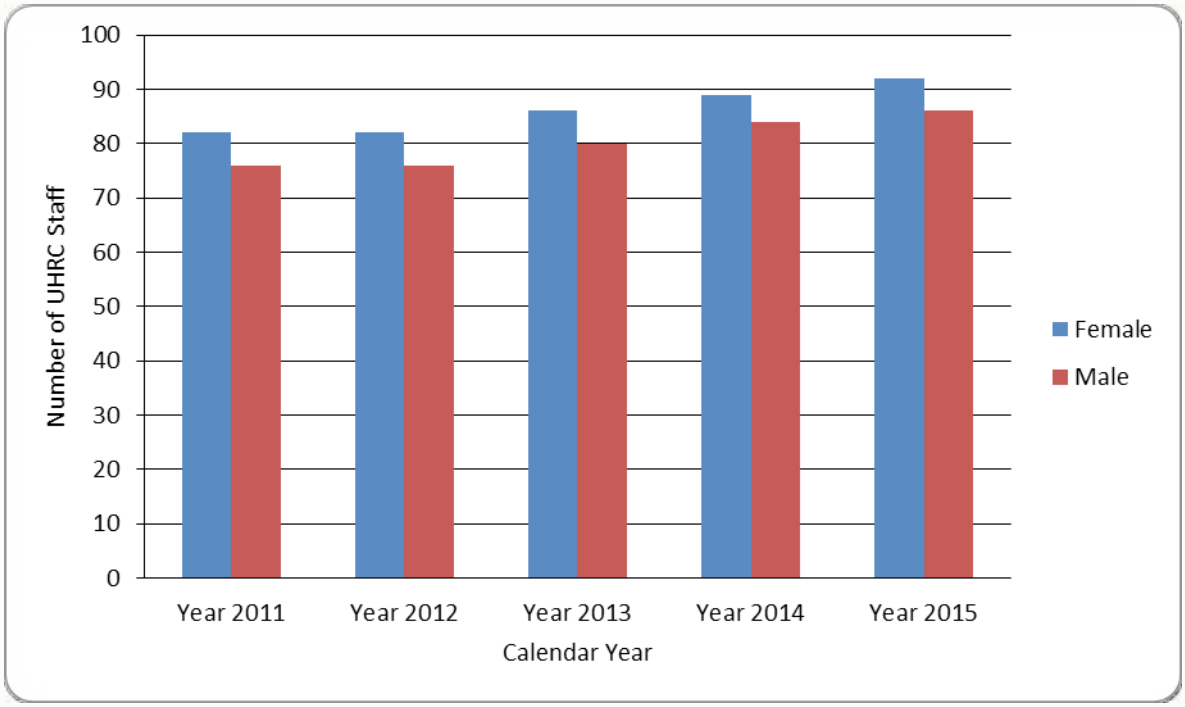
UHRC made a follow-up with the Ministry of Finance, Planning and Economic Development (MoFPED) and the Ministry of Public Service (MoPS). While MoFPED advised UHRC to implement the structure in a phased manner beginning FY 2012/13, four years have since elapsed and UHRC is still waiting for a certificate of funding and cabinet approval. Table 4.2 below is a summary of staffing levels over the last five years, also presented graphically in Figure 4.1.

Table 4.2: Staffing levels in the last five years

Gender	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015
Female	82	82	86	89	92
Male	76	76	80	84	86
Total	158	158	166	173	178

[30] The term of office of four members of the Commission and the chairperson expired in April 2015. The new members were vetted in December 2015 and took up office in February 2016.
[31] The period 2012/13 to 2016/17 is also the period covered by the current Strategic Investment Plan of UHRC, which is under review to take into account the provisions of the National Development Plan II (NDP II).

Figure 4.1: Staffing levels in the last five years



4.1.3 Impact of delayed approval of funding for the expanded UHRC structure

As explained above, the Cabinet is yet to approve UHRC's expanded establishment and staff structure, which was designed and submitted in 2012 to address the human resource needs. This delay has had a serious impact on the effectiveness of UHRC's service delivery. Specifically, the consequences of this delay are expounded on below.

- UHRC remains thin on the ground, leading to its limited visibility.
- UHRC has resorted to the use of volunteers to bridge the human resource gap, and their source of remuneration is from development partners, whose funding is uncertain and with a lot of conditions.
- Failure by UHRC to pay competitive remuneration.
- Access to UHRC offices and services has remained a challenge due to poor coverage of the country, and complainants from faraway districts trek long distances to reach the Commission's offices.
- Staff in the regional offices drive long distances and quite often on very poor roads and challenging terrain in order to carry out their routine activities of investigation, monitoring and civic education. This has resulted into an increased rate of wear and tear of the vehicles, let alone the risks borne by the staff.
- There are basically three technical staff at each regional office that are in charge of core human rights activities in the region. These few technical staff have to traverse between 11 and 17 districts, which makes it difficult for them to deliver services to the expected level.
- The vehicles are driven long distances and in bad terrain, leading to high vehicle maintenance costs and limited useful economic life, as the rate of wear and tear is very high.
- The challenges listed above have led to UHRC's failure to achieve its targets set out in the Strategic Investment Plan (SIP), for example, creating the backlog of cases both at investigation and tribunal levels.

4.2 STAFF WELFARE INITIATIVES

4.2.1 Establishment of a baby care centre

UHRC established a baby care centre, as is the case at the Uganda Communications Communication (UCC) and Parliament, where mothers returning from maternity leave were encouraged to bring their babies along while at work. The centre caters for babies between one and seven months. Since the UHRC staff is employed on a full-time basis, mothers, like any other staff, are required to work for the required eight hours a day. The centre is, therefore, intended to provide onsite child care, encourage mothers to continue breastfeeding, provide flexibility to enable mothers balance work and child care and provide privacy to the mother and baby. UHRC believes that this is a step towards supporting mothers as they discharge their maternal functions in line with Article 33 of the 1995 Constitution. The human rights implication of establishing such a centre is that it helps mothers realise their right to work[32], as well as protecting the rights of children.[33]

The major goal was to provide a positive work environment that recognises a mother's responsibility to both her job and child once she returns to work. It was an acknowledgement that a woman's choice to breastfeed benefits the family, the employer and society.

The centre was expected to lead to improved productivity of the mothers; to contribute to enhanced public image of UHRC as a gender-sensitive employer; as well as decrease absenteeism and employee turnover. As at 31st December 2015, a total of 10 babies had been brought to the centre. UHRC has employed the services of an experienced nanny, serving as a volunteer to manage the centre and take care of the babies.

The baby care centre for UHRC staff

4.2.2 Staff screening for Hepatitis B

Given the nature of human rights work, UHRC staff traversed the countryside on duty and in so doing, interacted with people from all walks of life. This exposed them to health hazards, including Hepatitis B. Working together with the Ministry of Health (MoH) and Mulago Hospital, UHRC arranged for screening of its staff, 163 of whom were screened for Hepatitis B in preparation for immunisation. By close of 2015, arrangements were ongoing to screen the remaining 60 staff from Gulu, Arua, Soroti and Moroto regional offices.

[32]In 2015, 122 female staff were working in the Commission.
[33]UHRC plans to roll out this best practice to all its regional offices, depending on availability of funds.

4.3 FUNDING FOR THE FINANCIAL YEAR 2014/2015

As stated earlier, UHRC received total funding of UGX 14.6 billion from both the government and development partners. Development partners contributed UGX 4.9 billion[34] against UHRC's submission of UGX 22.57 billion[35], resulting in a funding gap of UGX 7.97 billion. It is worth noting that funding from GoU has been growing at an average rate of 4.5% per year since FY 2011/12 to 2014/15. However, this still did not correspond with the increasing rate of inflation, which affected the cost of goods and services. In addition, the funds were still inadequate to cover all UHRC requirements and cater for growth and expansion. Furthermore, it still does not meet the requirements of the Paris Principles, that a national human rights institution should be funded 100% by government.

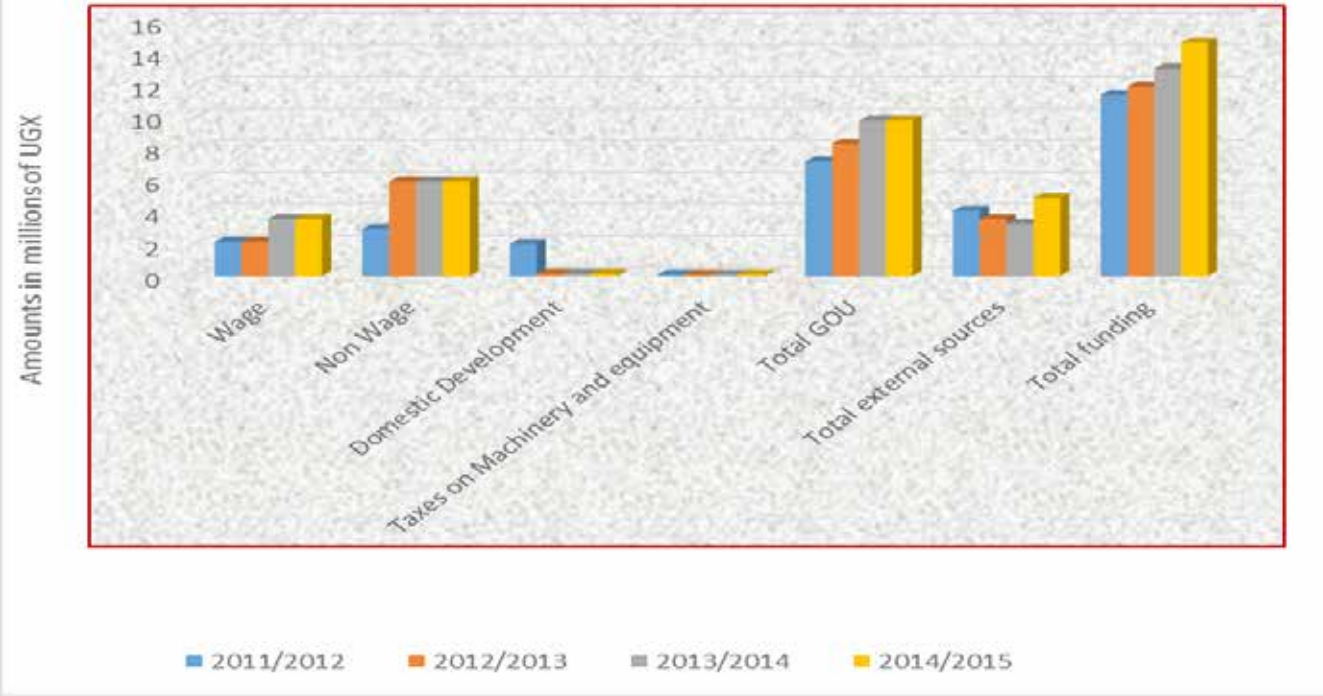
On the other hand, funding from development partners did not register any substantial increase, having remained at an average of UGX 4 billion per annum. Development partners contributed 37% of the total funding in FY 2011/12, 30% in FY 2012/13, 25% in FY 2013/14 and 33% in FY 2014/15. GoU funding has been increasing at the rate of 63% of the total funding in FY 2011/12 to 70% in FY 2012/13, 75% in FY 2013/14 and 67%[36] in FY 2014/15. Table 4.3 and Figure 4.2 summarise the UHRC funding status over the last five and four years, respectively.

Table 4.3: Summary of UHRC funding over the last five financial years

Financial year	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Wage	2.14	2.14	2.14	3.59	3.59
Non- Wage	2.98	2.97	5.95	5.95	5.95
Domestic development	2.05	2.01	0.14	0.14	0.14
Taxes on machinery and equipment	0.1	0.1	0.1	0.1	0.1
Total GOU	**7.27**	**7.22**	**8.33**	**9.78**	**9.78**
External sources	4.09	4.1	3.58	3.28	4.90
Total funding	**11.36**	**11.4**	**11.91**	**13.06**	**14.68**
% GoU contribution	**63%**	**63%**	**70%**	**75%**	**67%**
% External sources contribution	**37%**	**37%**	**30%**	**25%**	**33%**

[34]UGX 4.9 billion includes amounts received for one-off activities and other interventions that were not in the original MoU and budgets.
[35]UGX 22.57 billion includes the additional submission which was made in relation to the expanded staff structure and establishment, which required additional resources of UGX 5.44 billion in wage and UGX 4.9 billion to cater for non-wage staff costs as explained below. This increased the funding gap from UGX 4 billion, as was earlier on reported, to UGX 7.97 billion.
[36]Percentage contribution of GoU funding is affected by any increase or decrease in donor contribution. For example, in the financial year 2014/15, GoU funding increased from UGX 13.06 billion to UGX 14.68 billion, but in terms of contribution, it is only 67% compared to the previous financial year when the contribution was 75%.

Figure 4.2: Summary of UHRC funding



As indicated above, wage increased from UGX 2.14 billion to UGX 3.59 billion, non-wage from UGX 2.97 billion to UGX 5.95 billion, while domestic development decreased from UGX 2 billion to UGX 140 million. Non-wage submission was UGX 13 billion compared to the medium-term expenditure framework (MTEF) ceiling of UGX 5.95 billion, resulting into a funding gap of UGX. 7.1 billion.

UHRC's wage requirement as per the expanded structure was UGX 9.03 billion against the MTEF ceiling of UGX. 3.59 billion. This caused a funding gap of UGX 5.44 billion. The expanded structure required additional non-wage of UGX 4.9 billion to cater for non-wage staff costs, which were calculated as a percentage of wage. These included 10% National Social Security Fund (NSSF) employer contribution, 30% annual gratuity, 35% housing and 15% welfare, amounting to 90% of the total wage bill.

4.3.1 Implications of inadequate resource allocation

Inadequate resource allocation to UHRC has become a recurrent problem, which is negatively affecting operations and the achievement of the Commission's strategic objectives. The effect of inadequate funding, especially non-wage and capital development is analysed below.

4.3.1.1 Non-wage

As already mentioned, GoU funds are used for support and administration. In particular, non-wage allocation is used for staff costs, which include monthly allowances, NSSF, medical expense and gratuity and other operational expenses such as staff training, advertising and public relations, stationery, printing, binding, toners, utilities, rent, travel inland and abroad, internet and maintenance, among others.

Of the total non-wage allocation of UGX 5.59 billion, staff costs alone consumed up to 50%,[37] while rent for the head office and the 10 regional offices consumed 23%, leaving 27% for the rest of the operational costs. This was barely enough, leading to accumulation of domestic arrears. In the FY 2014/15, additional funds totalling to UGX 1.4 billion were received to enhance staff salaries. While this was a positive development towards improving staff salaries, the corresponding non-wage requirement of UGX 1.3 billion

[37]The 50% budget provision was still not enough to cover the 90% staff costs, especially allowances, NSSF and gratuity, which was carried forward to the financial year 2015/16 and is being paid in installments until it is fully cleared.

was not provided and UHRC continued to pay staff costs at 90% of the previous year's salary, leading to accumulation of domestic arrears of UGX 1.2 billion,[38] comprising allowances of UGX 450 million, NSSF of UGX 150 million and gratuity of UGX 600 million.

4.3.1.2 Capital development

As already stated, capital development declined from UGX 2 billion to UGX 140 million, a 93% reduction. This has had a negative impact on procurement and replacement of capital equipment, specifically:

- Inability to replace machinery and equipment such as generators in regional offices. Some, like the Arua and Soroti regional offices, are not able to carry on with their duties when power is off, leading to loss of man hours and reduced productivity.
- The inability to purchase the vehicles required to carry out activities both at head office and regional offices. Each regional office requires a minimum of three vehicles, but each currently has only one vehicle traversing 11 districts on average.
- High maintenance costs due to the inability to replace non-economic assets like vehicles, photocopiers and generators in a timely manner.
- Dependency on development partners for core activities and equipment such as motor vehicles, generators and computers.
- The lives of staff and members of the Commission put at risk as they continue to use old assets, especially vehicles.

4.3.2 Donor support

In the last five years, UHRC received financial support from development partners, namely the DGF, which is a consortium of different partners, DANIDA and the German Federal Enterprise for International Cooperation (GIZ). Others were: the United Nations High Commissioner for Refugees (UNHCR), UN OHCHR, the United Nations Development Programme (UNDP), Danish Institute for Business and Human Rights and the Justice, Law and Order Sector (JLOS). DGF has consistently provided support, while others supported specific and/or one-off activities.

In the FY 2014/15, UHRC received UGX 2 billion from DGF, UGX 1.1 billion from DANIDA and UGX 1.6 billion from JLOS. Funds from DGF and JLOS were spent on core activities such as the Human Rights Tribunal, complaints handling, human rights advocacy, civic education, as well as international and regional engagements. DANIDA provided funding for the popularisation of the PPTA.

In addition to the day-to-day provision by DGF for core activities, a specific allocation of UGX 350 million was made for the UHRC Early Warning and Early Response Project. Details of the activities under the project are presented in Chapter 6.

The funding from DGF has virtually remained constant from FY 2011/12 to date at an average of UGX 2.5 billion per annum. The funding from JLOS has been growing at an average rate of 4% from FY 2011/12 to 2015/16, i.e. from UGX 600 million to UGX 1.65 billion over a period of five years. The reliance on donor support presented some challenges, which include the following:

- Funding from development partners is uncertain and often subject to the fulfilment of certain conditions.
- Some development partners do not provide prior information about their interest in funding UHRC during the budgeting period, hence affecting the plans in terms of setting the targets and implementation.

[38]Domestic arrears take the first call on the next year's budget, resulting into a continuous funding gap, which has greatly affected operations and the ability of UHRC to achieve its objectives.

- Priorities of development partners may be different from those of UHRC. When UHRC accepts the funding, considering that it does not have enough funds, it implements activities that it had not planned for or may not have prioritised at the time.
- Donor dependency impacts negatively on the independence of UHRC, as the Commission may not be perceived to be independent.
- Dependence on development partners to finance UHRC's core activities at 100% is a risky venture in the event that they pull out.

4.4 INSTITUTIONAL STRENGTHENING INITIATIVES

In the FY 2014/2015, a number of institutional strengthening activities were carried out. These included the following:

4.4.1. Short-term staff training

UHRC trained a total of 115 staff in various programmes, including business and human rights, performance appraisal and planning, Microsoft dynamics, and the role of UHRC in the electoral process. 60 staff members attended training in Basic Human rights on Regional and International Mechanism and Monitoring Economic Social and Cultural Rights, funded by the British Council. This was part of an ongoing UHRC capacity development programme, which was derived from a needs assessment exercise conducted in 2011 and the gaps identified during the annual performance appraisals of staff. Three staff members were supported to acquire diplomas in human rights at the Law Development Centre, as shown in Table 4.4 below.

Table 4.4: Staff pursuing a diploma at the Law Development Centre Kampala

NAME OF STAFF	DESIGNATION	COURSE
Maureen Nalubega Walugembe	Human Rights Officer - Head Office	Diploma in human rights
Jimmy Mukuve	Accountant - Central Regional Office	Diploma in human rights
Scholarh Kalibagwa	Assistant Accountant - Head Office	Diploma in human rights

4.4.2 Long-term external training

Five staff members were granted leave to pursue a Master of Human Rights programme abroad on scholarships, as shown in Table 4.5 below.

Table 4.5: Staff pursuing a Master of Human Rights abroad

Name of staff	Designation	Country	Sponsor
Phionah Kemigisha Birungi	Human Rights Officer Legal - Masaka Regional Office	Netherlands	Netherlands Fellowship Program
Christopher Ogwang	Senior Human Rights Officer - Head Office	Netherlands	Netherlands Fellowship Program
Rebecca Nassuna	Regional Human Rights Officer - Soroti Regional Office	Netherlands	Irish Aid Fellowship Program
Chrispus Kateeba	Human Rights Officer - Masaka Regional Office	London	Commonwealth Scholarship Commission
Betty Enangu	Human Rights Officer - Head Office	South Africa	Centre for Human Rights University of Pretoria

4.4.3 Review and inspection of financial records

All the 10 UHRC regional offices had their financial records inspected and reviewed. Pre-audits were also carried out for all the regional offices and audit results indicated improvement in the financial management systems, hence credibility of financial information and reports.

4.4.4 External audit

The Office of the Auditor General audited UHRC's financial and management reports and raised only two queries, which was an improvement in performance compared to the previous year where three queries were raised and answered successfully. In both audits, the Auditor General issued unqualified (clean) audit opinions on UHRC's accounts, and the Commission implemented the recommendations contained in the reports.

4.4.5 Specialised database for Human Rights Documentation Programme

UHRC designed and implemented an online database system for the Human Rights Documentation Programme (HRDP). The project is aimed at documenting gross human rights violations and serious of international humanitarian law in Uganda from 1986 to 2007. The database system will also provide an archive for secondary data, i.e. information regarding the insurgency, which would have been gathered from various sources.

4.4.6 Early warning system

UHRC designed and implemented a web-based (online) system for the Early Warning and Early Response Project for the 2016 general elections. The database system enabled staff at the regional and field offices to enter data from wherever they were, and the data analysis would be done in the Situation Room located at the head office. The system has components for monitoring all electoral processes such as voter registration, party primary elections, nominations for various categories for national elections, campaigns and polling day. Election data right from the period before, during and after election was collected, analysed and a consolidated report will be produced and disseminated.

4.4.7 Navision accounting software

The regional offices continued to use a manual accounting system for the management of donor funds. In the reporting period, Navision Accounting software was installed and rolled out to all the 10 regional offices. The system, funded by DGF, was expected to minimise errors and enhance the accuracy of financial statements, hence improving the financial management of the regional offices.

4.4.8 Database on recommendations of treaty bodies

UHRC, with support from OHCHR, developed an online database/search engine to help government ministries, departments and agencies (MDAs) monitor government compliance with recommendations of regional and international human rights mechanisms. These include: treaty bodies, the Universal Periodic Review, Special Procedures, the African Commission on Human and Peoples' Rights, and Special Rapporteurs of the African Commission. The database also captures UHRC recommendations made in its annual reports to Parliament.

By 31st December 2015, the database had been rolled out to six pilot sites of the Ministry of Foreign Affairs (MoFA), MoJCA, Ministry of Gender, Labour and Social Development (MoGLSD), UPF, UPS and UPDF.

4.4.9 Transport equipment

UHRC procured six new vehicles, including two branded civic education vans used by the head office and the ten regional offices for community sensitisation programmes. Other vehicles were four pick-ups for two directorates and two regional offices.

This brought the total number of motor vehicles in UHRC to 38. Of these, 26 are located at the head office and distributed as follows: one for the chairperson; six for members of the Commission; one for the secretary to the Commission; one for each of the five directorates; 10 in the pool and one for the Planning Unit. The two civic education vans are attached to the Directorate of Research, Education and Documentation. There are twelve motor vehicles for the 10 regional offices.

However, only 13 vehicles were in good running condition and 11 in fairly-good running condition. As at 31st December 2015, 14 vehicles were in poor condition or grounded and required immediate replacement to enable the Commission carry out its work.

The core activities of UHRC, which include tribunal hearings, investigation of alleged human rights violations, civic education and monitoring human rights standards and Government compliance with human rights standards, are carried out mainly in the regional offices, which are spread in the different parts of the country. Members of the Commission who are charged with the responsibility of hearing cases of human rights violations traverse the regions where the Human Rights Tribunal sits, and this requires vehicles in sound mechanical condition.

Considering that each regional office serves an average of 11 districts, using one vehicle; given the volume of work and the distances covered; the rate of wear and tear of the vehicles is high. In addition, there is need for more than one vehicle at each regional office, which has not been possible due to inadequate resource allocation for capital development. Without adequate and sound vehicles, it is difficult for UHRC to effectively carry out its mandate.

4.4.10 Proposed establishment of the Rewards and Sanctions Committee

For proper performance management in UHRC as required under the UHRC Strategic Investment Plan, as well as the Ministry of Public Service, a Rewards and Sanction Committee was proposed, pending approval by the Commission. The committee's responsibility is to identify the best and poor performers who will be rewarded and sanctioned, respectively.

4.4.11 Establishment of UHRC staff SACCO

In order to encourage the culture of saving and, at the same time, find a way to address the pressure they were experiencing from hefty interest rates on bank loans, UHRC members and staff started a savings and credit cooperative society (SACCO). This is voluntary and staff and members pooled funds, which they could then borrow at lower interest rates. The UHRC staff SACCO was duly registered with the Uganda Cooperative Alliance, and by 1st December 2015, it had a total of 80 members.

4.4.12 Office space

UHRC continued to rent office space for the head office in Kampala, nine regional offices and all field offices. Annual rental expenses amounted to UGX 2 billion, of which UGX 1.5 billion was for the head office and UGX 475 million for regional and field offices. The total rental expenses were 34% of the non-wage budget and 14% of the total budget. Plans were underway to acquire permanent homes for both the head office and the regional and field offices, but UHRC still lacked funds to operationalise this.

4.4.12.1 Office space for the head office

UHRC owns plot 20, 22 and 24 on Buganda Road in Kampala, which were procured with funds provided by the Swedish government. However, these buildings are dilapidated and were condemned by the Kampala City Council (now Kampala City Council Authority) more than 15 years ago.

UHRC's dilapidated buildings on Buganda Road in Kampala

The buildings became uninhabitable, and management sought funds from the MoFPED and rented office space at TWED Plaza on Plot 22 B Lumumba Avenue in Kampala. UHRC also planned to acquire modern office space through a public-private partnership (PPP). By 31st December 2015, UHRC had hired a consultant who drafted a concept note that was submitted to the Project Management Unit of the MoFPED to inform the process.

4.4.12.2 Office space for regional and field offices

UHRC regional and field offices occupy rented office space, except Moroto regional office which is housed in the JLOS House. Renting year in, year out is not sustainable and the cost of renting is high. There is also a problem of identifying suitable office premises in accessible locations. Landlords often increase rental charges in the middle of the financial year, distorting planning and causing panic as they threaten to evict tenants.

In order to reduce the rental costs, UHRC embarked on a strategy of engaging with the local authorities in order to be allocated land. In 2015, the administration in Gulu and Masaka municipalities allocated land to UHRC. Consequently, UHRC solicited for funds from JLOS for construction works on the land in Gulu. By the end of 2015, UGX 700 million was earmarked and UGX 400 million of that had been released towards construction of offices. The procurement process for a contractor was ongoing. Nonetheless, the problem of high rental expenses still persisted in other regional offices.

4.5 CHALLENGES

1. Inadequate funding for wage, non-wage and capital development;
2. Dependency on donor funding to carry out human rights activities;
3. Inability to establish additional regional offices. The few regional offices are widely spread, making it difficult for people from far-off districts to access UHRC services;
4. Inadequate transport equipment, which is negatively affecting implementation of planned activities that are mainly field-based;
5. Delayed implementation of UHRC staff structure, resulting in inadequate staffing and work overload;
6. Failure to pay staff mandatory benefits such as gratuity, 10% NSSF contribution, as well as housing and welfare allowances, among others;

7. Inability to pay a competitive salary, leading to turnover of skilled staff; and
8. Lack of permanent premises for both the head office and regional offices, leading to high rental expenses.

4.6 RECOMMENDATIONS

1. Ministry of Finance Planning and Economic Development should provide 100% funding to UHRC to address the recurring funding gap in the non-wage budget.
2. Ministry of Finance Planning and Economic Development should provide resources under capital development to purchase vehicles, equipment and construct regional offices in a phased manner.
3. Ministry of Finance Planning and Economic Development should operationalise the proposed expanded staff structure that was approved by the Ministry of Public Service to address the human resource gaps.

4.7 CONCLUSION

There has been an improvement in funding for UHRC. However, the funds allocated have persistently been inadequate, hence the Commission's failure to meet its financial obligations and cater for its day-to-day operational requirements. Inadequate resource allocation has also resulted in donor dependency, which is unhealthy for a national human rights institution, as it violates the Paris Principles, which require government to provide 100% funding.

SECTION 2

CHAPTER 5

EMERGING HUMAN RIGHTS CONCERNS

5 INTRODUCTION

This chapter presents highlights of human rights concerns in 2015 which had serious human rights implications. Some of these human rights concerns emerged in 2015 and others were recurrent. This chapter is not intended to discuss human rights concerns based on a comprehensive study. By highlighting these human rights concerns in this chapter, the UHRC is raising the red flag; drawing attention to them so that the relevant stakeholders can take them up, comprehensively study and analyse them, then appropriate action can be taken to address them.

The specific issues that the UHRC is flagging in this chapter are: The human rights concerns on babies' and children's homes in Uganda; the state of specific rights of selected vulnerable persons namely: older persons, people living with albinism, persons with physical disability and ex-combatants; the plight of domestic workers; environmental degradation by selected businesses; and the impact of digital technology on personal data safety, human rights and responsibilities.

5.1 BABIES' AND CHILDREN'S HOMES IN UGANDA: RELATED HUMAN RIGHTS CONCERNS

5.1.1 Introduction

The 1995 Constitution[39] and the Children Act Cap 59 guarantee the right of children to know and be cared for by their parents or those entitled by law to bring them up. In the recent past, however, Uganda has experienced a growing number of childcare institutions in form of babies' homes (caring for children below the age of six) and children's homes (caring for children between the age of three and 18). According to the MoGLSD[40] there were about 600 child care institutions in Uganda by June 2012. These receive children that are identified by their staff or referred by both state and non-state actors for reasons such as abandonment, neglect, death of care giver, material poverty, unaccompanied, mother mentally ill, incarcerated parent or alcohol/drug abuse.[41]

Whereas the primary aim of childcare institutions is to provide care to children in need of alternative care for lack of a family environment, the MoGLSD survey indicated that some of these institutions do not provide the expected care and hence leave their beneficiaries more vulnerable, which affects the realization and enjoyment of their rights. In fact, MoGLSD is concerned that there is an increase in the number of childcare institutions, notwithstanding the government's emphasis on family empowerment and family-based care in policy and programme documents[42].

In 2015, UHRC undertook monitoring visits to various babies' and children's homes in the country, with the main objective of assessing the human rights situation therein. As a result, UHRC monitored 35 homes in areas covered by its regional offices of Arua, Fort Portal, Gulu, Hoima, Jinja, Masaka and Mbarara (Please refer to Annex A for the list of babies and children's homes monitored by the UHRC in 2015).

[39] n. 20 above, Article 34.
[40] Ministry of Gender, Labour and Social Development, 'Baseline study: The state of institutional care in Uganda', June 2012.
[41] Walakira, E.J. Dumba-Nyanzi I, B. Bukenya (2015). 'Childcare institutions in selected districts in Uganda and the situation of children in care: A baseline survey report for the Strong Beginnings Project'. Kampala: Terres des Hommes Netherlands.
[42] Ministerial statement on the launch of the 'Strong Beginnings –a family for all children' at Hotel Africana, Kampala, 16 October 2014, by Hon. Mary Karooro, Minister for Gender, Labour and Social Development.

This section, therefore, presents the findings from the monitoring exercise upon which the UHRC makes recommendations to improve the human rights situation.

5.1.2 Legal and policy framework

5.1.2.1 International legal frame work

Article 9 of the United Nations Convention on the Rights of the Child[43] (CRC) provides that states parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Article 20 of CRC provides for the protection of a child who is deprived of the family environment. Article 20 (2) and (3) specifically provide that state parties shall, in accordance with their national laws, provide alternative care to such a child, including foster placement, *kafalah* of Islamic law, adoption or if necessary, placement in suitable institutions for the care of children, taking into regard the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

In addition, Article 25 of the CRC provides for the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

The UN Guidelines for Alternative Care of Children[44] provide for the implementation of the UN Convention on the Rights of the Child on the and other international instruments regarding the protection and well-being of children deprived of parental care or who are at such risk.

5.1.2.2 Regional legal framework

Article 25 of the ACRWC[45] guarantees the right of every child deprived of his or her family environment for any reason to special protection and assistance. Article 25 (1) (a) of the ACRWC obliges state parties to ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care, which could include, among others, foster placement or placement in suitable institutions for the care of children.

5.1.2.3 National legal and policy framework

The Constitution, under Article 34, provides that subject to laws enacted in their best interest, children have a right to know and be cared for by their parents or those entitled by law to bring them up. Accordingly, the Children Act[46] provides that every child is entitled to live with his or her parents or guardians unless where a competent authority determines, in accordance with the laws and procedures applicable, that it is in the best interests of the child to separate him or her from his or her parents or parent, the best substitute care available shall be provided for the child.

The Children Act[47] further provides that a child may be removed from parents or guardians into alternative care on grounds that such a child is suffering or is likely to suffer significant harm, which harm is probably attributable to the care given. The Act provides that such removal should be by care order issued by court,

[43]Entered into force on 2 September 1990, Ratified by Uganda on 17 August 1990.
[44]UN General Assembly of 24th February 2010, agenda item 64/142 on the Report of the Third Committee A/64/434
[45]OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999
[46]Section 4 of the Children Act.
[47]As above, Sections 19-29.

placing the child under the care of a warden of an approved home[48] for a maximum period of three years or until the child attains the age of 18, whichever is first.

Section 58 of the Children Act provides that an approved home shall provide substitute family care for a child until such time as the parents of the child are able to provide adequate care to meet his or her basic needs, or the child completes three years in the home, or attains the age of 18 years, whichever is earlier.

In addition to the above, the Children (Approved Homes) Rules 2013[49] provide for the detailed procedure for the establishment, approval and management of approved homes, while the National Alternative Care Framework for Uganda 2011 operationalizes the UN Alternative Care Guidelines and Article 20(3) of the CRC that require that institutional care is considered a last resort for children in need of alternative care; once all other care options of family reunification, kinship and community care, domestic adoption, foster care and inter-country adoption have been exhausted.[50]

UHRC, therefore, takes note that the existing legal and policy framework emphasises support to the family institution to promote family-based care, and institutional care should be the last resort. The law also emphasises that placing the child under alternative care should only be by a court order.

5.1.3 Findings from the monitoring of the human rights situation in children's homes

5.1.3.1 Positive findings

a) Registration

UHRC noted that there is some compliance with the legal and policy requirements of babies' and children's homes to register with the relevant authorities. Of the 35 homes that were monitored, 14 had registered with the MoGLSD, 10 were operating with permission granted at district level[51], two were in the process of registration, four were not registered, while five did not provide the data. UHRC also established that those registered at district level were also in the process of registering with the MoGLSD. For instance, UHRC established that St. Clare Children's Home in Oyam District and Windows of Life Babies' Home in Kibaale District were in the process of registering for approval with MGLSD.

UHRC established that most of the children homes monitored were registered and owned by individuals as non-governmental organisations. Of the 35 children homes visited, 46% were found to be owned by local NGOs, 23% by international NGOs, and 31% by individuals and faith-based institutions. Table 5.1.1 below shows the summary of registration status, while Table 5.1.2 shows the ownership of the monitored facilities.

Table 5.1.1: Registration status of the monitored facilities

Regional office	Registered with MoGLSD	Registered with the district	In process of registration	Not registered	Total
Arua	02				**02**
Fort Portal	02			01	**03**
Gulu	02	02	02		**06**
Hoima	04			03	**07**
Jinja	04	06			**10**
Masaka	02	03			**05**
Mbarara	01	01			**02**
Total	**17**	**12**	**02**	**04**	**35**

[48]Government or non-governmental Babies' home or Children's home approved by the minister responsible for children affairs.
[49]Statutory Instrument no. 52 of the Uganda Gazette No.60 Volume CVI dated 22nd November 2013; Printed by the UPPC Entebbe by Order of Government.
[50]n. 42 above.
[51]Summary of registration status is provided in Table 5.1.3.

Table 5.1.2 Ownership of the children homes monitored

Regional office	Local NGO	International NGO	Faith-based	Individual	Government-aided	Total
Arua	02					**02**
Fort Portal	01	01		01		**03**
Gulu	03		03			**06**
Hoima	04		02		01	**07**
Jinja	05	04	01			**10**
Masaka	03	01	01			**05**
Mbarara	01		01			**02**
Total	**19**	**06**	**08**	**01**	**01**	**35**

UHRC established that in addition to the registration of the facilities, the homes register the children within the facility and provide a personal file for each child. The documents in each file include: a letter from the District Probation and Social Welfare Officer, the child's photograph, birth certificates, and medical assessments and treatment records, among others. It was found that 94% of the children in the homes had documentation and, therefore, were easily identifiable, while 6% represented cases where there was no proper documentation. UHRC found that the children at Child Restoration Outreach in Masaka district and Girl Child Initiative in Sembabule District wear labelled uniforms to enhance their identity.

b) Provision of alternative care to vulnerable children

UHRC established that the homes visited provide care to children who lack parents or guardians to provide the care. The children found in some of the homes included those orphaned after HIV/AIDS claimed one or both of their parents; children abandoned by their mothers, especially teenage mothers who dump their babies in garbage pits, on roadsides or who abandon them with their parents to go to the cities/towns in search of jobs or intimate relationships.

Children with physical impairments at Home of Hope in Jinja District

Babies sleeping in a nursery at Welcome Home ministries Africa in Jinja District

UHRC noted that the children's homes that were monitored offered various services, including psychosocial care (28%), temporary placement (22%), education (22%), foster care (20%) and adoption-related services (8%). UHRC further noted that some children's homes make referrals to other institutions. For instance, Bethel Babies' Home in Kyenjojo district only admits children below one year and hence refers all children above that age. Psychosocial care ranked highest among the services offered because of the emotional distress that children go through. Qualified counsellors offer this service on schedule.

UHRC found that children are admitted to the homes through court orders, for purposes of foster care. This was the case at SOS Children Village Gulu, Tender Trust in Kitgum district and Lira Babies' Home, which reported that children are fostered at these homes until they are adopted or resettled with the families, when they are old enough and are able to live with their relatives.

The homes provide beddings, food, shelter, clothes, medical care, and psychological care such as counselling. For example, Devine Mercy Babies' Home in Ibanda District, which had 98 children (44 boys and 54 girls) aged between two days and five years at the time of the visit, provided all the children with the basic needs and was monitoring seven children (five girls and two boys) who were in foster homes outside the home. Additionally, most of the homes had women within the facilities to provide the children with motherly guidance.

c) Enhancing the realisation of the right to education

UHRC established that some of the homes it visited provide education services or support with scholastic materials for children aged between three and 18, and thus enhance their right to education. For example, Lira Children's Home was providing education support for abandoned children that had not been adopted or fostered, and whose parents could not be traced. A total of 42 children had benefited and completed different levels of education. On the other hand, SOS Children's Village Gulu provides educational services through SOS Helmutkutin Kindergarten and SOS Hermann Gmeiner Primary School, which are also open to the public. The home also supports the children to attend different tertiary institutions.

Children in a classroom at Mama Jane Children's Center, Jinja District

The children in the homes UHRC visited also receive informal education services in the form of mentorship from the caregivers and other influential members in society who are assigned to the children and impart different life skills. Some children receive training in different income-generating activities, including art and crafts, farming, tailoring, catering and home economics.

d) Monitoring and supervision of babies' and children's homes

UHRC found out that probation and social welfare officers have mechanisms of monitoring babies' and children's homes periodically. For instance, the probation and social welfare officers of Kasese and Kyenjojo districts monitored and supervised the homes on quarterly basis, and Kyenjojo District, through its Orphans and Vulnerable Children Committee, holds quarterly meetings with the different homes. These mechanisms help the government to keep track of the children and ensure checks and balances towards the homes for the security and wellbeing of these children.

5.1.4 Human rights concerns relating to babies' and children's homes

Below are the human rights concerns identified.

5.1.4.1 Operating homes without registration and approval by the MoGLSD

The legal and policy frameworks, as highlighted above, provide that all babies' and children's homes must be approved by the minister responsible for children's affairs before operating as such, and every child must have a care order issued by the Family and Children's Court before admission in such a home. However, UHRC established that some of the homes visited have circumvented this procedure and only register with district or other authorities. For such organisations running homes without approval by the MoGLSD, the government may lack the details about their whereabouts for purposes of supervision, and the children may be susceptible to abuse. UHRC is also concerned some of the children in the custody of the homes visited did not have care orders issued by court.

5.1.4.2 Absence of government-led efforts to manage babies' and children's homes

Although the MoGLSD is directly mandated to implement the Children Act, it was established that most babies' and children's homes visited are owned, run and managed by civil society organizations, NGOs and CBOs. The absence of government institutions to care for Ugandan children in need of alternative care has created a leadership gap in the sector and may cause exploitation of the children by illegal or non-approved homes, hence increasing their vulnerability. UHRC noted that most referrals to the homes are made by either local or central government structures such as the Uganda Police Force, which indicates that government acknowledges the need for alternative care for some children. Relegating the responsibility to manage children homes to non-state actors is an abdication of responsibility on part of the government.

5.1.4.3 Increasing prioritisation of institutional care of children

UHRC notes with concern that institutional care for vulnerable children is being used as the first option amongst some of the communities visited. UHRC learnt that in some instances, children are referred to babies' and children's homes by their own parents or those entitled to care for them, while in others, the homes look out for children from the communities. For example, UHRC received reports from Ibanda Babies' Home that some parents/guardians view babies' and children's homes as relief from their responsibility, even refusing to collect their children from the home after attaining age of four — the maximum age accepted by the facility.

This is against the legal and policy framework that emphasises the prevention of family separation through a proactive approach to family support and, in the event of separation, distinguishes interim care options by extended family, short-term foster care and transitional residential care from permanent care options,

with priority for permanent care being placed on reunification with family, kinship care, domestic adoption and long-term foster care. Inter-country adoption and long-term residential care for children are the tail end of the continuum and should only be explored in the event that the other care options are not possible in the case in question.[52]

5.1.4.4 Limited financial and human resource capacity to implement the MoGLSD Mandate

Whereas the MoGLSD is mandated with the implementation of the Children Act, especially monitoring and supervision of babies' and children's homes, this mandate is decentralised to the Department of Community Services within the district local governments. However, UHRC established that across all the districts visited, the Department of Community Services, under which the Probation and Social Welfare Officers operate, does not have sound budgetary allocation to enable it monitor the homes. This is coupled with the limited human resource to perform the dual functions of the probation (with regard to children) and the social welfare (with regard to all, including children).

UHRC established that the probation office is the most understaffed in the district. For instance In Lira, Dokolo and Kole districts, the probation office was constituted of one officer — the Senior Probation Officer. There was no Probation Officer and Assistant Probation Officer to take on other responsibilities associated with the office. Thus, the workload barely creates time for the Probation and Welfare Officer to adequately monitor and supervise children homes, rendering their oversight function minimal or non-existent. In the absence of an adequately-monitored and supervised environment for children, it cannot be guaranteed that their best interests will be protected.

In addition, the homes monitored highlighted internal financial challenges, leading to poor facilities and services, as well as understaffing, which compromises their professionalism, thus affecting the quality of services offered to children. In a bid to bridge the financial gaps, some babies' and children's homes seek donor support, which is not sustainable to cater for the needs of the homes. In West Nile for example, UHRC was informed that International Refugee Trust (IRT) that offered financial support to Moyo Babies' Home and Redeemer Children's Home in Moyo district was threatening to withdraw its support, which would leave the homes without alternative funding.

5.1.5 Recommendations

1. Ministry of Finance Planning and Economic Development should increase funding to the Ministry of Gender Labour and Social Development aimed at enhancing implementation of the function of probation and social welfare.
2. Ministry of Gender Labour and Social Development should strengthen its implementation of laws and policies governing the provision of alternative care to children especially the regulation of insitutions providing alternative care: prioritisation of family based care and admission of children into child care institutions with court orders.
3. Ministry of Gender Labour and Social Development should centralise its probation and social welfare function for effective functionality and coordination.
4. The Human Rights Committee of Parliament should strengthen their oversight role with regards to monitoring the babies' and children's homes.
5. Parents and guardians should take up their parental responsibility so as to enhance the realisation of children rights.
6. Babies' and Children's homes should comply with the laws and policies that govern the provision of alternative care to children.

[52] n. 42 above.

5.2 THE STATE OF SPECIFIC RIGHTS OF SELECTED VULNERABLE PERSONS

This section focuses on particular rights of selected vulnerable persons[53] in Uganda. Specifically, the focus is on older persons and their right to social protection under the Social Assistance Grant for Empowerment Program (SAGE); persons living with albinism; accessibility for persons with physical disabilities; and the plight of ex-combatants at the Chieftaincy of Mubende Military Rehabilitation. UHRC put the spotlight on these specific groups owing to their susceptibility to marginalisation, thus the need to ensure that their rights are protected and promoted.

5.2.1 Legal framework

5.2.1.1 International legal framework

The right to equality and non-discrimination is enshrined in the Universal Declaration of Human Rights[54] (Universal Declaration) and is at the core of the main international human rights treaties[55] and regional human rights instruments.[56] The Universal Declaration and core international covenants refer to discrimination on the basis of 'colour', as well as the open-ended category of 'other status'.

The Universal Declaration and the CESCR[57] further provide that everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.[58]

The UN Convention on the Rights of Persons with Disabilities mandates states parties to put in place mechanism and strategies of ensuring that PWDs access services on equal basis with others[59] and that states parties shall ensure that reasonable accommodation is provided to PWDs.[60]

In addition, General Comment 20 of the CESCR affirms that non-discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights.

5.2.1.2 Regional legal framework

The ACHPR stipulates that all peoples shall have the right to a general satisfactory environment favorable to their development.[61] It further provides that all peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.[62]

The Government of Uganda has expressed its commitment to scaling up social protection through endorsing a regional instrument: The Livingstone Call to Action (2006), which sets out commitments to social protection and calls on countries in Africa to put in place plans and budgets for the implementation of Direct Income Support programmes. Uganda is also a signatory to the African Union Social Policy Framework (2008), which calls on member governments to recognize that social protection is a state obligation, with provisions in national legislations.

[53]Vulnerable persons in human rights may refer to those that have historically been disadvantaged and/or discriminated against, or still encounter discriminatory treatment or need special attention to avoid potential exploitation and/or exclusion.
[54]Article 2 of the Universal Declaration.
[55]International Covenant on Civil and Political Rights, Article 2; International Covenant on Economic, Social and Cultural Rights, Article. 2; Convention on the Rights of the Child, Article. 2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article. 7; and Convention on the Rights of Persons with Disabilities, Article. 5. The Convention on the Elimination of All Forms of Racial Discrimination prohibits discrimination on the ground of race, and the Convention on the Elimination of All Forms of Discrimination against Women, on the ground of gender.
[56]African Charter on Human and Peoples' Rights, Articles 2 and 3.
[57]Article 9 of the CESCR
[58]n. 54 above, Article 22.
[59]Article 9 of the CRPD.
[60]As above, Article 24(5).
[61]Article 24 of the ACHPR.
[62]As above, Article 19.

5.2.1.3 National legal framework

The Constitution, under the National Objectives and Directive Principles of State Policy, provides for reasonable provision for the welfare and maintenance of the aged. Chapter four of the Constitution provides for the protection and promotion of fundamental human rights and freedoms. In particular, it enjoins the state to take affirmative action in favor of marginalized groups. Article 35 specifically provides that persons with disabilities have a right to respect and human dignity and the state and society shall take appropriate measures to ensure they realize their full mental and physical potential.

The PWDs Act (2006)[63] and the Building Control Act (2013) mandate the inclusion of accessibility indicators in the construction industry. In addition, the PWDs Act provides for legal protection and equal opportunities for PWDs, emphasizing a rights-based approach to disability.

UHRC notes that there are a number of policies that also promote the rights of older persons;[64] however, there is no law.

5.2.2 Social Protection for Older Persons

In the Ugandan context, social protection entails public and private interventions to address risks and vulnerabilities that expose individuals to income insecurity and social deprivation, leading to undignified lives. Social protection is a basic service and a human right that ensures dignity of people.[65] The social protection system in Uganda comprises social security on the one hand, and social care and support services on the other. Social security refers to protective and preventive interventions to mitigate factors that lead to income shocks and affect consumption. Social care and support services provide care, support, protection and empowerment to vulnerable individuals who are unable to fully care for themselves.

Approximately 4.7% of Uganda's population (about 1.6 million people) are currently aged 60 years and above. Of these, 53% are female and 47%, male.[66] It is expected that in 2050, for the first time in human history, there will be more persons over 60 years of age than children in the world, thus the need to ensure that their right to social protection is promoted and protected.

UHRC notes that older persons require comprehensive social security systems since they are part of the vulnerable sections of the society and, currently, they are inadequate, only covering those in the formal sector. The majority of the older persons (93%) do not have access to any form of social protection and this has left them in a disadvantaged state.[67]

5.2.2.1 Government's implementation of the Senior Citizens Grants for Empowerment programme for social protection of older persons

a) The Senior Citizens Grants for Empowerment Phase 1

The Senior Citizens Grants for Empowerment (SAGE) scheme has been implemented since 2010, targeting older persons of 65 years and above who receive a monthly payment. However, in Karamoja sub-region, the age requirement of the beneficiaries is 60 years. Under the scheme, each beneficiary is given an MTN SIM card and receives UGX 25,000 per month, paid every two months. Therefore, the beneficiaries receive UGX 50,000 every two months through mobile money. All transaction costs are paid by the MoGLSD under the Expanding Social Protection (ESP) Programme so that the beneficiaries receive their full amount.

[63]Sections 19 and 20 of the PWD Act.
[64]The Uganda Vision 2040, the National Policy for Older Persons, 2009 and the Uganda National Social Protection Policy underscore the importance of social protection to address risks and vulnerabilities by recognizing the need to provide assistance to people who are vulnerable either by age, social class, location, disability, gender, disaster or who do not earn any income.
[65]The Program Plan of Intervention for the Implementation of the Uganda National Social Protection Policy Fiscal Years 2015/2016 to 2019/20.
[66]Ministry of Gender, Labour and Social Development Programme Plan of Intervention for the National Social Protection Policy Fiscal Years 2015/2016-2019/20120, November 2015.
[67]Older Persons Manifesto 2016-2021.

The scheme initially piloted two types of grants: the Senior Citizens Grants and the Vulnerable Family Grants. The latter was paid to poor and vulnerable households that lacked employment capacity. In June 2015, however, the MoGLSD made a decision to phase out the Vulnerable Family Grant because it was not as well accepted by the community as the SAGE.

UHRC noted that between 2010 and 2015, the MoGLSD implemented the SAGE in 14 districts of Amudat, Apac, Kaberamaido, Katakwi, Kiboga, Kole, Kyankwanzi, Kyegegwa, Kyenjojo, Moroto, Nakapiripirit, Napak, Nebbi and Zombo, extending to Yumbe District in 2014 following a directive from the president. By December 2015, according to the ministry, the programme had reached 123,260 beneficiaries in 6,028 villages in 141 sub-counties in the 15 districts. Of the 123,260 beneficiaries, 77,779 were female and 45,481, male. Beneficiaries who are PWDs were 7,102. Table 5.2.1 below shows the breakdown of payments by the end of 2015. UHRC commends the government for ensuring that more women than men, as well as PWDs, benefit from the SAGE programme.

Table 5.2.1: Breakdown of payments to beneficiaries by end of 2015 disaggregated by district, gender and disability

No	District	Female	Amount paid to females	Male	Amount paid to males	Total beneficiaries	Total paid
1	Amudat	2,796	748,248,220	1,670	449,888,155	4,466	1,198,136,375
2	Apac	6,095	7,988,182,620	2,555	2,203,975,020	8,650	10,192,157,640
3	Kaberamaido	4,423	3,493,751,845	2,573	2,119,579,005	6,996	5,613,330,850
4	Katakwi	5,547	3,332,635,190	3,513	2,278,846,745	9,060	5,611,431,935
5	Kiboga	3,217	3,286,373,975	2,172	1,369,811,785	5,389	4,656,185,760
6	Kole	6,167	2,002,756,640	3940	1,293,388,535	10,107	3,296,145,175
7	Kyankwanzi	3,409	1,131,994,500	3052	1,013,475,980	6,461	2,145,470,480
8	Kyegegwa	3,970	1,311,416,245	3307	1,097,956,440	7,277	2,409,372,685
9	Kyenjojo	8,207	9,908,225,575	4694	4,211,978,805	12,901	14,120,204,380
10	Moroto	3,058	2,230,062,420	1933	1,663,864,185	4,991	3,893,926,605
11	Nakapiripirit	4,281	2,241,541,030	2129	1,273,255,830	6,410	3,514,796,860
12	Napak	5,586	1,600,742,365	2854	821,289,500	8,440	2,422,031,865
13	Nebbi	9,448	9,106,871,110	4208	2,741,567,725	13,656	11,848,438,835
14	Yumbe	3,739	1,337,572,090	2745	979,541,105	6,484	2,317,113,195
15	Zombo	7,836	2,576,511,385	4136	1,384,175,680	11,972	3,960,687,065
	Total	**77,779**	**52,296,885,210**	**45481**	**24,902,594,495**	**123,260**	**77,199,479,705**

No	District name	Number of PWDs paid during this period
1	Apac	1,476
2	Kaberamaido	627
3	Katakwi	604
4	Kiboga	558
5	Kyegegwa	1
6	Kyenjojo	1,504
7	Moroto	244
8	Nakapiripirit	213
9	Nebbi	1,872
10	Yumbe	3
	Total	**7,102**

Source: Ministry of Gender, Labour and Social Development

A beneficiary testified at a UHRC stakeholders meeting convened to discuss the rights of older persons and PWDs that her life had completely changed because of the money she was receiving: *"I am now able to take care of myself and my family without depending on anyone" said A.K.*

b) The Senior Citizens Grants for Empowerment roll-out plan

UHRC noted with concern that although 1.2 million people in Uganda were aged 65 years and qualify for the SAGE programme, only 123,260 were benefiting. However, in August 2015, the government announced the roll-out plan of the SAGE programme to 40 more districts across the country over the next five years, beginning with 20 in the FY 2015/16 and subsequently adding five districts every year for the next four years until FY 2019/20. The roadmap was disseminated to Members of Parliament, the media, district local governments and civil society, among others. Table 5.2.2 below show the summary of the roll-out roadmap.

Table 5.2.2: Summary of roll-out roadmap for the SAGE programme

Financial Year	Districts
FY 2015/16	Kaabong, Abim, Kotido, Koboko, Gulu, Pader, Agago, Lamwo, Amolatar, Pallisa, Amuria, Kween, Namayingo, Mayuge, Kamuli, Kayunga, Nakasongola, Kibaale, Kisoro and Bundibugyo.
FY2016/17	Kitgum, Nakaseke, Kabale, Bugiri, and Amuru.
FY 2017/18	Dokolo, Sembabule, Kasese, Sheema and Mubende
FY2018/19	Alebtong, Adjumani, Otuke, Moyo and Kumi.
FY 2019/20	Nwoya, Arua, Mbale, Tororo and Kibuku.

Source: Ministry of Gender, Labour and Social Development

The limited coverage of the SAGE programme became a concern as the chairperson of the National Network for Older Persons in Uganda, Mr. John Orach,[68]stated, quoting a would-be beneficiary:

> *"For 10 years, older persons in districts like Mityana, Kampala, Luwero, Soroti, Ngora, Maracha, Lira, Oyam, Kabarole, Kamwenge and Hoima have watched with envy, frustration and even anger their contemporaries in neighbouring districts prospering with SAGE money'. Ninety-three per cent of old persons spent their entire lives toiling in the informal sector at the risk of old age poverty. Even the 7% who are entitled to a pension have problems accessing their entitlements. The older persons commend the government for considering the Karimojong who are 60 years and above. However, we non-beneficiaries feel that the cake should be shared equally. All older persons should benefit from the SAGE programme so long as they are 65 years old.* ***(A.K 66 years old)***

5.2.2.2 UHRC findings on the impact of the SAGE programme

In 2015, UHRC conducted a mini-survey on the impact of the SAGE programme and interviewed 68 respondents from West Nile, Karamoja and Teso sub-regions. Table 5.2.3 below shows the number of respondents UHRC interviewed.

[68]Statement made on 11th January 2016 at a UHRC meeting to discuss the rights of vulnerable persons, specifically older persons and PWDs, at the Imperial Royale Hotel in Kampala.

Table 5.2.3: Number of respondents interviwed per UHRC regional offices

Regional Office	District	Number
Arua	Nebbi	13
	Zombo	4
	Yumbe	9
Moroto	Nakapiripirit	8
Soroti	Kaberamaido	7
	Katakwi	27
Total	**6**	**68**

a) Positive impact of the SAGE programme

UHRC found that the regular and predictable monthly disbursements positively impacted on the lives and wellbeing of older persons and their families. The findings from the beneficiaries are discussed in the subsequent section.

i) Improved welfare of older persons and their families

The welfare of older person had improved through increased food security (improved frequency, quantity and quality of meals) and uptake of health and educational services, hence the ability to deal with economic shocks. Most of the beneficiaries reported to have used the grants for purchasing livestock and farm inputs, and establishing small businesses. This increased on the saving and investment culture of older persons.

ii) Increased social inclusion and empowerment

The beneficiaries, especially women, reported improvement in participation in community affairs and enhanced sense of self-esteem and empowerment. Older persons reported feeling less discriminated against in their communities and valued more by their families, considering that they were able to make social contributions to community-based social support mechanisms.

iii) Strengthened social cohesion

The SAGE programme also strengthened social cohesion and government's visibility in the communities. Some regarded supporting the elderly, a reflection of Ugandan values. One beneficiary said: *"This is one of the best government programmes that directly reaches out and touches the people."*

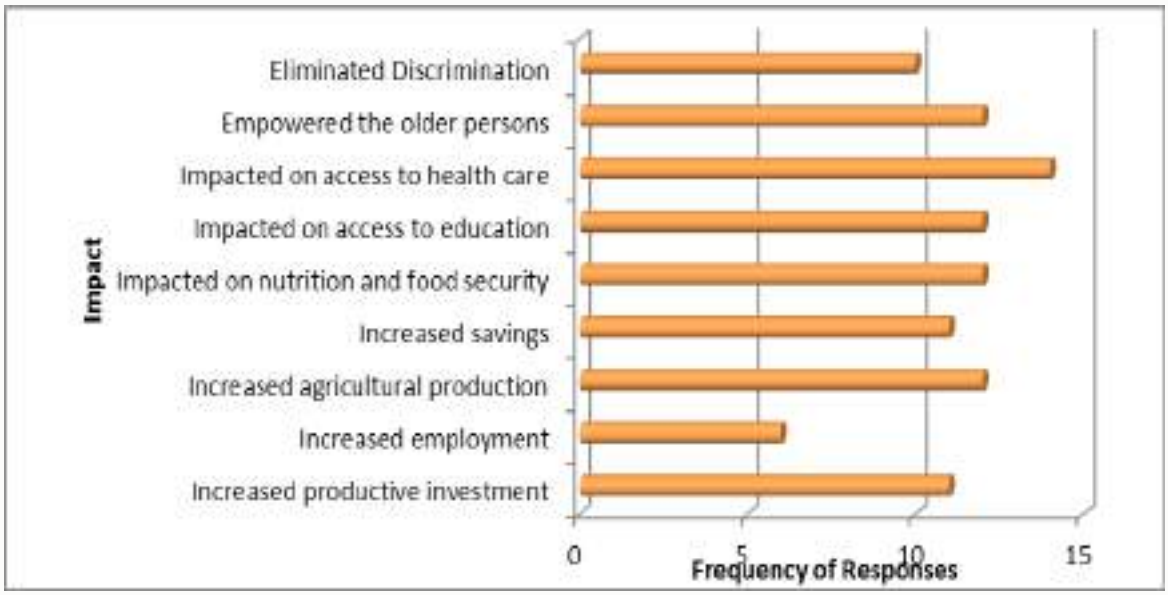
iv) Reduction in poverty levels

The Uganda National Household Survey 2009/2010 projected that the national roll-out of the programme would deliver a basic level of income security to about 1.2 million older people; lift at least 1.2 million older people and household members out of extreme poverty; improve economic security for an additional 1.7 million people who were highly vulnerable to falling into poverty; and benefit three million of Uganda's most vulnerable children. UHRC confirmed that in 2015, beneficiaries of the programme were no longer living in abject poverty, since this money had increased their agricultural production, access to health and had empowered them. Table 5.2.4 below gives a snapshot of beneficiaries' testimonies, while Figure 5.2.1 shows the summary of the beneficiaries' responses.

Table 5.2.4: A snapshot of testimonies of some beneficiaries in Zombo District

No.	Name of beneficiary	Age	Sex	Sub-county	Verbatim quote of the success story
1.	Peter Oyirwoth	70 years	M	Paidha	This money has changed my life, for I bought two goats. They have produced and I now have five. I used some of the money to pay school fees, for cultivation and feeding.
2.	Hellen Atimango	67 years	F	Paidha	I bought two goats, two chickens, and used part of the money for cultivation and feeding.
3.	Alexis Opar	66 years	M	Town Council	I registered in October 2010 and started receiving the money in September 2015. I have used it to plant groundnuts, for feeding and for medication.
4.	George Otwikende	73 years	M	,,	The money is not enough, but it has changed my life, for I bought two goats, four chickens, built a grass-thatched house and used some to buy sugar, soap and for feeding.

Figure 5.2.1: Responses from the beneficiaries on the impact of the SAGE program



b) Challenges older persons face under the SAGE programme

i) Insufficient pay and low coverage of the program

Older persons complained that the UGX 25,000 monthly pay was insufficient, considering the country's cost of living and the ever-increasing inflation rate.[69] UHRC notes that not all older persons benefit from this program.

ii) Poor telephone network

Beneficiaries complained of poor/loss of/weakness of/absence of network by the service provider (MTN) in some regions.[70] There were areas in the countryside where the network was non-existent, while in some it was unreliable.

[69] Uganda's inflation rate was at 5.5% at the time of conducting the UHRC interviews.
[70] By May 2016, the Ministry of Gender, Labour and Social Development was in the process of migrating from MTN Mobile Money to a bank account-based system using Post Bank.

iii) Long distances

Older persons had to travel long distances to access pay-point centres where the MTN payment machines were installed. However, MTN was reported to have increased the number of machines for payment to address the problem.

iv) Bureaucracy in replacing lost/ damaged SIM cards

Older persons, especially those from Kaberamaido district, complained about the bureaucracy they encountered to have their lost SIM cards replaced. According to the MoGLSD's ESP Programme, when a beneficiary lost/damaged their card, they reported to the parish chief who in turn would refer the issue to the SAGE district operations team and request for a replacement. MTN imported the SIM cards, hence there were delays encountered, as the service provider had to wait for card requests to accumulate because it was not cost-effective to import one or just a few cards every time a request was made. Therefore, sometimes it took months before a new consignment of cards would be in the country. It is important to note that once a card was replaced, the beneficiary was able to withdraw all their outstanding balances for the months they had missed while their card was dysfunctional. Nevertheless, the delay was inconveniencing to the older persons and their dependants. In addition, UHRC notes with concern the vulnerability of some older persons who are illiterate or not conversant with technology, hence the risk of being cheated.

5.2.3 Human Rights Concerns of Persons Living with Albinism In Uganda

Albinism is a rare, non-contagious, genetically-inherited condition present at birth. It results in a lack of pigmentation (melanin) in the hair, skin and eyes, causing vulnerability to the sun and bright light. As a result, almost all persons living with albinism are visually-impaired and are prone to developing skin cancer. In almost all types of albinism[71], both parents must carry the gene for it to be passed on, even if they do not have albinism themselves. The condition is found in both genders regardless of ethnicity, and in all countries of the world.

It can affect only the eyes (ocular albinism)[72] or both the eyes and skin (oculocutaneous albinism).[73] The outward signs of albinism vary depending on the amount of pigment a person has, and many persons living with albinism have skin much lighter than that of their family members. Persons living with albinism also may have white or pale yellow hair and light-coloured eyes.[74] Sometimes, the eyes look pink because they contain no pigment to mask the red of the blood vessels in the retina.

5.2.3.1 The situation of persons living with albinism in Uganda

There is a considerably higher prevalence of albinism in East Africa (one in 1,400 people), according to leading geneticist Dr. Murray Brilliant.[75] Concluding from this statistic, the prevalence of albinism in Uganda is crudely estimated at some 22,714 people (0.1% of the total population).[76]

[71]The exception is one type of ocular albinism, which is passed on from mother to son.
[72]Available at http://www.webmd.com/eye-health/albinism-ocular, Last accessed on 17 April 2016.
[73]Available at http://www.rightdiagnosis.com/o/oculocutaneous_albinism/intro.htm, Last accessed on 17April 2016.
[74]As above.
[75]Available at http://www.underthesamesun.com, Last accessed on 14 April 2016.
[76] Action on Disability Development (ADD), 2011, Baseline study to establish the needs of the people with albinism in the Elgon sub-region of Uganda.

Despite the seemingly low prevalence, the intensity of stigma and exclusion makes the conditions of persons living with albinism more risky, resulting in several major challenges due to social ignorance about the genetic condition. The main challenges they face in Uganda include, among others:

- Lack of access to low-vision aids such as glasses, magnifiers and specialised computer equipment.
- Epidemic rates of fatal skin cancer due to lack of protective sunscreens, wide brimmed hats and proper clothing.
- Widespread social discrimination fueled by deep beliefs in superstitious myths on albinism.

5.2.3.2 Human rights concerns of persons living with albinism

In 2015, UHRC monitored the plight of persons living with albinism in 12 districts, namely: Bugiri, Buliisa, Bushenyi, Hoima, Ibanda, Iganga, Jinja, Kamuli, Kibaale, Kiryandongo, Masindi and Mbarara. A total of 22 respondents were interviewed. They included community development officers, 10 mothers of children living with albinism and persons living with albinism, among others.[77] UHRC established that there were various human rights issues affecting them, especially the women and children, which needed urgent government intervention.

a) Violence against persons living with albinism

People living with albinism are in most cases subjected to violence/insecurity. UHRC findings indicated that 67% of the respondent complained that persons living with albinism were subjected to violence, while 33% said they were not. UHRC established that the common perpetrators of violence against persons living with albinism were mainly community members and family, as shown in Table 5.2.5 below.

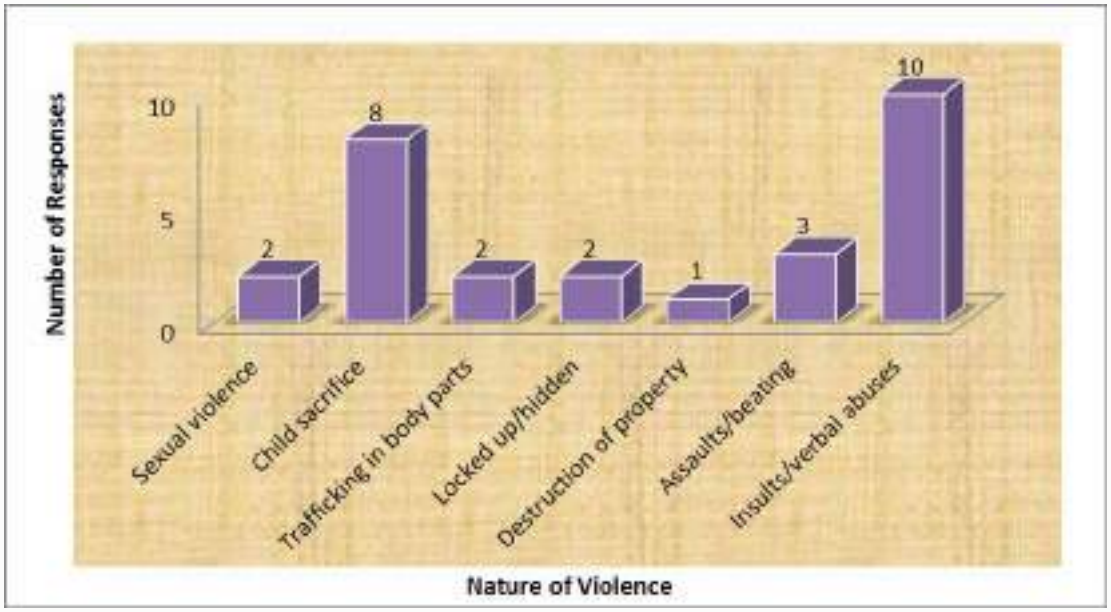
Table 5.2.5: Perpetrators of violence against persons living with albinism

Perpetrators of Violence	Responses	
	Number	Percent (%)
Family members	5	29
Fellow Community members	12	71
Total	**17**	**100**

According to the respondents, the most common form of violence was insults/verbal abuses (36%), followed by child sacrifice (29%) and assaults/beating (11%). The other forms of violence, according to 7% of the respondents, were sexual violence, trafficking in body parts and being locked up or hidden.

[77]UHRC interviews done in 2015.

Figure 5.2.2: Nature of violence against persons living with albinism in Uganda



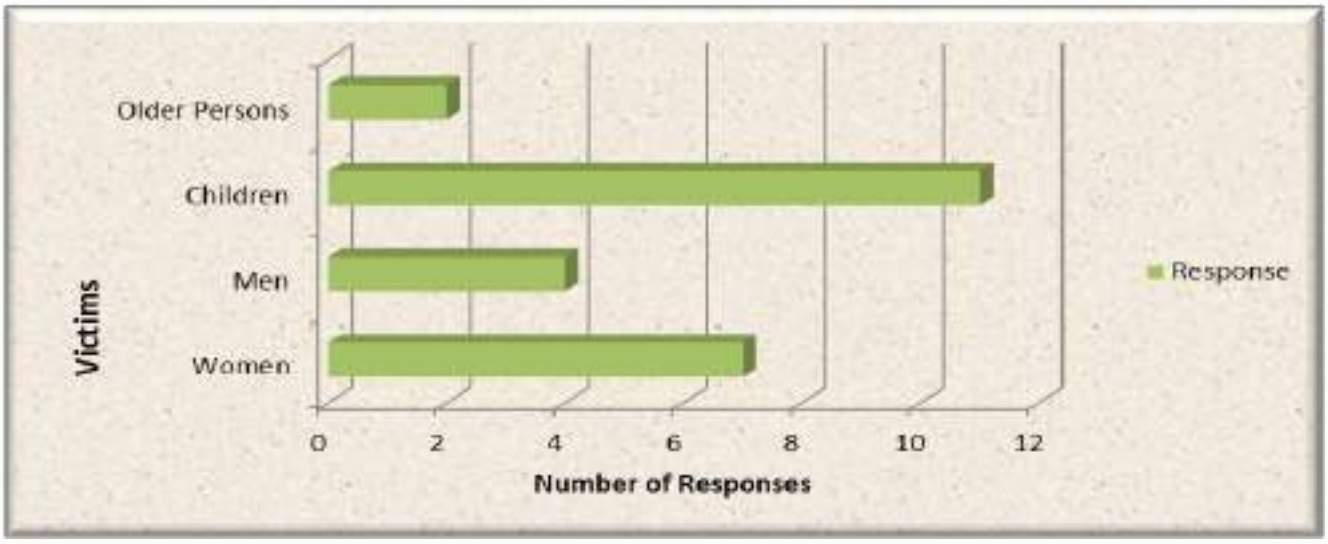
i) Causes of violence

UHRC noted that violence against persons living with albinism was caused by a number of factors, including cultural superstition (41%) and desire for wealth (27%). The UHRC findings further revealed that 64% of persons living with albinism reported the incidents of violence to the responsible authorities, while 36% did not, largely because no measures were in place to protect them, and also because of the discrimination and stigma they face.

ii) Victims of Violence

The UHRC findings further indicated that children formed the majority of victims of violence, followed by women, as shown in Figure 5.3 below. Children and women with albinism are vulnerable to all sorts of human rights violations, including child sacrifice, trafficking and insults.

Figure 5.2.3: The nature of victims of violence



b) Lack of specialised services for persons living with albinism at health centres

Persons living with albinism have eyesight problems that are not correctable with eye glasses, and so many of them have low vision. The degree of vision impairment varies with the different types of albinism. They are 'legally blind' but most use their vision for many tasks, including reading, and do not use braille.[78] Health facilities in Uganda do not have specialised sunglasses for them. Vision problems in albinism result from the abnormal development of the retina and the abnormal patterns of nerve connections between the eye and the brain. UHRC also established that persons living with albinism faced a problem of skin cancer, skin irritation and malaria because of their sensitive skin; and that their health usually deteriorated in a few hours if they did not get treatment. UHRC further notes that the Cancer Policy does not provide for skin cancer for people with albinism.

UHRC noted with concern that the health system in Uganda does not have specialised services for persons living with albinism. UHRC learnt from 70% of the respondents that there were no such specialised health services.[79] Most health facilities did not have medication appropriate for their skin, and the distribution of sun screen to regional hospitals or district hospitals for easy accessibility for persons with albinism was minimal. Some testimonies from mothers of children living with albinism drove the point home: '

> *I cannot afford these lotions for my two children living with albinism. The government should avail us with lotions and glasses to protect our children from direct sunshine." (Mother of two children living with albinism).*
>
> *"I have to purchase the lotions from Nairobi through a friend who goes there occasionally, since they are cheaper there." (Mother of two children living with albinism).*

c) Discrimination based on superstition and myths

Superstition and the perpetuation of myths remain huge factors fuelling discrimination against persons with disability. They affect any person with a disability, but they are similarly pertinent to those with albinism. The lack of public awareness around albinism has caused myths to flourish and some of these are that: albinos are evil or a curse from God; persons living with albinism never die, they just vanish; they are the product of the union between black women and white men; and albinism is a contagious disease[80]. Another myth is that a person may encounter bad luck if they touch the skin of a person living with albinism.

UHRC noted that even families have discriminated against persons living with albinism in various ways. Communities consider families with albinisms to have been cursed; they segregate them and regard them as having bad luck. As a result, they never want their relatives to marry from such families. All this stigmatises them and partly explains why they live in hiding, fearing to be abused by members of the community.[81] One mother had this to say:

> *"My mother-in-law calls my children boiled pigs and she is my neighbour, so life is so hard." (Mother of two children with albinism)*

[78]Presentation made by Hassan Mulondo at the 18th Annual Report Consultative Meeting at the Kampala Sheraton Hotel, 29 - 30 March 2016.

[79]Specialised services provided include eye and skin care services.
[80]Available at http://pearlsofafrica.org/blog/2008/12/02/deadly-discrimination/ Last accessed on 14 April 2016.
[81]n. 74 above.

In addition, families with children with albinism have broken up and many have separated because of the stigma surrounding their mothers for having given birth to the children.[82] Many people in Uganda do not want to marry anyone with albinism. Consequently, the right of people with albinism to start their own families is in jeopardy. A mother testified:

> *"When I gave birth to a child with albinism, the father blamed me and denied paternity and even abandoned us."*

In Uganda, persons living with albinism are mostly employed in the informal sector because of the discrimination and stigmatisation they encounter in the formal sector. Most of them have not gone far in education and that explains why they are not able to compete favourably for various jobs both at government, national and district levels, as well as in the non-governmental sector.[83] As one indicated:

> *"In Uganda, most employers have negative attitudes towards persons living with albinism. When [such a person] is called for an interview, people on the panel normally look at one's body colour rather than one's ability to perform, and eventually one is denied a job because of on his or her disability'.*[84]

d) Violation of the right to education

UHRC noted that even though children with albinism were accessing education services offered by the government, the majority did not continue to higher levels of education. They dropped out of school at primary level because of poverty and discrimination. UHRC further noted that 81.8% of schools did not have special-needs education for children with albinism. Most students with albinism lacked vision aids that would be appropriate for their unique challenges, such as eye glasses, magnifiers and specialised computer equipment in schools.

e) Limited freedom of movement

UHRC established from 47% of the respondents that persons living with albinism did not have freedom to move freely because of stigma and discrimination. Only 53% said they were free to move within and outside their communities. This affects enjoyment of their human rights.

5.2.4 Accessibility For Persons with Physical Disabilities

More than a billion people are estimated to be living with some form of disability, or about 15% of the world's population (based on 2010 global population estimates). This is higher than previous World Health Organization estimates, which date from the 1970s and suggested around 10%.

According to a 2011 report by the World Bank and the World Health Organisation, persons with disabilities currently constitute 15%[85] of the world's population and most of them live in rural areas in developing countries. In Uganda, it is estimated that 7% of the population has disabilities, 47.6% of whom have permanent disability.[86] The government has an obligation to ensure that the rights of PWDs are respected, protected, fulfilled and promoted.

Physical accessibility to public places and buildings can contribute immensely to the realisation of the right to participate for PWDs. However, as UHRC observed, limited attention had been paid to physical accessibility and, because of this, many PWDs could not enjoy their legal right to access public buildings. UHRC assessed the extent to which physical accessibility was a reality for persons with physical disabilities in Uganda and highlights the human rights concerns.

[82] n. 78 above.
[83] n. 81 above.
[84] As above.
[85] Available at http://www.who.int/disabilities/world_report/2011/accessible_en.pdf Last accessed on 9 June 2016.
[86] Uganda National Housing Survey (UNHS) 2009/10, p.4.

5.2.4.1 Government intervention in ensuring accessibility for all

a) Enactment of the Building Control Act, 2013 and development of regulations

In 2013, the Parliament of Uganda passed the Building Control Act, 2013 and adopted the Accessibility Standards as a reference document for the construction industry. However, regulations to operationalise the Act have not been developed. According to the Ministry of Works and Transport (MoWT), the provision for regulating accessibility to public buildings was not stipulated under Section 71 of the Act.[87]

As a result, most of the infrastructure, including public buildings, is inaccessible to PWDs due to lack of lifts and ramps, among others. In addition, sections 19 and 20 of the PWDs Act, 2006, mandate the inclusion of accessibility indicators in the construction industry.

UHRC notes that in 2010, UNAPD developed and launched the accessibility standards, which were duplicated in Ghana as good practice. These standards can give guidance in the development of regulations.

b) Development of a strategy on improving physical access

UHRC commends the Justice, Law and Order Society (JLOS) for developing a concept paper for a strategy on improving physical access for all persons, especially the vulnerable persons, to JLOS service points as part of enhancing access to justice. The concept paper was considered and approved in 2015, and it is to be financed under the JLOs Work Plan 2016/17. However, no funds were allocated for implementation of this strategy.

5.2.4 UHRC intervention to assess the level of physical accessibility

In 2015, UHRC visited various offices of private and government entities that offer social services, to assess their level of accessibility. These were: magistrate's courts, district local government offices, Director of Public Prosecutions offices, health facilities, police stations and prisons. A few buildings, especially at the health facilities, magistrate's courts and district local governments, had special measures for accessibility of PWDs. However, the majority were not accessible for PWDs, especially those using crutches, wheelchairs or other assistive or walking devices.[88] Table 5.2.6 and Figure 5.2.4 below show the number and category of places that UHRC visited in 2015.

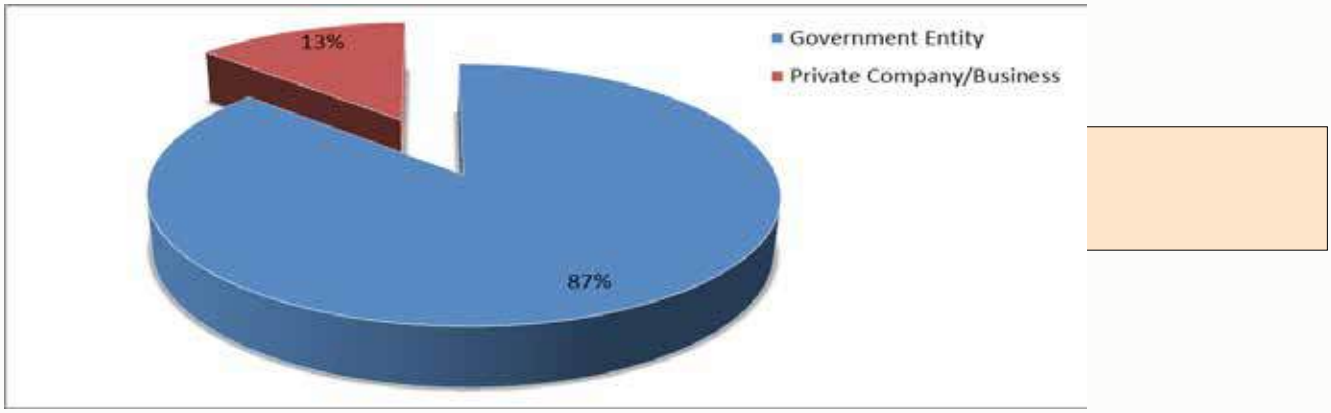
Table 5.2.6: Number of places visited per regional office

Regional office	Number visited
Arua	7
Central	5
Fort Portal	5
Gulu	9
Jinja	38
Mbarara	7
Moroto	4
Masaka	26
Total	**101**

[87] S. Bagonza, Ministry of Works and Transport 'What has government done to ensure physical access of public infrastructure: progress, challenges and recommendations', a presentation made at the UHRC stakeholders' meeting on the rights of PWDs and Older Persons at the Imperial Royale Hotel, 11 January 2016.

[88] UHRC also monitored the just-concluded general elections in February 2016. UNHRC established from the preliminary findings that 96% of the 1,903 polling stations monitored were physically accessible to vulnerable persons, including PWDs, older persons, the sick, and expectant mothers.

Figure 5.2.4: Category of entities visited



5.2.4.3 Lack of special measures for PWDs

The human rights-based definition of disability states that it is the limitations of the environment that disable people.[89] The external barriers prevent PWDs from participating in society on an equal basis with others.[90] Whereas removing barriers was the key to ensuring that PWDs exercise civil, political, economic, social, environmental, religious and cultural rights in society, little attention was being paid to it. UHRC established that most of the places visited had no special measures in place, like ramps and slabs, to ensure physical accessibility for PWDs.

a) Inaccessibility of public and private institutions

The organisations/institutions monitored by UHRC had very old buildings without accessible routes for PWDs. At Patongo and Otuke central police stations, the offices and corridors were not easily accessible by PWDs who use wheelchairs because the ramps ended at the counter. As such, only the visually-impaired who had aides and walking sticks could access the offices. This was limiting for the PWDs' quest for access to justice. UHRC established that the newly-constructed Naguru Police Station, High Court in Kampala and Arua, Century Hotel Ltd in Kamuli district and Kamuli Government Prison were not disability-friendly.

UHRC also established that the Community-Based Services office in Moruita sub-county in Nakapiripirit District had new buildings comprising of storied and non-storied units. Both units were accessible by PWDs, as they had ramps, but there were no access routes for PWDs in the corridors, offices and on the stairs.

The Community-Based Services office located in Lopeduru village, Moruita parish, Moruita sub-county in Nakapiripirit District

[89] Available at http://www.sahrc.org.za Last accessed on 25 April 2016
[90] As above.

UHRC noted that though the Masaka Chief Magistrate's Court is situated in a storied building, it had alternative access routes such as walk-ways and the Justice Centres Office is located on the ground floor to ensure accessibility for PWDs.

b) Inaccessible public washrooms

UHRC noted that all the organisations/institutions visited had no signs for directions specific for the assistance of PWDs. The toilets did not have grab bars, coat hooks, toilet paper, hand driers, towel holders and wash basins for PWDs. At Pader Central Police Station, the entrance to the latrine had a ramp, making it easily accessible for the PWDs. However, it did not have special lavatory facilities specifically designed for PWDs. On a positive note, PWDs have commended the Parliament of Uganda for having accessible wheel chair public washrooms.[91]

A pit latrine at Pader CPS without special facilities for PWDs.

c) Organisations with international symbols for PWDs

UHRC noted that only 8% of the institutions visited had parking spaces for PWDs clearly marked with the international symbol of accessibility for PWDs. The majority (92%) did not have, as shown in Table 5.2.7 below.

Table 5.2.7: Organisations/institutions with clearly-marked international disability symbols

Parking spaces for PWDs clearly marked with the international symbol of accessibility for PWDs	Frequency	Per cent (%)
Yes	5	8
No	55	92
Total	**60**	**100**

d) Accessible pedestrian route

UHRC established that only 17% of the institutions visited had a safe, clearly marked, accessible pedestrian route, from the designated parking area to an accessible building entrance or elevator lobby. The lack of accessible pedestrian routes hinders the realisation of the rights of PWDs to freely move where they want because there has to be reasonable accommodation for them. PWDs have continuously raised the urgent concern of the inaccessibility of all roads in Kampala that lack sideways, contain open/damaged manholes, non accessible ramps and the cross walks are excessively dangerous to traverse.[92]

[91]UHRC interview with Mr. Francis Mugwanya Executive Director, Fathers' Heart Mobility Ministry.
[92]As above.

Table 5.2.8: Accessible pedestrian route

Safe, clearly marked, accessible pedestrian route from the designated parking area to an accessible building entrance or elevator lobby	Frequency	Percent (%)
Yes	9	17
No	43	83
Total	**52**	**100**

5.2.5 Situation at the Chieftaincy of Mubende Rehabilitation Centre

The Chieftaincy of Mubende Military Rehabilitation Centre in Mubende district is the headquarters of the UPDF's rehabilitation services. The mission of the centre is to rehabilitate ex-combatants who have physical disabilities and prepare them, through skills development, for redeployment or effective reintegration into the community. The chieftaincy, which oversees two other centres at 2nd Battalion Kyankwanzi and 4th Battalion Ntungamo, is supervised by a Disability Control Board.

UHRC established that the three centres had a total of approximately 12,000 soldiers. The ex-combatants were categorised according to their level of ability or disability so that they could obtain psychosocial and physical training services appropriate to their condition. UHRC established that at the Chieftaincy, affected ex-combatants were provided with artificial limbs to enable them live a new and meaningful life. Other affected persons got white canes, hearing devices, cossets and walking aid facilities, depending on the nature of disability. Ex-combatants with visual and hearing impairment would be forwarded to Kyambogo University to acquire practical life skills, including braille and sign language so that they could adapt to a new life. The centre also offered special-needs sports like sit ball, sitting volleyball, goal ball for the blind and wheelchair basketball.

The rehabilitation services offered by the centre are:

- Helpers' allowances given on a monthly basis to all beneficiaries as approved by the medical board;
- Operational food grants on a weekly basis;
- Retirement benefits that are accessed at the time of retirement; and
- Compensation for the injuries sustained, as approved by the medical board.

A polytechnic school at the centre offers courses such as building and concrete practice, plumbing, carpentry and joinery, tailoring, catering, electrical installation, garment designing, mechanical engineering and agriculture and poultry farming.

The rehabilitated ex-combatants could be reabsorbed in active service or voluntarily retired if they so wished. UHRC established that more than 100 combatants had retired from active service and had been given their retirement package, while approximately 500 successfully rehabilitated ex-combatants had been reabsorbed in active service from 2014 to 2015.

5.2.5.1 Human rights concerns at the Mubende Rehabilitation Centre

a) Dilapidated structures and homes for staff and combatants

UHRC noted that housing facilities for staff and the ex-combatants were dilapidated and needed renovation. Only three homes out of more than 100 were renovated. The technical school was in need of new facilities because most dormitories, the staffroom, dining room and staff quarters, as well as the toilet facilities, were in poor condition.

b) Overcrowding

One dormitory accommodated 198 males, yet it was designed for a capacity of 70.

5.2.6 Recommendations on vulnerable persons

1. Ministry of Gender, Labour and Social Development should roll out the Senior Citizens Grant for Empowerment programme to all older persons in Uganda above 60 years and should provide a comprehensive programme to the public on the roll-out plan.
2. Ministry of Finance, Planning and Economic Development and the Ministry of Gender, Labour and Social Development should increase the amount of money paid to the Senior Citizens Grant for Empowerment beneficiaries to make it more realistic in order to have more positive impact, given that the cost of living is ever-increasing and the rate of inflation is high.
3. Ministry of Health should categorise the skin drugs, lotions, sun glasses and hats that are appropriate for persons living with albinism as essential drugs, and provide them free of charge.
4. Ministry of Finance, Planning and Economic Development should exempt sun screens from tax to enable persons living with albinism access them.
5. Ministry of Health should review the National Cancer Policy to specifically include the prevention, early detection, diagnosis and treatment of skin cancer, especially for Persons with Albinism.
6. Ministry of Works and Transport should effectively enforce/implement the Building Control Act 2013 and the provisions of the Persons With Disability Act 2006.
7. Ministry of Works and Transport should ensure that the Regulations for the Building Control Act comply with the requirements for accessibility of Persons With Disability.
8. Uganda People's Defence Forces should allocate sufficient funds to the Chieftaincy of Mubende Rehabilitation Centre to enable it effectively carry out its mandate, especially rehabilitating the centre so as to reduce on the congestion, as well as repairing dilapidated structures.

5.3 THE PLIGHT OF DOMESTIC WORKERS

According to the International Labour Organization (ILO), 53 million people, majority of whom are women and girls, are employed in private homes as domestic workers.[93] They carry out essential tasks for the household, such as cooking, cleaning, laundry, shopping and caring for children and elderly members of the employer's family, among others.

In Uganda, domestic work employs 50% of women and girls and is one of the lowest-paying sectors in the country.[94] Domestic work can be done by both men and boys, although it is socially perceived as a female domain because the tasks therein are assumed to be women's roles, with no special skills required.[95] Most women and girls employed as domestic workers are mainly migrants or members of disadvantaged communities, and are particularly vulnerable to discrimination in respect to conditions of employment of work and to other human rights abuses.[96]

Just like women's unpaid housework, domestic work in Uganda carries low value, as it is neither defined as work, nor as of value.[97] As a result, domestic workers are subjected to various abuses and violations of their rights. They also lack the capacity to negotiate employment terms due to lack of education and ignorance about human rights.

[93] Available at http://www.ilo.org/global/topics/domesticworkers,2015.
[94] The National Employment Policy, 2011
[95] As above.
[96] ILO Convention No.189, Preamble.
[97] As above.

UHRC observed from its monitoring visits and various media reports the rising number of complaints about abuses of the rights of domestic workers in and outside the country. In view of this, UHRC undertook a monitoring exercise and interviewed domestic workers in Uganda to assess the level of realization of their human rights. Table 5 shows the number of domestic workers interviewed per regional office.

Table 5.3.1 Number of domestic workers interviewed by UHRC per regional office

Regional office	Male	Female	Total
Arua	18	6	**24**
Central	8	20	**28**
Gulu	4	2	**6**
Hoima	2	2	**4**
Jinja	8	23	**31**
Mbarara	7	3	**10**
Moroto	4	1	**5**
TOTAL	**51**	**57**	**108**

5.3.1 Legal framework on the rights of domestic workers

5.3.1.1 International legal framework

The ILO Convention No.189 defines domestic work as "*work performed in or for a household or households*", while a domestic worker is *"a person who works within the employers' household"*. The obligation of states to refrain from, protect and promote the fundamental human rights of domestic workers, as well as the right to work and to just and favourable conditions of work, including social security, are enshrined in Article 23 of the Universal Declaration of Human Rights, articles 6, 7, 9 of the CESCR, 1966 and articles 5 and 11 of the CEDAW, 1979.

These rights are further explicitly elaborated under the ILO Core Conventions, which provide for decent work, specific protection, basic rights and principles and requires states to take a series of measures with a view of making decent work a reality for domestic workers. However, Uganda has not yet ratified the 2011 ILO Convention No. 189.

5.3.1.2 Regional legal framework

Article 15 of the ACHPR states that *"Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work."*

5.3.1.3 National legal framework

Article 21(1) of the1995 Constitution guarantees equal rights between all people without any form of discrimination. Under articles 25(1) and (2), 29(1) and 34(4), it also provides for decent work, outlawing slavery, servitude and forced labour; guarantees freedom of association, including forming and joining a trade union; and guarantees protection of children from economic and hazardous work. Article 40 recognizes the right of every person to practice their profession and be employed without discrimination, the right to equal pay for work of equal value, and the right to form or join a trade union for the protection of economic and social interest.

5.3.2 Gaps in the existing legal framework

The law as it is currently in Uganda does not adequately protect domestic workers. It is not clear whether a home is expressly considered a 'workplace' under the law. Uganda has not yet ratified the ILO Convention

No. 189 and this has ramifications for the rights of domestic workers. Below is an assessment of the existing legal framework on the rights of workers.

5.3.2.1 The Constitution of the Republic of Uganda, 1995

The 1995 Constitution provides, in Chapter 4, the rights and freedoms of all people in Uganda. Despite the provisions that facilitate the rights of domestic workers as already discussed, there is no law on the minimum wage. Additionally, the Constitution provides for protection against exploitative labour, but does not explicitly provide for children employed as domestic workers.

5.3.2.2 The Employment Act, 2006

This law regulates all issues of employment in the country and attempts to cover all sectors, except domestic workers. The legislation does not recognize a home where the domestic worker resides and works as a workplace. Instead, it is considered as a private entity, making it difficult for labour inspectors to monitor in accordance with Section 11 (1) (a-c). This section grants a labour officer access to any premises where he/she may have reasonable cause to believe that there exists violation of workers. The definition of an employee is limited to workers in formal employment, leaving out those in informal employment, like domestic workers.

Section 32 provides for protection of children aged 12 and below from employment in any business undertaking or workplace. The law provides for light work for "children under the age of 14 years to be carried out under the supervision of an adult and which should allow children's education." This clause is good, but does not protect a child employed as a domestic worker who needs protection.

The Act also stipulates terms and conditions of work that are unrealistic to domestic work, such as the length of working hours, which should not exceed 48 hours per week.

5.3.2.3 The National Social Security Fund Act, 1985

The NSSF Act provides for all workers in the private sector, obliging an employer of five workers or more to register them with NSSF and remit 10% of their gross pay, with the employees contributing 5%. However, the limit of five workers leaves out domestic workers because households rarely employ as many as five workers. Consequently, domestic workers are not covered by the current social protection measures.

5.3.2.4 Occupational Health and Safety Act, 2006

This law defines all places of work and all sites and areas where work is carried out, including permanent, indoor, stationary and temporary places of work. It gives many examples of places of work, sites and work areas, but does not mention a home.

5.3.2.5 The Education Act, 2008

The Education Act, 2008 recognizes non-formal education that is supposed to benefit domestic workers, but it does not specifically cater for them. However according to the Act, the non formal education, is for those people with some level of formal education and yet majority of domestic workers have not gone to school. And besides, the curriculum under formal education is structured, full time and not flexible to cater for domestic workers who work for long time.

5.3.3 Rights of domestic workers

Domestic workers perform a variety of household services for an individual or a family. As mentioned earlier, the tasks range from providing care for elderly dependants, babysitting, caring for children, to housekeeping, cleaning, laundry, cooking, ironing clothes, shopping, tending the garden, caring for domestic animals, household maintenance and other household errands.

According to the ILO Convention No. 189, domestic workers have the following fundamental human rights, which they ought to enjoy:

a) Freedom of association and to collective bargaining, elimination of all forms of forced or compulsory labour, abolition of child labour and elimination of discrimination in respect to employment and occupation;

b) Right to information on terms and conditions of work, including rest;

c) Right to remuneration in line with the minimum wage for workers;

d) Right to a safe and healthy working environment;

e) Social security protection, including maternity benefits; and

f) The right to effective remedy and access to courts of law.

The standards set a minimum age for entry into domestic work to be 15 to 17 years and such child domestic workers are not to be deprived of compulsory education. Other standards provide for live-in workers, migrant workers, and regulate private employment agencies.

5.3.4 Responsibilities of domestic workers

Some of the responsibilities of domestic workers include:

a) Effectively carrying out their assigned duties.

b) Understanding the job contract in the case of migrant domestic workers, in relation to salary, working conditions, the company, person or institution exporting them, terms and conditions of work, the cultures and labour laws in the destination country and whether the company is registered and licensed by the Ministry of Gender, Labour and Social Development before going to work abroad.

A domestic worker washing clothes

UHRC noted the commendable efforts of the government and development agencies to address the plight of domestic workers in and outside the country in order to enhance respect for their human rights.

5.3.5 Domestic workers abroad

a) Bilateral agreement with Saudi Arabia for the export of domestic workers

On 7th July, 2015, Uganda signed a five-year bilateral agreement for recruitment of one million domestic workers in the Gulf Kingdom (Saudi Arabia). The agreement sets the minimum wage for Ugandan workers

at 700 Riyals (USD 200) per month. It also sets a maximum of eight working hours per day with paid overtime allowances and prohibits deductions from workers' salaries. The employer must provide a return ticket; decent accommodation, official papers, health insurance and transportation to and from work, and employers will also be required to facilitate the issuance of exit visas for "repatriation of the workers upon contract completion or in emergency."[98]

However, the employers retain the power to issue exit visas or not. This exposes the domestic workers to human rights violations. In addition, the agreement has no enforcement mechanisms to ensure respect and protection of the rights of domestic workers. The export of labour was banned on 23 January, 2016 as a result of a public outcry and intervention by the Speaker of Parliament, following numerous reports of mistreatment and harassment of Ugandan domestic workers in the Gulf Kingdom.

b) Licensed labour exporting companies

MoGLSD licensed about 25 private employment companies to recruit Ugandans to work abroad, majorly in Somalia, Iraq, United Arab Emirates, Qatar and Afghanistan. About 46,000 Ugandans have been employed in these countries since the programme started in 2006[99]. However, there is need for effective protection of domestic workers from abusive practices by the employment agencies.

5.3.5.1 Domestic workers in Uganda

a) Reduction in cases of torture of domestic workers

A baseline survey conducted by Platform for Labour Action in 2013 revealed a reduction in the number of cases of torture of domestic workers compared to what had been recorded in 2010. The monitoring exercise that UHRC carried out in 2015 on the human rights situation of domestic workers showed that 4% of the 120 domestic workers interviewed had been subjected to some form of torture, cruel, inhuman or degrading treatment or punishment. The majority (96%) of those interviewed reported that they had not been tortured by their employers in the recent past.

b) Access to legal remedy/redress

Most domestic workers do not seek justice or legal redress because they are not aware of their rights and sometimes do not even know where to go in case they have complaints. In 2015, UHRC, through the Mbarara regional office, intervened in a case of non-payment of wages of a domestic worker. It was amicably settled through mediation.

5.3.6 Human rights concerns of domestic workers

Despite the positive developments made towards realisation of the rights of domestic workers, UHRC noted key human rights concerns during the monitoring visits and from media reports, as presented below.

5.3.6.1 Human rights concerns of domestic workers employed locally

a) Ignorance about their rights and obligations

The majority of domestic workers, including their employers, were not aware of the rights and obligations of domestic workers. This was exacerbated by low levels of education and lack of information, which affected their ability to demand for their rights.

b) Unfavourable working conditions

The UHRC findings indicated that domestic workers worked under unfavourable conditions, without any identification documents from the employer. Most of them were live-in domestic workers and, although they stayed in the same house with the employer, their accommodation was not as comfortable as that of the family members. The findings indicated that the majority of domestic workers slept in the kitchen, living room or even in the store, which limited their privacy.

[98] Available at http://www.migrant-rights.org/2015/08/a-million-ugandans-for-saudi-houses-what-we-can-expect, last accessed on 14 April 2016.
[99] Available at http://www.newvision.co.ug/new.../Ugandans-recruited-abroad.Last accessed on 14 April 2016.

The bedroom for a domestic worker, which also doubles as a store.

c) Informal nature of recruitment

UHRC found that recruitment of domestic workers was casually and verbally done. No formal recruitment processes was conducted. Informal engagements were made, with terms and conditions orally and informally arrived at. Consequently, the terms and conditions were regulated and interpreted informally to the detriment of the domestic workers, who were disadvantage and exploited. Most of the workers that UHRC interviewed obtained the jobs through their own relatives or relatives of their employers. Others got the jobs through friends, through private recruitment agencies or they just walked in. In some cases, the terms and conditions of work were agreed upon between the employer and a third party.

All workers interviewed did not receive written job offers, but oral contracts briefly stating their duties and roles. Much as discussion of terms was allowed during recruitment, it was usually to the disadvantage of the desperate domestic worker and it could change depending on the employer. Informal contracts made the domestic workers vulnerable to abuse, exploitation and violation by employers.

d) Inadequate remuneration

Due to lack of a minimum wage in Uganda and the nature of their engagement, domestic workers were paid different rates and, in most cases, poorly and irregularly. Their wages and benefits varied from one employer to another. According to the domestic workers interviewed, their wages varied from UGX 20,000 to UGX 100,000 per month and none was paid an overtime allowance. The domestic workers informed UHRC that their remuneration was inadequate to cater for their basic needs and those of their families. Payment of the wages was mainly on a monthly basis, according to 94% of those interviewed, while the rest were paid per day.

A domestic worker from Awindiri in Arua municipality said:

> *"My employer has four children, but three go to school and come back at 4:00pm, so I'm left home to take care of the baby, wash clothes and cook for the family. However, my boss does not want the baby to cry, so I have to carry the baby on my back while doing housework. At the end of the month, I am paid UGX 20,000, and I have three children of my own, whose needs I have to meet, in addition to my mother's needs, since she lives with them in the village. I request that my boss should treat me well as a human being and pay me well."*

Domestic workers in Uganda also lacked the capacity to negotiate employment terms due to lack of education and ignorance about human rights. Their unequal bargaining power and frequent isolation undermined their ability to have an adequate living wage or to collectively bargain for it. Thus, they were subjected to exploitation.

e) Long working hours without leave days

UHRC noted that the working time for domestic workers varied from one employer to another, although generally, their work commenced at 5:00 am and ended after midnight. They worked overtime, from Monday to Sunday and were not aware of their right to annual and sick leave. The workers were not granted annual leave or rest days, save for festive seasons like Christmas time when they could be granted between three and seven days off. One domestic worker noted:

> *"I never get to rest even during weekends, but I rest for a few minutes when my boss is at work. I'm expected to be alert all the time and work for long hours even when I'm sick, but I'm not appreciated."*

f) Lack of social security benefits

UHRC findings indicated that none of the domestic workers was aware of the right to social security and neither were they registered with NSSF.

g) Discrimination, harassment and violence

UHRC found no reports of incidents of discrimination based on sex, race, ethnicity, disability or HIV/AIDS against the domestic workers interviewed. Nevertheless, 63% of them said they had been verbally abused, 20% were victims of emotional violence, 13% were victims of physical violence, while 4% were subjected to sexual harassment. They also noted that employers neither respected their right to privacy nor took their suggestions seriously. Most of the verbal and emotional abuse by the employers was majorly over lack of co-operation and understanding, as one noted:

> *"My boss leaves a quarter kilogram of sugar, which she emphasises, should last for two days. If it runs out earlier, that will be enough cause for a quarrel and, several times, she deducts my little money for any item that is accidentally destroyed in the house."*[100] On sexual harassment, one of the victims said: "*I'm sexually harassed by my employer's older children and yet I fear to report them to the relevant offices for fear of losing my job. The boys are not cooperative and they threaten me a lot, making it difficult for me to report to their parents."*[101]

The employers whom UHRC interacted with noted that some domestic workers lacked basic skills to perform household chores, including taking care of the children, as they ended up mistreating and harassing the children when the employer was away.

h) Child labour

Child labour is often defined as work that deprives children of their childhood, potential and dignity, and is harmful to physical and mental development. It is a violation of fundamental human rights and has been shown to hinder children's development, potentially leading to lifelong physical or psychological damage. UHRC findings indicated that most of the domestic workers interviewed (78%) were children aged between 12 and 17 years and majorly working as housemaids and babysitters. The majority had dropped out of school, while those who had been to school had primary education as the highest education level attained. The child domestic workers were subjected to all forms of abuse due to their vulnerability and failure to demand for their rights.

i) Lack of formal dispute resolution and access to justice

All the domestic workers interviewed reported that there were no formal dispute resolution mechanisms between them and their employers. Some reported having taken their cases to the area local authorities or police as the immediate available and affordable mechanism. In most cases, their matters were not heard. The majority, however, preferred not to report due to fear of losing their jobs. Furthermore, most of the domestic workers, especially those outside Kampala, were not aware of any trade unions or associations that could facilitate dispute resolution between them and their employers.

[100] UHRC interview with a female domestic worker in December 2015 in Arua District
[101] As above.

5.3.6.2 Human rights concerns of migrant domestic workers

a) Physical and sexual abuse

The year 2015 was characterised by reports of abuse of the human rights of domestic workers, especially those based in the Middle East and Saudi Arabia. Despite the fact that the government of Uganda had signed a bilateral agreement with Saudi Arabia to export young women for domestic work, there were complaints and reports by domestic workers, of being physically or sexually abused, working long hours without rest or days off, delayed or non-payment of wages, poor living conditions, restricted movement, forced labour or trafficking and little recourse to shelter or justice.

The problems faced by Ugandan migrant workers in the Middle East were aggravated by the fact that countries in the Middle East have weak labour or employment laws, which make domestic workers vulnerable to exploitation by their employers. Ugandan workers were also subjected to discrimination contrary to international and national laws. For instance, it was reported that in the United Arab Emirates (UAE) people of non-UAE origin living with HIV/AIDS cannot be employed.[102] Reports further indicated that Ugandans were sexually harassed during their employment, as one Sarah told the UHRC team during a monitoring visit:

> *"While in Kuwait, I was sexually abused in my employer's home. My bedroom had no lock – they removed it intentionally – and all the men in the house, including the boss who had a wife, would come to my bedroom at night and start harassing me. I could not sleep because every time, I was expecting men to rape me. When I shouted to scare them away or seek assistance, the madam would instead abuse me, saying I was lying. I would be raped most of the time, including in the bathroom, since it had no lock. The men would enter while I was bathing."*[103]

b) Inadequate protective gear and violation of privacy

The working conditions of domestic workers abroad generally violated international labour and human rights standards. The conditions were harsh, deplorable and unbearable. Some of them worked beyond the required limits, under unhygienic conditions and without protective gear as simple as gloves. The right to privacy was also grossly infringed upon by their employers; for example, in some cases in which domestic workers were reportedly kept under 24-hour surveillance, both in their rooms of rest and areas of work. Their movements were restricted, they could not freely express themselves and they had no access to any important information.

c) Exploitation of migrant domestic workers by the private recruiting companies

The poor working conditions of migrant domestic workers were worsened by the dubious companies that recruited unsuspecting Ugandans for migrant work. According to the 2014 Human Rights Watch report, titled *'I Already Bought You'*, employees suffered abuse at the hands of labour recruiting agents, their employers in the UAE, or both. Agents and employers in the UAE substituted the contracts the workers had signed before they left their home countries with new ones requiring them to work for less pay and under worse conditions. The Director of Interpol in Uganda, quoting some of the victims rescued from the Middle East, observed:

> *"...victims work for no pay or for peanuts. They are mistreated, beaten, denied food, threatened with violence, or turning them over to authorities. They are kept in isolation and their passports retained. They are imprisoned, are forced into prostitution, erotic dancing and unpaid labour, and oftentimes moved from place to place. They face all forms of exploitation... exploitative labour, including domestic work."*[104]

[102] Available at http://allafrica.com/stories/201208100367.html. Last accessed on 8 April 2016.
[103] Interview with Ms. Sarah in December 2015 in Koboko District.
[104] 'Human trafficking undermining the human rights struggle in Uganda', Your Rights magazine Vol. XV No. 4, UHRC, October-December 2014, page 4.

5.3.7 Recommendations

1. Ministry of Foreign Affairs and the Ministry of Gender, Labour and Social Development, should ratify and domesticate the ILO Convention No.189 on decent work for domestic workers and work closely with embassies to ensure that the conditions of work for domestic workers are human rights compliant.
2. Uganda Law Reform Commission should take measures to advance the rights of domestic workers and to formalise and regulate domestic work in Uganda.
3. Ministry of Gender, Labour and Social Development should fast track the steps necessary to establish a minimum wage that would cater for domestic workers to reduce on their exploitation.
4. Uganda Police Force, together with the Ministry of Gender, Labour and Social Development, should put in place measures to ensure effective protection of the rights of migrant domestic workers, particularly: raising employers' awareness of their obligations, instituting sanctions in case of violation, securing access of domestic workers to complaint mechanisms, and enhancing their ability to pursue legal, civil and criminal remedies, both during and after employment irrespective of departure from the country concerned.
5. Justice Law and Order Sector should strengthen legal aid services and ensure that aggrieved domestic workers access justice in a timely and fair manner.
6. Ministry of Gender, Labour and Social Development should effectively regulate the private companies that recruit migrant workers to ensure adherence to the necessary legal requirements awareness and fulfillment of their responsibilities, and compliance with human rights standards.
7. Ministry of Gender, Labour and Social Development should initiate plans to have bilateral agreements on exportation of domestic workers with countries where Ugandans are currently employed, to avoid exploitation.
8. Ministry of Gender, Labour and Social Development should carry out massive awareness on the work ethics, rights, responsibilities and duties of domestic workers and employers.

5.4 HUMAN RIGHTS CONCERNS ARISING OUT OF ENVIRONMENTAL DEGRADATION BY SELECTED BUSINESSES

Twenty years ago, the expressions 'human rights' and 'business' very rarely appeared in the same sentence. Human rights were the business of government, while companies just had to mind their own business.[105] Since then, there have been significant changes resulting from international developments, globalisation and increased dominance by businesses that influence the socio-political and economic order of a majority of states. There is an increasing global and domestic expectation that businesses should take responsibility for their adverse impacts by mitigation and remedial measures.

While it is acknowledged that businesses, big or small, largely contribute to Uganda's economic growth and development, they can directly or complicity cause environmental degradation. Some of these negative impacts range from pollution (water, air and noise) to deforestation, soil and wetland degradation. In view of this, the state monitoring organ, the National Environment Management Authority (NEMA), needs to effectively regulate and monitor the potential and negative impact of business operations on the environment and ensure effective implementation of environmental legislation.

[105] International Federation for Human Rights (IFDH), 'Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms', p.13.

The National Environment Act and the National Environment Management Policy are undergoing a reform process to address evident gaps and emerging issues so as to make them more effective in addressing environmental management for existing and future developments. Examples of the proposals that could address corporate accountability gaps include: inclusion of strong sanctions and deterrent penalties for offences; environment and social impact assessments and statements; inclusive participation of private sector and civil society; establishment of an environmental tribunal to prioritise and fast-track hearing of cases; regulation of new and emerging issues such as climate change, oil and gas discovery; disaster reduction and risk management; strategic environmental assessment (SEA); and e-waste management, biotechnology and biosafety, among others.

In 2015, UHRC carried out an initial monitoring exercise on the impact of selected business activities on the enjoyment of the right to a clean and healthy environment. Although the conclusions made are based on findings from 35 businesses, they are indicative of the overall business and human rights areas of concern that have been identified by state and non-state actors, which need to be effectively addressed.

5.4.1 Legal framework

5.4.1.1 International legal framework

The relationship between environmental degradation and human rights was first placed on the international agenda in 1972, at the UN Conference on the Human Environment, which established a foundation for linking human rights and environmental protection, by stipulating that the fundamental right of every human being is to operate in a good quality environment and that every human being bears the solemn responsibility to protect and improve the environment for present and future generations.[106] Other international instruments include the 1992 Rio Declaration on Environment and Development, the 1992 Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, the 1992 UN Convention on Biodiversity (CBD), the 2004 Stockholm Convention on Persistent Organic Pollutants (POPs), the 1992 Ramsar Convention also referred to the Convention on Wetlands, the 1992 UN Framework Convention on Climate Change and the 2013 Minamata Convention on Mercury, among others.[107]

From the business and human rights perspective, the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) are a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business.[108] It confers duties on businesses as non-state actors to refrain from human rights abuses and to avoid causing or contributing to adverse human rights activities through the exercise of human rights due diligence.[109] The International Finance Corporation (IFC) Performance Standards on Environmental and Social Sustainability, 2012 provide direction to businesses on due diligence on environmental and social matters.

5.4.1.2 Regional legal framework

Article 24 of the ACHPR provides for the peoples' right to a general satisfactory environment favourable for development. Uganda has also ratified the 1968 African Convention on the Conservation of Nature and Natural Resources, but it is yet to ratify its 2003 revised comprehensive version. Other legislation includes the International Conference on the Great Lakes Region (ICGLR) Protocol on the Illegal Exploitation of Natural Resources and the Treaty on the East African Protocol on Environment and Natural Resources Management, 2006.

[106]Principle 1 of the Stockholm Declaration.
[107]The goal of the CBD is the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising from genetic resources. The Stockholm Convention aims at elimination or restricts the production and use of persistent organic pollutants. The Minamata Convention seeks to protect human health and the environment from the adverse effects of mercury.
[108]UNGPs are grounded on three pillars under the Protect, Respect and Remedy (PRR) framework, which focuses on the recognition of states' obligations to respect, protect and fulfil human rights and fundamental freedoms; the role of businesses to comply with the law and respect human rights; and the need for effective remedies in cases of breaches of such rights.
[109] 'Guiding Principles on Business and Human Rights: Implementing the UN Protect, Respect and Remedy Framework,' 2011, UN OHCHR, p.19.

5.4.1.3 National legal framework

Article 39 of the 1995 Constitution of Uganda provides for the right to a clean and healthy environment and places an obligation on the state to manage the utilisation of natural resources and to take possible measures to prevent and minimise damage and destruction of the environment.[110] Article 20 (2) of the 1995 Constitution further stipulates that the rights and freedoms shall also be respected, upheld and promoted by '*all persons*', which can be interpreted to include legal actors such as 'businesses'. Other laws and policies that have a bearing on environmental rights include: the National Environment Act Cap 153 and its regulations; the Uganda Wildlife Act Cap 200; the National Policy and Tree Planting Act, 2003; the National Environment Management Policy, 2004 (under review); the National Wildlife Policy, 2014; the National Forestry Policy, 2001; and the National Wetlands Policy for the Conservation and Management of Wetlands, 1995.

5.4.2 Nature of business operations in Uganda

Businesses are categorised according to whether their economic activities are within or outside the formal institutional framework. Majority of businesses in Uganda operate informally,[111] are private sector-led and are mainly involved in services, agriculture, trade, manufacturing and processing, and extractives.[112]

The statistics on the registered business names show that in 2014, they were 17,596, in 2015 they were 12,847. Registered companies in 2014 were 17,507 and in 2015, they were 19,818. The majority of micro-sized, medium and small-scale enterprises (MSMEs) were operating in the informal sector, with 49% in the service sector, 33% in commerce and trade; 10% in manufacturing and 8% in other sectors.[113] No recent information could be obtained on the number of business establishments in the formal and informal sector since the last census of business establishments in Uganda was held in the FY 2010/11.

5.4.3 Business operations monitored by UHRC in 2015

In 2015, UHRC, through six of its regional offices, monitored 35 selected businesses to establish the environmental-related actions taken to prevent, mitigate and remedy abuses resulting from their business operations. Tables 5.4.1 and 5.4.2 below show the number and nature of business operations respectively that UHRC monitored in 2015.

Table 5.4.1: Number of business operations monitored per regional office

Regional office	Number of business operations monitored
Central	9
Gulu	6
Moroto	9
Hoima	2
Jinja	7
Fort Portal	2
Total	**35**

[110]n. 39 above, Objective XXVII of the National Objectives and Directive Principles of State Policy.
[111]Characteristics of the informal sector include: use of low technology, meaning that activities are labour-intensive; employment of less than five people; lack of social protection schemes; domination by unskilled labour; and extensive use of raw materials.
[112]Uganda Registration Services Bureau (URSB) Annual Report 2014.
[113]Micro-sized, Medium and Small-Scale Enterprises (MSME) Policy, 2015. The 8% includes the extractives sector, of which artisanal mining is mainly informal in nature unlike oil and gas mining.

Table 5.4.2: Nature of business operations monitored by UHRC in 2015

Nature of business operations	Micro-sized	Small-scale	Medium	Large Scale	Multinational	Total
Agribusiness	2	2	5	1	0	**10**
Manufacturing/ Processing	0	1	4	3	0	**8**
Extractives	1	5	4	3	3	**16**
Others (construction)	0	0	0	1	0	**1**
Total	**3**	**8**	**13**	**8**	**3**	**35**

The 35 selected business entities that UHRC monitored were engaged in the agribusiness, manufacturing/ processing, extractives and others. They were based in 17 districts in the areas under the six UHRC regional offices. Table 5.4.3 below shows the specific businesses that UHRC visited in 2015.

Table 5.4.3: List of the selected business operations monitored by UHRC in 2015

No.	Business operation	District	Nature of Business
1	Branch Energy	Kaabong	Extractives (gold mining)
2	East Africa Mining Co. Ltd	Kaabong	Extractives (gold mining)
3	Lopedo mining site	Kaabong	Extractives (gold mining)
4	Moruita mining site	Nakapiripirt	Extractives (gold mining)
5	CRBC	Nakapiripirt	Extractives (gold mining)
6	Namoru mine (near Kidepo National Park)	Kaabong	Extractives (gold mining)
7	Sodoku mine	Kaabong	Extractives (gold mining)
8	Timu gold mine site	Kaabong	Extractives (gold mining)
9	Chakalom mine (near Kidepo National Park)	Kaabong	Extractives (gold mining)
10	Tullow Oil Uganda	Kampala and Hoima	Extractives (oil and gas mining)
11.	CNOOC Uganda	Kampala and Hoima	Extractives (oil and gas mining)
12.	Total Uganda	Kampala	Extractives (oil and gas mining)
13.	Opit Investment Ltd	Gulu	Agribusiness
14.	Organic Blessed Release	Gulu	Agribusiness
15.	St. Francis Sunflower Press	Gulu	Agribusiness
16.	Gulu Agricultural Development Company	Gulu	Agribusiness
17.	Beb Wine Ltd	Gulu	Processing
18.	Mohan Millers (U) Ltd	Gulu	Processing
19.	Ngetta Rock Quarrying	Gulu	Extractives (quarrying)
20.	Akonykori Poultry Farm	Gulu	Agribusiness
21.	Jambo Tannery	Busia	Processing
22.	H.M Capital - Tororo Limestone Quarry	Tororo	Extractives (quarrying)
23.	Seba Foods	Tororo	Agribusiness and Processing
24.	Kamuli Sugar Factory	Kamuli	Agribusiness and Processing
25.	Kaliro Sugar and Allied Industries Ltd	Kaliro	Agribusiness and Processing
26.	Dummen Orange	Mpigi	Agribusiness
27.	Okra Beverages Ltd	Mpigi	Processing
28.	Riley Packaging Ltd	Mukono	Manufacturing

No.	Business operation	District	Nature of Business
29.	Jomayi Stones and Concrete Products	Mukono	Extractives (quarrying)
30.	Katonga - Kasokoso Quarry	Wakiso	Extractives (quarrying)
31.	Chillis Farm	Luweero	Agribusiness
32.	Ssingo Artisanal Gold miners association	Mubende	Extractives (quarrying)
33.	Biyinzika Poultry International Ltd	Mukono	Agribusiness
34.	Tidet (Hima) Kilembe Mines	Kasese	Extractives (quarrying)
35.	China Railway Zenith Co. Ltd	Kamwenge	Construction

5.4.4 Findings on selected business activities and environmental rights in 2015

5.4.4.1 Exercise of due diligence by business enterprises in 2015

Human rights due diligence is a continuous risk management process that a business (big and small) should utilise to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts. Due diligence measures used by businesses in 2015 included: the use of precautionary approaches such as self-regulatory systems and mechanisms;, introduction of environment management systems, construction of waste treatment facilities, staffing for environment management, self-auditing[114], environmental sustainability reporting, implementing action for corporate and social responsibility, and other innovations that have had positive impact on the environment and society.[115]

According to UHRC findings, 19 of the 35 businesses monitored reported that they: conducted continuous and systematic risk assessments on the materials, products and processes used; and regularly maintained the production processes and environmental protection systems (air pollution control, wastewater treatment systems, etc). They also provided information to stakeholders (workers, consumers, the public) about uncertainties and potential risks to the environment of the company's products and processes and, in some instances, engaged in stakeholder dialogue, including surrounding communities, on critical environmental issues.[116] UHRC noted that these actions were mainly taken by businesses operating in the extractives (oil and gas), processing and a few in the agribusiness sector.

UHRC learnt that 23 of the 35 business enterprises had some form of policies and/or mechanisms to address human rights-related impacts.[117] Sixteen businesses informed UHRC that they had emergency procedures in place to prevent and address accidents/disasters affecting the environment and human health, such as procedures, plans and equipment to effectively respond to accidents and emergencies. They reported to have identified the hazardous operations and potential consequences, and had measures to notify the communities of any such emergencies.

Even though the businesses regarded the due diligence measures as essential, businesses raised the challenges of overhead costs for continuous risk assessments/audits and maintenance of environmental protection systems.

[114]Regulation 19 of the National Environment (Audit) Regulations No. 12 of 2006 encourages businesses to carry out voluntary environmental audits as an internal precautionary measure.
[115]NEMA reported that during its inspections, businesses such as the tanneries in Jinja district, cement industries in Tororo district, beverage processing and breweries, and oil and gas wells and fields in the Albertine graben had used such steps.
[116]Dummen Orange, Okra Beverages Ltd, Riley Packaging Ltd and Kamuli Sugar Factory had such policies. There were reports on stakeholder dialogue between oil companies, CSOs, government actors and communities.
[117]Total Uganda has a code of conduct and a human rights guide to ensure that the company acts ethically, and holds stakeholder forums to discuss its impact, including on sustainable development. CNOOC has a self-monitoring process, with progressive audits done by external consultants on social and environmental impact and their mitigation.

5.4.4.2 Impact of business operations on the environment in 2015

While Uganda is regarded as having a rich and bio-diverse natural environment, there have been increased cases of degradation, some of which are attributable to activities of errant businesses that violate the acceptable legal minimum standards. Some key instances of environmental degradation in form of pollution, deforestation, soil and wetland degradation, resulting from business activities, are discussed.

Pollution (air, water, soil and noise) refers to the discharge of effluent from industries, improper sewage and waste disposal, gaseous emissions and dust from industries, mismanagement of agro-chemicals and the use of low-grade machinery. Soil degradation refers to the mismanagement of agro-chemicals, poor farming methods and practices, land fragmentation and abandoned mines and pits/gullies from mining. Wetland degradation is the extensive drainage, burning and conversion of a wetland, while deforestation is the uncontrolled cutting of trees and encroachment of forests, all for infrastructural and agricultural development. Land degradation is a process in which the value of the biophysical environment is affected by a combination of human-induced processes that pollute or degrade the quality of soils and land.[118]

The findings are based on the observations made by UHRC during its monitoring visits, as well as on complaints and concerns raised to UHRC by affected/surrounding communities and by the district environmental officers. Noise, water and air pollution in addition soil and wetland degradation were the most common negative effects of the business activities monitored. Of the 35 businesses monitored, it was reported that 7 directly caused negative effects on the environment, 5 contributed to the negative impact, while 3 were indirectly involved.[119]

Some of the direct causes of the negative effects were attributed to: lack of or ineffective waste disposal systems, use of low/poor grade machinery, and lack of continuous EIAs, coupled with inadequate inspections or inaction by the enforcement bodies. These effects were likely to impact on the livelihood of surrounding local communities, who were involved in economic activities such as agriculture, trading, pastoralism, fishing and mining. Table 5.4.4 is a summary of reported cases of environmental degradation by businesses.

5.4.4: Summary of reported cases of environmental degradation by businesses

No.	Business operation	Location	Nature of environment abuse	Source of information
1.	CRBC	Nakapiripirit District	**Water pollution:** resulting from poor waste disposal system. Some of their waste had been channelled into a river, which affected the people of Utut village in Moruita sub-county who experienced stomach illnesses and constant diarrhoea as a result of consuming contaminated water.	UHRC
2.	Lopedo Mining Site	Kaabong District	**Soil/land degradation:** open pits, tunnels and gullies left open without refilling, which led to accidents (three people died in 2014) and soil degradation.	UHRC

[118] Available at http://www.who.int/globalchange/ecosystems/. Last accessed on 6th June 2016.
[119] n.109 above. UN Guiding Principle 13 states that the responsibility to respect human rights requires that business Enterprises avoid causing or contributing (directly or indirectly) to adverse human rights impacts through their own activities, and address such impacts when they occur. Examples of such businesses include H.M Capital - Tororo Limestone Quarry, St. Francis Sunflower Press, Kaliro Sugar and Allied Industries Ltd.

No.	Business operation	Location	Nature of environment abuse	Source of information
3.	Gold mining	Mubende District	**Soil/land degradation:** use of mercury for mining by communities.	National Association for Professional Environmentalists (NAPE)
4.	Gold mining	Buhweju District	**Wetland degradation:** NEMA issued a restoration order.	NEMA
5.	Uganda Plastic Manufacturers and Recyclers Association; supermarkets	Kampala, Mukono and Wakiso districts	**Pollution:** Use of the polyethylene carrier bags (*'kaveera'*). Ban was enforced and eight metric tonnes of *kaveera*-carrier bags were seized from key supermarkets within Kampala, Wakiso and Mukono districts. Plastic bags are considered among Uganda's worst environment pollutants, as they contain toxic dyes and plasticisers that can leach into foodstuffs, thereby endangering a consumer's health.	NEMA
6.	Infrastructural developments (roads and houses)	Kasese District	**Wetland degradation:** resulting from infrastructure development which will have likely negative impacts on the water catchment areas.	NEMA
7.	China Railway Construction Company Limited (CRCCL)	Mbarara and Ntungamo districts	**Soil/land degradation:** Dumping of murram in the wetland near River Rwizi in order to construct Mbarara-Kabale highway. CRCCL was contracted by the Uganda National Roads Authority.	NEMA
8.	Gulu Agricultural Development Company	Gulu District	**Noise pollution:** Noise pollution from the cotton factory on the surrounding dwellers.	UHRC
9.	St. Francis Sunflower Press	Gulu District	**Pollution:** Lack of chemicals for treating the waste products at St. Francis Sunflower Press posed a threat to the environment if left untreated.	UHRC
10.	H.M Capital - Tororo Limestone Quarry	Tororo District	**Air and noise pollution and soil/land degradation:** Dust caused by the stone crashing, and rock blasts that cause noise and vibrations. Therefore, the air has been polluted and the soil in the area has been degraded. As a result of the blasting, earth tremors and flying stones have caused accidents in the area.	UHRC
11.	Kaliro Sugar and Allied Industries Ltd	Kaliro District	**Deforestation and wetland degradation:** The district environment office has had challenges with: deforestation carried out to pave way for sugarcane growing, high consumption of ground water leading to low water table, and conversion of wetlands into sugarcane plantations.	UHRC

No.	Business operation	Location	Nature of environment abuse	Source of information
12.	Riley Packaging Ltd and Biyinzika Poultry International	Mukono District	**Pollution:** Communities and authorities complained of issues of waste management, but the business authorities rectified the matter.	UHRC

Open pits at Loredo gold mining site Kaabong District

Salt mining on Lake Katwe Source: NAPE

A drainage channel in Kampala loaded with 'kaveera' Source: NAPE

5.4.5 Interventions by the regulatory framework in 2015

It is necessary for the growth of business operations to be marched with strong and enforceable policies, legislation and mechanisms to protect the environment from degradation. NEMA is the principal agency for environmental and natural resources management in Uganda and its responsibilities entail coordination, supervision, monitoring and enforcement of environmental legislation. Environmental management requires a multi-sectoral approach in partnership with relevant line ministries and lead agencies, the private sector and civil society to assist in enforcement, compliance, legal and policy advocacy.[120] Other law enforcement agencies include the National Forestry Authority, the Wetlands Management Department and the Environmental Protection Police Unit[121] (EPPU) that were created to enforce environmental and conservational laws pursuant to the constitutional provisions that emphasise the need for a clean and healthy environment. UHRC noted some of the actions, mechanisms and tools used to monitor business operations as explained below.

5.4.5.1 Enforcement mechanisms

a) Business projects approved by NEMA in 2015

In 2015, NEMA regulated business projects that were considered for environmental impact assessments (EIA).[122] Examples of such projects were urban developments, transportation, forest-related activities, mining, aerial spraying, dams, rivers and water resources, processing and manufacturing, management of hydrocarbons, waste disposal, agriculture, electric infrastructure and nature conservation. Consequently, NEMA approved business projects for 356 entities.[123] Table 5.13 below shows the dominant categories of projects approved by NEMA.

Table 5.13: Dominant projects approved by NEMA in 2015

ICT	Infrastructure	Industries	Fuel stations, depots	Minerals/ mining / oil & gas
184	97	30	39	28
175	65	27	44	13
54	63	50	22	48
124	85	60	60	30
211	176	63	46	19
748 (35.8%)	**486 (23.3%)**	**230 (11%)**	**211 (10.1%)**	**138 (6.6%)**

b) Environmental inspections and audits

Environmental monitoring is done of any business, project or activity with a view of determining its immediate and long-term effects on the environment. In the financial year 2014/2015, a total of 1,154 of the planned 1,200 environmental inspections were carried out.[124] NEMA gazetted 375 (300 planned) environmental inspectors from various sectors and lead agencies across the country. However, due to funding challenges, only 90 were trained. In addition, NEMA received 787 environmental audit reports from development projects and facilities. During UHRC monitoring visits, nine businesses reported to have undertaken environmental audits. According to the Environment Protection Police Unit (EPPU), there is need for audits of approved activities to ensure that businesses/developers adhere to the conditions of approval set out by NEMA.[125]

[120] P. Basemera, Senior Environment Education Officer, NEMA, 'Monitoring the Impacts of the Business Operations on the Environment 2015: Progress; Challenges and Interventions,' A presentation made at the UHRC 18th Annual Report consultative meeting held at the Sheraton Kampala Hotel, 29 to 30 March 2016.

[121] EPPU was established in 2009, with the mandate to detect and prevent environmental crimes, apprehend and facilitate the prosecution of environmental offenders; carry out awareness campaigns on environmental crimes to deter would-be offenders, conduct monitoring, control and surveillance under guidance of technical staff to ensure compliance with EIA; to serve administrative orders or notices by relevant agencies.

[122] EIA is a formal process of identifying the likely impacts of proposed activities or projects on the environment, human health and welfare; and the means and measures to mitigate (avoid/reduce/restore/remediate/ compensate) and monitor these impacts.

[123] n. 121 above.

[124] Section 80 of the National Environment Act. The inspections focused on prioritised follow-up actions with focus on the major sectors, such as industrial facilities for chemicals, paints, foods and beverages; tanneries; and developments in the Albertine Graben (within the oil and gas sector) through multi-sectoral, multi-media and multi-disciplinary inspections.

[125] Environmental Protection Police Unit Activity Report for the Period January - December 2015, p.v.

c) Public awareness and sensitisation

Public awareness and sensitisation is a key requirement for enforcement of legislation. NEMA, in partnership with NAPE, conducted public awareness campaigns on the ban of polyethylene bags and on the dangers of mercury use in mining. EPPU and NFA technical personnel reportedly participated in 11 community policing and sensitisation programmes on environmental laws and regulations.[126] However, public awareness coverage has been limited due to human and financial resource constraints.

Some businesses UHRC monitored in the extractives sector, such as CNOOC and Tullow Oil, reported providing information about uncertainties and potential risks to the environment of their companies' products and processes, and, in some instances, engaging in stakeholder dialogue on critical environmental issues.[127]

d) Social and economic incentives

Social and economic incentives and/or disincentives complement regulatory measures to influence the businesses to invest in sustainable environmental management. These may be pricing, fees, fines, tax incentives for desirable activities. UHRC observed that some of the businesses were either reluctant or unaware of the costs and benefits from developing sustainable environmental and social policies.[128]

e) Environmental restoration orders

Where business activities affect the environment, NEMA or a court may issue a restoration order requiring the person to cease the activities or to restore the environment as much as possible to its original state. In 2015, NEMA initiated restoration of degraded Lake Kyoga shorelines and catchment areas through strategies such as awareness raising, wetland restoration and tree planting, among others. In addition, Akadot wetland in Kumi district was restored and part of the wetland regained its ecological functions and products.[129]

5.4.5.2 Enforcement tools

a) Environmental impact assessments (EIAs)

The National Environment Act requires a developer of a project to undertake or procure expert services to conduct an EIA within three months, where NEMA is of the view that the project may have a significant impact on the environment. EIAs are reviewed by EIA personnel at NEMA and lead agencies, as well as environment officers at district local governments. In the financial year 2014/2015, developers submitted 874 EIA reports and NEMA issued 591 EIA certificates.

During UHRC's monitoring visits, 26 businesses reported having conducted an EIA in the form of an environmental impact review, environmental impact evaluation and environmental impact study as steps in due diligence. However, only 10 of the businesses reported having conducted their EIAs in a participatory manner involving members of the surrounding community as required by the law, and availed their environmental impact statements to the public.

The Environment Protection Police Unit emphasised the need for NEMA to verify information given in reports following EIAs by developers. In 2015, EPPU received complaints from residents/communities that some errant consultants had fraudulently obtained their signatures alleging their consent for projects, such as the establishment of telecommunications masts and other related developments.[130]

[126] As above, p.8.
[127] Total, CNOOC and Tullow Oil Uganda have company policies and outreach programmes that include stakeholder sensitisation and dialogue on critical environmental issues such as on waste disposal management. Information can be obtained from the Uganda Country Guide on Business and Human Rights, p.94.
[128] NEMA ban of 'polythene bags or 'kaveera' of less than 30 microns was based on the premise that the economic, health and social costs of the continued use of kaveera outweighed the economic benefits derived from its production, and its cost is reflected in the increasing cost of malaria, reduced agricultural productivity and infrastructure repairs. The High Court upheld this decision in Uganda Plastic Manufacturers and Recyclers Association vs. NEMA.
[129] Eighteen key wetlands and related ecosystems were inspected and some restored in FY 2014/15.
[130] n. 126 above.

b) Refundable performance deposit bonds

According to Section 94 of the National Environment Act, activities and industrial plants that produce highly-dangerous or toxic substances that have significant adverse impacts on the environment may be required to deposit bonds as security for good environmental practice. In practice, however, NEMA did not utilise this precautionary measure well.

5.4.6 Judicial and non judicial remedies

5.4.6.1 Corporate accountability

Corporate accountability refers to additional enforceable strategies of influencing corporate behaviour. It implies that corporate behaviour is influenced by pressure exerted by social and state actors beyond the company itself to bring about compliance with human rights and environmental standards, and contribute to organisational and cultural change in companies. In 2015, businesses used it, for instance through community-based initiatives and social audits on their performance in terms of human rights, and could impact on their social licence to operate.

5.4.6.2 Access to remedy

In practice, access to remedy for such environment-related abuses is through state-based judicial mechanisms (courts), state-based non-judicial mechanisms (UHRC), or to non-state-based grievance mechanisms.[131] The prospect of environmental-related abuses receiving justice has been relatively successful compared to economic, social and cultural rights, with a number of cases being brought against businesses for environment-related abuses. Over the years, environment-related issues in Uganda have been handled through the courts of law, as illustrated in Box 5.1, which is a summary of selected cases handled or pending before the courts of law. EPPU raised the issue of the inadequate appreciation, by judicial officers and state attorneys, of their role in protecting and conserving the the environment, giving non deterrent sentences to offenders and delay in determination of cases of environmental abuses.[132]

[131]Examples of non-state-based grievance mechanisms include company-level grievance mechanisms, multi-stakeholder and other collaborative initiatives (OECD Contact Points, IFC Compliance Ombudsman and the Office of the Compliance Advisor Ombudsman).
[132]As above.

Box 5.1: Summary of selected cases handled by or pending in the courts of law/tribunal
Concluded cases

Uganda Plastic Manufacturers & Recyclers Association v. NEMA (High Court at Kampala)

The High Court ruled that the effect of polythene bags or '*kaveera*' of less than 30 microns on the environment, land and health of human beings is irreversible and outweighs the financial gain out of the sale, manufacturing and distribution of *kaveera*.

Uganda Versus Emmanuel Kishate & two others, 2013

In 2013, environment inspectors from NEMA and Bushenyi District Local Government carried out inspections in Nyamuhiizi-Kagogo wetland located in Mitooma town council, Katenga and Mitooma sub-counties, now Mitooma district. Several individuals were found to have encroached on the wetland, mainly reclaiming it for dairy farming business. NEMA issued and served restoration orders on the degraders, most of whom complied, except the accused, who had continued to drain the wetland to turn it into a cattle farm. NEMA took the two to court in October 2013 in a bid to have the two evicted from the wetland.

Mitooma district magistrate, Mr. Gordon Tumusiime, on 25th June 2015, ordered the two degraders, Mr. Emmanuel Kishate and Mr. Emmanuel Tumwesigye, out of the Nyamuhiizi-Kagogo wetland. Court sitting at Mitooma found that the two had abused the right to a clean and healthy environment, which they ought to have ensured according to Section 3 of the National Environment Act.

Pending cases:

National Association of Professional Environmentalists (NAPE), Advocates for National Resources Governance, Green Watch and Nature Uganda vs. Rosebud Ltd and NEMA (HCCS No.176 of 2013)

In a public interest civil suit, four NGOs sued NEMA for the encroachment of a flower farm in Lutembe wetland in Wakiso district (on the edge of Lake Victoria). NEMA was accused of breaching Ugandans' right to a clean and healthy environment by granting a certificate of approval for an EIA to expand the farm, without consultation with the Ministry of Water and Environment.

NAPE vs. HIMA Cement (HCCS No. 144 of 2008)

NAPE sued the cement company over encroachment into Queen Elizabeth National Park in Kasese district and engaging in illegal mining of limestone.

Bugala Farmers Association of Kalangala vs. BIDCO, Landlord and Oil Palm Uganda Limited (OPUL 2015

This case was filed by Bugala Farmers Association against BIDCO for grabbing their land, including the forest reserve, and causing environmental destruction in the Bugala island of Lake Victoria. The case is ongoing in court in Masaka, and the court ordered an injunction until the issue is addressed.

Lubatuka Donazio vs. Dott Services Ltd and UHRC (Masaka regional office) (Complaint No. 138 of 2013)

The complainant, Lubatuka Donazio, lodged a case against the respondent, Dott Services Ltd., for violating the right to a clean and healthy environment, basing on the allegation that the blasting of stones by the company had caused cracks to people's houses and in the ground. The case is currently at tribunal level.

5.4.7 Other related business and human rights challenges

1. Inadequate appreciation by businesses and some state actors of the linkage between business operations and human rights.
2. Laissez-faire attitude/reluctance or impunity by some errant businesses owners to comply with business and human rights standards, in some cases due to political interference.[133]

[133] n. 120 above.

3. Inadequate budget allocation to the environment sector, which has affected the coordination, enforcement and the continuous monitoring and surveillance roles of NEMA, EPPU and relevant ministries and lead agencies.
4. Delay in determination of cases of environmental abuses by the courts of law, with backlog of over eight years for some cases.
5. Poor coordination between NEMA and relevant line ministries and agencies on environmental management.
6. Inadequate consultation with NEMA on the central and local governments' issuance of land titles in fragile ecosystems to businesses.
7. Corruption in the Environment and Natural Resources sub-sector. This is common occurance in regards to the acquisition of land titles for protected and gazetted areas such as wetlands and forest reserves.[134]
8. Inadequate public awareness of their role in promotion and protection of environmental rights and on proper management of environmental resources.

5.4.8 Recommendations

1. Uganda Law Reform Commission, Ministry of Water and Environment and National Environmental Management Authority should fast-track the environmental law and policy reform process to address evident gaps and emerging issues, so as to make the legal and policy framework more effective.
2. Uganda Law Reform Commission, the Ministry of Water and Environment and National Environmental Management Authority should ensure that the policy and law reform process is done in a participatory and consultative manner.
3. National Environmental Management Authority and relevant line ministries and lead agencies should strengthen the capacity of environment inspectors on new and emerging issues, including the use of economic instruments and tax administration for environmental management at national, sector and local levels.
4. Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the environment sector non-wage budgets to cater for resources needed for environmental management and enforcement activities.
5. National Environmental Management Authority, businesses, lead agencies and line ministries should build their capacity to better appreciate and implement the UN Guiding Principles on Business and Human Rights in their operations.
6. Businesses should put in place and effectively implement well-developed human rights policies, self-regulatory systems and mechanisms for environmental management, risk assessment, emergency/disaster response and grievances.
7. National Environmental Management Authority and relevant line ministries and lead agencies responsible for environmental management should have multi-sectoral consultations and planning of interventions in order to harmonise and coordinate conflicting institutional mandates.
8. National Environmental Management Authority, in conjunction with key players such as other government agencies, the private sector and civil society, should ensure that there are massive public awareness programmes on the effects of business operations on the environment and on utilisation of available redress mechanisms.

[134]n. 132 above. EPPU reported that some businessmen had fraudulently acquired land titles and encroached on Ruti Forest reserve in Mbarara District and started demarcating and selling the plots. EPPU and NFA made timely interventions to reclaim the land which is rapidly regenerating. p.6

9. National Environmental Management Authority should ensure that performance deposit bonds are paid as security by businesses that produce dangerous and/ or toxic substances that have significant adverse impacts on the environment.

5.5 IMPACT OF DIGITAL TECHNOLOGY ON PERSONAL DATA SAFETY, HUMAN RIGHTS AND RESPONSIBILITIES

Digital rights refer to the human rights afforded to individuals who access and use computers, electronic devices and communications networks. They are human rights that exist on the digital platform.[135] Digital rights underscore the right and freedom to use all types of digital technology. International legislation has affirmed that the rights held by people offline must also be protected online.[136] As such, the term is specific to the protection of existing rights, which include the right to privacy, access to information and the freedom of expression and opinion.[137]

The other important aspect of digital technology from the human rights perspective is data protection. This refers to how personal information that is collected, stored and utilised by organisations, businesses and the government is controlled. Everyone who collects, stores and uses personal data has to ensure that the information is used fairly and lawfully; used for limited and specifically legitimate, stated purposes; used in a way that is adequate; kept for no longer than is absolutely necessary; and kept safe and secure[138]. The protection of data is of fundamental importance to an individual's enjoyment to their right to privacy and their right to access one's own data in possession of the authorities.[139]

It must be emphasised that rights go hand in hand with responsibilities. This means that even when individuals are afforded the rights to access digital technology, the responsibility to use the technology in an acceptable and appropriate manner should be emphasised in equal measure.[140] The information in this section is a result of a series of UHRC interviews with specific persons,[141] UHRC monitoring of print media, and UHRC monitoring exercises covering 43 districts, involving interviews with respondents drawn from radio stations, district information offices, computer education institutions and mobile network companies, among others.

5.5.1 Digital technology and human rights in Uganda

Digital communications and technologies, such as the Internet, broadcasting (televisions and radios) and mobile smart telephones have become part of the very fabric of everyday life in Uganda. This is reflected in the growth of the use of these technologies. The Uganda Communications Commission (UCC) estimates that by September 2015, there were 22,973,902 mobile and fixed telephone connections, which accounts for 64% of the population[142]. This is a significant rise from the 10,237,160 mobile and fixed telephone connections that existed in 2010.[143] Furthermore, UCC estimated that by the end of 2015, there were 12,986,216 internet users, constituting 36% of the population of Uganda. This is in comparison to the estimated 3,500,000 internet users that existed in 2010.[144]

[135]World Economic Forum, 'What are your digital rights?' http://www.weforum.org/agenda/2015/11/what-are-your-digital-rights-explainer/; accessed on10th January 2016.
[136]General Assembly Resolution 20/8, *'The promotion, protection and enjoyment of human rights on the Internet'*, 29th June 2012, A/HRC/20/L 13, Human Rights Council, 20th Session.
[137]F. La Rea, *'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression'*, Human Rights Council, 17th Session, 16 May 2011.
[138]Information Commission Office, 'The principles of data protection, upholding information rights', Available at http://ico.org.uk/media/1042048/8-data-protection-principles-postcard.pdf; Last accessed on 15th March 2016.
[139]L. Joinet, *'Guidelines for the requisition of computerized personal data files'*, Human Rights and Scientific and Technological Developments, ECOSOC, Commission on Human Rights, 20th February 1990.
[140]Digital Rights and Responsibilities, Digital Citizenship Available at http://sites.google.com/site/digitalcitizenshipdferris/digital-rights-and-responsibilities; Last accessed 15 March 2016.
[141]Some of the persons interviewed include: members of parliament, bloggers, various government ministries, departments and agencies, and several CSOs.
[142]Postal, Broadcasting and Telecommunications Annual Market and Industry Report, 2014/2015, Available at http://www.ucc.co.ug/files/downloads/Annual%20Market%20Industry%20Report%202014-15-%20October%2019-2015.pdf; Last accessed on 28th January 2016.
[143]As above.
[144]As above.

The undisputed increased use of real-time communication in Uganda has enhanced the promotion of several human rights and freedoms, such as freedom of expression and opinion; as well as access to information, thereby increasing citizens' participation in social and democratic processes in the country. Digital communications and devices have provided an amplified voice for human rights defenders (HRDs), such as journalists, civil society groups and activists countrywide. Indeed, UHRC and many HRDs have Facebook pages and Twitter accounts as a method of improving enjoyment of human rights through instantaneous information-sharing. Digital communications have also provided HRDs with tools to document and expose human rights issues, for instance with use of specific software packages, ultimately improving the human rights environment in Uganda.

However, there have been a number of concerns raised about the threats to the enjoyment of digital rights, which inhibit the free functioning of a society. This section presents a discussion on the extent of the enjoyment of digital rights in Uganda, and recommendations on how the concerns can be addressed.

5.5.2 The legal framework

5.5.2.1 International legal framework

The protection of digital rights is firmly anchored in international law. The Universal Declaration and the ICCPR are the key international instruments providing for them. Article 12 of the Universal Declaration provides the right to privacy, family, home and correspondence, and Article 19, the freedom of opinion and expression. The latter includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and other digital platforms. It further provides that the exercise of these rights has special duties and responsibilities by the rights holder. In the same vein, Article 17 of the ICCPR provides for the right to privacy,[145] while Article 19 provides for freedom of opinion and expression.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression explained in his report of 2011 that access to the Internet should be viewed as a human right.[146] The report noted the unprecedented force the Internet has, given its unique characteristics, such as its speed, worldwide reach and relative anonymity, stating: *"....Internet is becoming an indispensable tool for realizing a range of human rights, increasing equality and accelerating development and human progress; ensuring universal access to the Internet should be a priority of all states"*. Furthermore, access to Internet is the UN Sustainable Goal Number 9, calling for affordable and universal access to Internet by 2020.

5.5.2.2 Regional legal framework

Article 9 of the ACHPR provides for the right to receive information and the right to express and disseminate opinions. In addition to this, the African Declaration on Internet Rights and Freedoms, an initiative by African CSOs, provides guidance for the creation of a positive, rights-based and democratically-governed Internet policy environment in Africa.[147] Currently, eight CSOs from Uganda have endorsed the Declaration.

A draft framework of cyber laws is under consideration at the East African level, which will cover areas such as intellectual property, taxation, competition and information security.

5.5.2.3 National legal framework

Article 27 of the 1995 Constitution provides for the right to privacy of person, home and other property. Article 29 (1) (a) guarantees freedom of speech and expression, while Article 41 provides that every citizen has the right to access information in the state's possession.

[145]No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to lawful attacks on his honor and reputation.
[146]n. 137 above.
[147]T. Orrell, 'The African Declaration on Internet, Rights and Freedoms', November 2015, Available at http://africaninternetrights.org/wp-content/uploads/2015/11/6-Policy-paper-The-African-Declaration-on-Internet-Rights-and-Freedoms-A-Positive-Agenda-For-Human-Rights-Online-November-2015.pdf; Last accessed on 15 January 2016.

The Uganda Communications Commission Act, 2013 establishes the regulator of telecommunication services, the UCC. The Act further criminalises denial of access to services and provides for the punishment of unlawful interception and disclosure of communication by a service provider.[148]

The National Information Technology Authority Uganda Act, 2009 establishes the National Information Technology Authority (NITA) and provides for its objectives, functions, composition, management and finances.

The Computer Misuse Act, 2011 provides for the safety and security of electronic transactions and information systems; prevents unlawful access, abuse or misuse of information systems, including computers; and makes provision for securing the conduct of electronic transactions. It penalises unlawful interception of information; unauthorised disclosure of information; production, distribution and sale of child pornography; as well as cyber harassment and cyber stalking.

The Regulation of Interception of Communications Act, 2010 provides for interception and monitoring of certain communications in the course of their transmission through a telecommunication, postal or any other related service or system in Uganda in certain limited circumstances.

The Access to Information Act, 2005 operationalises Article 41 of the Constitution on the right to access information, prescribing the procedure to follow.

The Electronic Signatures Act No.7 of 2011 provides for and regulates the use of electronic signatures, while the Electronic Transactions Act No.8 of 2011 makes provision for the use, security, facilitation and regulation of electronic transactions.

5.5.3 Existing environment for the promotion of digital rights and data protection

5.5.3.1 Operating national framework

UHRC commends the government for creating an environment that has enabled the information technology and telecommunications industry to thrive. This growth has been supported by legislative, administrative and oversight structures and frameworks established by government. This has provided clarity and coherence on how the industry should operate. The national structures and frameworks represent an accountability mechanism in the event of an infringement or a digital human rights abuse. Furthermore, such structures are aimed at monitoring compliance with and enforcement of human rights standards. UHRC considers the framework described below as key in promoting and protecting digital human rights:

a) The Ministry of Information and Communications Technology

The ministry, which was set up in 2007, has the overall mandate of providing leadership in promoting an enabling environment leading to the use of ICT in all spheres of life in Uganda. The ministry has been proactive and innovative in its approach of ensuring access of ICT to all Ugandans. It guided the process of inserting the National Backbone Infrastructure, which is responsible for increasing access to Internet in the country through laying fibre optic cables countrywide. Consequently, internet access was at 34% of the population in 2015, from about 9% in 2010.

b) The National Information and Technology Authority - NITA (U)

Set up in 2009, the NITA's key function is coordinating and regulating information technology services in Uganda. NITA provides key services such as setting standards for cyber security and supporting implementation of cyber laws. Under NITA, the Computer Emergency Response Team (CERT) was set up to provide information and assistance in implementing proactive measures to reduce the risks of computer security and to respond to such incidents when they occur. This is key in protecting critical infrastructure sectors that rely heavily on digital technology.

[148]Section 79 of the UCC Act 2013.

c) The Uganda Communications Commission

UCC was established as the regulator of communications, such as telephone, broadcasting, internet and postal services, as well as video and cinematography, in the country.[149] UCC plays a critical role in establishing an enabling ICT environment by adopting consumer protective policies, amongst other things. Cases in point are the yearly consumer parliament in which all stakeholders interact and engage on issues concerning ICT, thereby fostering public participation in the sector; and the Rural Communications Development Policy aimed at providing basic access of digital technologies and services to all people in Uganda, especially in rural areas.

d) Consideration of Bills

As earlier noted, a range of laws have been enacted and others enhanced to strengthen the current legal regime on promoting digital rights. Under the Ministry of ICT, a Data Protection and Privacy Bill, 2014 was drafted to address concerns relating to the right to privacy, in particular, regulating the collection, processing and use of personal data by both the public and private sector, as well as outlining the rights of individuals whose data is collected, the obligations of data collectors and processors. UHRC has been actively engaging with the concerned stakeholders to expedite the process to enact this law.

e) Launch of the 'Ask Your Government' and the 'One-Stop Centre' websites

Ministry of ICT launched the 'Ask your government' web portal: **www.askyourgov.ug** that allows any person to request for information from 76 public entities, including ministries, departments, agencies, local governments, statutory corporations and commissions. The request should receive a response within 21 working days. To date, 237 requests have been made through this web portal.[150]

In 2015, NITA launched the 'One-stop-centre' web portal: *https://www.ebiz.go.ug/*, which incorporates online business services of KCCA, URA, NEMA, the Uganda Registration Services Bureau, the Immigration Service, the Uganda Investment Authority and the Ministry of Lands, Housing and Urban Development. Both foreign and local entrepreneurs and investors can obtain the most commonly required business-related services (such as registering a business) and find reliable information about procedures of starting a business in Uganda.

f) Establishment of an online children's sexual abuse reporting website

NITA established an online child sexual abuse reporting website in 2014, to which Ugandan-hosted Internet websites with child sexual abuse images, non-photographic child abuse images and any obscene child-related content can be reported. The reports filed will assist in the investigation and prosecution of online child-related offences. In addition, the Ministry of Internal Affairs set up a multi-sectoral working group in 2015 to develop and implement a national strategy on tacking online child abuse. These initiatives provide mechanisms for compliance since they enhance the safety of children online and the enforcement of digital rights.

g) Establishment of the Uganda Police Force Cybercrime Unit

In 2015, the UPF established the Cybercrime Unit, which is responsible for investigating all cyber-related crime in the country. This was a timely action, considering the increased prevalence of digital and cybercrime in Uganda, including identity theft, mobile money theft and hacking into people's accounts and piracy.

h) Increase in creation of innovative products and use of digital services

Digital technologies have enhanced innovation of products that have improved the standard of living of Ugandans, as well as economic growth and development. A case in point is the mobile money service, which has enabled a large portion of the population to access financial services.[151] This service has been improving to the extent that it is now an integral part of the mainstream banking service.

[149] S. Wegoye, Director of Legal Services, UCC, 'Digital rights in Uganda and the role of government: Achievements, challenges and interventions in 2015', presentation at UHRC consultative meeting for the 18th Annual Report, Sheraton Kampala Hotel, 30 March 2016.
[150] Available at http://askyourgov.ug/, Last accessed on 1 March 2016.
[151] n. 149 above.

Digital technologies have facilitated citizens' participation in democratic processes. UHRC engaged with a number of politicians who actively utilised social media platforms instead of the traditional campaign rallies for their political campaigns in the run-up to the 2016 general elections.[152] In fact, one of the presidential candidates announced his intention to run for the presidency through YouTube.

5.5.3 Human rights concerns arising out of digital technology and communications

5.5.3.1 Restrictions on freedom of speech and expression

a) Filtering and blocking of the internet

In digital technology, a restriction on the right of individuals to express themselves can manifest in various forms, such as technical measures to prevent access to certain content on the Internet, blocking and filtering it.[153] Incidents have occurred in Uganda demonstrating such restrictions. A case in point was the directive in 2011, reportedly by UCC, to Internet providers to block two popular social networking websites, Facebook and Twitter, for 24 hours.[154] The shutdown occurred without any prior notice to the public and against well-laid-out legal procedures, and as such, it appeared arbitrary and excessive.[155]

b) Excessive limitation of freedom of opinion, speech and expression

Violation of these freedoms may also manifest in the use of criminal law to sanction legitimate expression. The UN Special Rapporteur on promotion and protection on right of freedom of opinion and expression acknowledged that the arbitrary use of criminal law to sanction expression constitutes one of the gravest forms of restriction to the right to expression and speech. Such a restriction, in his view, creates a "chilling effect" and leads to other human rights violations, such as arbitrary detention and torture, and other forms of cruel, inhuman or degrading treatment or punishment. The Special Rapporteur's report emphasises that legitimate online expression that is criminalised is in contravention of states' international human rights obligations.

For instance, UHRC noted, on the face of it, Section 25 appears legitimate, protecting an individual's reputation. However, it could also be used in an attempt to suppress content that is legitimately critical of the government. There is a need to balance between legitimate expression as provided for in the human rights standards and the need to protect reputation and privacy or to pre-empt harm. Otherwise, the Computer Misuse Act, 2011 could end up criminalising expression on the internet and could potentially lead to self-censorship, hence restricting the freedom of expression.

5.5.3.2 Inadequate protection of privacy

Personal data (which includes an individual's name, address, date of birth and tax identification number) is protected by Article 27 of the Constitution, as part of an individual's private life. The constitutional right to privacy imposes an obligation on the state to ensure that its laws provide adequate protection against the unjustified disclosure of personal information.

a) Lack of a law

By the end of 2015, no law had been enacted on data protection and the right to privacy in Uganda, even if it is critical, given the obligation under Article 27 of the Constitution, as well as the substantial growth of digital technology in Uganda. There is need to expedite the process, since a draft has been in the offing for the past two years. The lack of a law has implications for transparency and coherence in both private sector and government data collection and retention practices, which becomes problematic for human rights protection. Without such a law to protect data and information, UHRC considers the threat to the right to privacy high.

[152] UHRC interview with Hon. B.V. Obama, Chairperson of the Parliamentary Committee on ICT, 26 February 2016.
[153] n. 151 above.
[154] S. Naturinda, 'UCC orders 24-hour shutdown of Facebook', Daily Monitor, 19 April 2011.
[155] A similar shutdown was experienced in 2016 during the 2016 general elections, where social media platforms such as Facebook, WhatsApp and Twitter were blocked, as were mobile money services.

b) Inadequate measures to protect the right to privacy

In view of the foregoing, the negative effects of lack of a law can be demonstrated by the inadequate measures taken by both the government and private sector to protect citizens' personal data by data collectors. A case in point was the compulsory SIM card registration exercise that Uganda went through from January to June 2015. The same lack of adequate measures was also noted during the national ID registration process.

The government did not take clear, proactive steps to ensure that the retention of information obtained through the compulsory mobile phone user and SIM card registration by private sector players in a centralised database was safe and secure. There were complaints about the unsavoury manner in which the SIM card registration took place, including the ineffectual way the SIM card details were collected through casually-employed independent agents on behalf of mobile companies. This led to multiple, dual and partial registration for one mobile user, which was defeating to the purpose of SIM card registration. UHRC noted that the continued SIM card registration exercise without the required law to protect the data collected violated the right to privacy. The ideal situation would have been for UCC to conduct the SIM card registration exercise.

Concerns have also been raised about how individuals' private information held by mobile phone companies has ended up in the possession of third parties. This has resulted in individuals receiving incessant unsolicited calls or messages from organisations advertising their products or services. This is a clear violation of one's right to privacy, as personal information is being passed to third parties without consent.

Although the UCC indicated that there were several methods they could utilise to penalise mobile companies for not keeping data collected safely and securely, including reviewing their licenses, this has not been made public. In addition, it is not clear what methods UCC could utilise to penalise government institutions that are not keeping data safely and securely.

5.5.3.3 Mass surveillance

UHRC, while monitoring digital rights continuously, encountered concerns about mass surveillance and interception of digital communications of individuals, including wire-tapping of phones, especially in view of the proposed establishment of the communications monitoring centre under the Regulation of the Interception of Communications Act, 2010. There were allegations of infection by malicious software of communication devices belonging to various individuals, including journalists, believed to be instigated by state agents.[156] It is alleged that once infected with this software, a person's computer or phone could instantly be remotely monitored; passwords, files, microphones and cameras could be viewed and manipulated without the owner's knowledge.

Under the Regulation of Interception of Communications Act, 2010, the authorities are required to obtain a court warrant before carrying out interception or surveillance of any kind. UHRC notes that unless such interception or surveillance is in accordance with the law (obtaining a court order), it is illegal and a breach of the right to privacy.

5.5.3.4 Gaps in the law

UHRC has identified a number of laws that, ideally, should advance and promote digital rights, as having gaps that could potentially have the effect of infringing on certain human rights. Such gaps include lack of judicial oversight, as explained below.

a) The Reg ulation of Interception of Communications Act, 2010

The premise for when a lawful court order of interception is granted is not clear. There is no oversight function assigned to any authority to ensure that, indeed, those with the lawful order of interception are

[156]Privacy International, 'State surveillance in Uganda', October 2015.

confining themselves to the conditions of the order. This presents the potential of the order not being adhered to.

b) The Anti-Terrorism Act, 2002

This Act enables state officials to conduct surveillance without the need for judicial authorisation. It gives the officials discretion to intercept communications and carry out surveillance without judicial authorisation and oversight within the circumstances listed in the Act. Without the requirement of judicial authorisation and oversight mechanism in place, it makes it challenging to assess whether the actions taken under this Act are compliant with human rights standards, including the right to privacy.

c) The Anti-Pornography Act, 2014

The implementation of this Act has had the unfortunate effect of providing limited legal recourse for victims of revenge pornography. In 2015, a number of pornographic images of Ugandan women, some well-known members of society, surfaced and spread like wildfire on social media platforms. It is noted that these images were leaked by people known to the women, and not on their own volition. UHRC notes that the authorities investigated or arrested the women, yet they were victims of the leakage. This was due to the provisions of Section 13 of the Anti-Pornography Act, 2014, which provides that both the perpetrator and victim should be charged.

5.5.3.5 Gender-based cyber violence

UHRC has established, through monitoring, that abuse against women, especially online (on the Internet), is increasing, with women experiencing cyber stalking, sexual harassment, public shaming and revenge pornography, amongst other things.[157] An extensive survey carried out by the Women of Uganda Network revealed that 45% of women who participated in the survey had experienced threats and bullying on the Internet.[158] The high prevalence of such abuses was a result of intimate partner abuse that extended to online spaces, where the women were being tracked online by their abusive partners. It was further established that, for a sizeable number of couples, the problems had stemmed from the use of mobile phones and computers, leading to domestic violence.[159]

Another concern regarding the increased violence against women online was the non-consensual distribution of pornographic content often publicised by ex-partners or spouses. This amounts to cyber violence, as it is extremely intrusive and psychologically torturous to the victims. Such incidents have been on the rise in Uganda and are normally relayed on social media platforms.

UHRC also noted that more women were becoming victims of men swindling, threatening and conning them through the Internet. In some instances, these victims have faced severe consequences such as rape or suicide as a consequence of blind dates set up through the Internet. In the month of September 2015 alone, it was reported that seven young women were raped following interactions with men on Facebook.[160]

However, UHRC noted that incidents of online violence against women often went unreported.

5.5.3.6 Lack of public awareness

UHRC established that there was a general lack of awareness amongst the public about digital technology and the rights thereof. The public was unaware of the good government initiatives, programmes and policies in place to facilitate the realisation of digital rights. Not many people knew about CERT, for example, especially in rural areas, where UHRC established that the use of digital technology was limited.

[157]Unwanted Witness, 'Cyber violence against women – A threat to women's participation online', Available at https://unwantedwitness.or.ug/cyber-violence-against-women-athreat-to-women-participation-online/; Last accessed on 20 February 2016.
[158]WOUGNET, 'Gender gap in ICT and online gender-based violence in Uganda' Available http://www.wougnet.org, Last accessed on 20 February 2016.
[159]A. Madanda, 'Gender relations and ICT adoption in contemporary Uganda: A case of computers and mobile telephones', Makerere University, Department of Gender and Women Studies, Available at http://makir.mak.ac.ug/handle/10570/214; Last accessed on 15 March 2016.
[160]J. Kato, '7 Girls raped via Facebook in one month', *Daily Monitor*, 5 October 2015, p. 13.

Where digital technology and communications were highly utilised, there was limited knowledge of the associated rights and freedoms and, especially, duties and responsibilities of the users. Furthermore, there was inadequate awareness on the redress mechanisms available in the event of a violation of one's digital rights. This has the effect of increasing the vulnerability and susceptibility of the users to infringement of their digital rights.

UHRC noted that the lack of awareness significantly aided the unscrupulous behaviour of a number of mobile network companies. It is acknowledged that mobile network companies are private businesses and, as such, their primary purpose is to make profits. However, in a number of instances, some mobile networks have taken advantage of the consumers' ignorance to gain profits. A case in point is the high number of preventable mobile money thefts occurring online, yet mobile network companies remain indifferent or even unhelpful. In addition, when an individual mistakenly purchases a service from a mobile network company, it is often difficult to get the mobile network to rectify this mistake, hence, the individual loses money in the process, to the advantage of the mobile network. If individuals were aware of their rights, the public would be more empowered to claim their rights, take on the mobile companies and seek appropriate remedies.

5.5.3.7 Affordability of digital services

Despite the increase in the number of users of digital technologies and communications in Uganda, and a marked reduction in the price of digital technologies generally, many Ugandans were priced out of the digital revolution. In considering affordability of the internet, the cost of the device (that is, the price of an Internet-enabled phone or computer), and the price of the internet service itself must be in the equation.

According to UCC, by the end of 2015, the cheapest monthly rate the Internet was being sold by Smart company for UGX 11,874.[161] This price, plus the cost of the device (the lowest phone price that UHRC found on the market was UGX 32,000) made the cost of Internet usage unaffordable and out of reach for an ordinary Ugandan, considering that the current minimum wage is UGX 6,000. To put this into perspective, it has been estimated that, at the current growth rate, it will take Uganda 18 years to have 90% of the population accessing the Internet.[162]

With regard to television, the unaffordability of digital technology to many Ugandans was demonstrated by the mandatory migration from analogue to digital broadcasting, which occurred in June 2015. This required Ugandans to purchase free-to-air set top boxes (STBs) or decoders for digital terrestrial broadcasting in order to watch TV. The cheapest free-to-air top box on the market was UGX 130,000 from a UCC-authorised dealer.[163] The other alternative was to pay a monthly subscription for a digital terrestrial service or to opt for pay TV such as DSTV or GOTV. However, this required a large initial expenditure that many Ugandans were unable to afford. Inability to afford also leads to inability to access information, leading to the violation of the right to access to information.

UHRC regards affordability as one of the key elements to achieving countrywide access to digital technologies and communications. Consequently, all efforts should be made to make digital technology and services affordable to all Ugandans.

5.5.3.8 Access to information

The government is facilitating access to information through digital technologies by enacting legislation and enabling official information websites. However, UHRC established that in reality, accessing information still remained very difficult. In one of the interviews conducted by UHRC, it was revealed that a particular CSO had requested for information through the 'Ask your government' website but was yet to

[161] n. 144 above.
[162] As above.
[163] List of free-to-air set-top box vendors, Available at http://www.price-check.co.ug; Last accessed on 19 February 2016.

receive a response a year later, although they had received an acknowledgement of receipt of the inquiry. Considering that inquiries are supposed to be responded to with 21 days, UHRC considers the one-year delay unduly long. A number of respondents interviewed raised similar complaints in respect to long delays in receiving responses in respect of the 'Ask your government' web portal.

5.5.3.9 Responsible use of digital technologies

Citizens are afforded their digital rights through the law, but these rights should be balanced with duties and responsibilities. As previously highlighted, digital technologies and communication facilitate expeditious mobilisation of people for a good cause and information sharing, thus becoming vital tools for participation and facilitation of democratic processes. However, UHRC observed with concern that in 2015, there was unprecedented abuse of social media platforms by some people, bordering on hate campaigns, misinformation, incitement, propaganda, defamation and outright insult to particular persons.

UHRC also noted the biased reporting by some media houses with the use of inciting and at times abusive language through their digital technologies (TV and Internet forums). UHRC was also concerned about the use of modern technology, such as 'photo-shopping',[164] which was sometimes used to alarm or even incite the public through the circulation of technologically-generated pictures.

With digital technology, information can be shared at a scale like never before and, as such, destructive information can be spread in a matter of minutes. This is a matter of concern to UHRC, taking into consideration the increased abuse of social media and digital platforms. A case in point was in August 2015 when a sectarian audio recording that ridiculed two tribes in Uganda was shared extensively through social media. The recording had the potential to cultivate tribal hatred, as it propagated sentiments capable of inciting hatred, discrimination, hostility and violence. Another example of misuse of social media platforms was the frequent circulation of pornographic pictures and videos of Ugandans without their consent and knowledge, throughout 2015.[165]

UHRC noted that the government responded to these by initiating a process to draft a Bill to regulate what goes on within social media platforms.

5.5.4 Recommendations

1. Ministry of Information, Communications and Technology, Uganda Communications Commission and National Information Technology Authority should intensify their efforts to increase public awareness in respect to digital technology, which should cover rights and responsibilities in the use of digital technology. Citizens of Uganda must be made aware of the dangers that relate to new digital space, in order to moderate civil actions.
2. Ministry of Information, Communications and Technology, Uganda Communications Commission and National Information Technology Authority should develop a policy to articulate and address issues of online violence against women, including providing for educational programmes on digital security and safety.
3. Uganda Law Reform Commission should review the Regulation of Interception of Communications Act 2013[166] and the Anti-Pornography Act, 2014[167] to address the overly-restrictive provisions affecting the freedom of speech and expression.

[164]This is also known as photo manipulation, where a photo is altered and transformed using various forms and techniques to achieve desired result.
[165]Other examples occurred in 2016 and include: countless reports on social media of the alleged arrest of the Chief of Defence Forces, Gen. Katumba Wamala, on 19 February 2016, yet he had not been arrested, and even addressed the nation via radio. There were also photo-shopped images of a massive exodus of foreigners leaving Uganda at the Entebbe International Airport and various bus terminals during the pre-election period.
[166]Particularly, sections 3, 4, 5, 6 and 7 of the Regulation of Interception of Communications Act.
[167]Section 13 of the Anti-Pornography Act.

4. Ministry of Information, Communications and Technology should expeditiously table the Data Protection and Privacy Bill in parliament for consideration, so that it is passed as an Act of Parliament.
5. Uganda Communications Commission should ensure that any blockage of digital services, such as the Internet, is in accordance with national and international human rights standards and should follow due process.
6. Uganda Communications Commission should ensure that telecommunication companies adhere strictly to the right to privacy by issuing clear guidelines on how personal information should be kept safe and secure, and how it should be utilised.
7. Citizens of Uganda should use digital technologies responsibly, particularly the internet and the social network platforms. They should verify information before sharing it in order to avoid the consequences of propagating unverified information, which might cause disorder and violence.

CHAPTER 6
PREPAREDNESS FOR THE 2016 GENERAL ELECTIONS

6 INTRODUCTION

The third round of general elections under the multiparty system was slated for February 2016. In preparation, the Electoral Commission issued a road map that encompassed key areas of the electoral cycle. These were: the display of the national voters register that included vulnerable persons such as the youth, PWDs and older persons; the nomination of presidential, parliamentary and local government candidates; consultations and campaigns of presidential, parliamentary and local government candidates; and polling for presidential, parliamentary and local government elections.[168]

It is against this background that UHRC, with support from the DGF, developed EWERP as a special mechanism to identify and promptly respond to human rights concerns identified prior, during and after the elections. This chapter will focus on UHRC's interventions and findings during monitoring of the electoral cycle, as well as the use of secondary data monitored by UHRC to make appropriate recommendations.

Whereas this report has been released in 2016 after the general elections, this chapter, like the rest of the report, focuses on election-related activities during the year 2015.[169] UHRC is further cognizant that at the time of publishing this report, the EC had already announced the election outcome and the Supreme Court had also made a ruling on an election petition by former presidential candidate, Mr. Amama Mbabazi, upholding the election outcome and making proposals for future improvements in the electoral process.[170]

6.1 BACKGROUND

By 2015, there were 29 political parties registered with the EC, although only six were represented in the 9th Parliament of Uganda.[171] They were: the Conservative Party (CP), Democratic Party (DP), Forum for Democratic Change (FDC), Justice Forum (JEEMA), National Resistance Movement (NRM) and Uganda People's Congress (UPC).

Following the contested elections of 2001 and 2006, the Supreme Court, in its ruling, laid down key principles underpinning the right to vote. These included: the need to have sufficient time for all the stages of the elections (nominations, campaigning, voting and counting of votes); the right of candidates to contest for electoral offices and the corresponding right of citizens to vote for candidates of their choice; election by universal adult suffrage; and electoral processes to observe the legal framework in place. Other key principles arising from the Supreme Court ruling included the need to ensure transparency in the conduct of elections, and basing election results on the majority of votes cast. The court also held that the electoral process should be free from intimidation, bribery, violence or coercion and should reflect the will of the people.[172]

Given its mandate, UHRC has a key role in the general elections because of the strong link between elections and human rights. Elections facilitate the realisation of the right of citizens to participate in the affairs of Government individually or through representation. Therefore, exercise of the right to vote has

[168]REF: EC/GE16/01 Revised Milestones for the 2015-2016 General Elections Roadmap.
[169]UHRC is due to release a detailed report on the 2016 General Elections.
[170]Amama Mbabazi v. Yoweri Kaguta Museveni, Electoral Commission and the Attorney General, Professor Oloka Onyango and Others (Amicus Curiae), Supreme Court Petition Presidential Election Petition, No 01 of 2016.
[171]Available at http://www.parliament.go.ug/new/, last accessed on 13 May 2016.
[172]Col. Dr. Kizza Besigye vs. Yoweri Museveni and the Electoral Commission Election Petition No. 1 of 2001 and Col. Dr. Kizza Besigye vs. Yoweri Museveni and the Electoral Commission Petition No.1 of 2006.

a direct bearing on many other rights and freedoms, including: the freedoms of conscience, expression, movement, assembly and association; the right to information; and the right to form political parties and political organisations. Other rights and freedoms include: freedom from discrimination; the right to equality before the law and equal protection of the law; the right to self-determination; and the right to effective legal redress, among others.

In view of the foregoing, therefore, elections, if well managed, have the potential of promoting the realisation of human rights. Unfortunately, the reverse is also true, that mismanaged elections can lead to gross violation of human rights. For this reason, UHRC positioned itself to effectively contribute to the interventions to ensure that the 2016 general elections were peaceful and violence-free.

6.2 LEGAL FRAMEWORK

The international and regional framework provide for the right of everyone to take part in government directly or through freely-chosen representatives, with the will of the people being expressed through periodic and genuine elections. The periodic and genuine elections are to be governed by universal and equal suffrage held by secret vote or equivalent free voting procedure.

At the international level, Articles 2 and 21 (3) of the Universal Declaration, as well as Article 25 (b) of the ICCPR, underscore the idea of fair elections, which mainly relates to who should be allowed to participate in elections. Article 21 of the Universal Declaration, on the other hand, emphasizes that everyone has the right to take part in the government of his/her country directly or through *freely-chosen* representatives. Article 21 (3) of the Universal Declaration provides for the will of the people as the basis of the authority of government expressed in periodic and genuine elections by universal and equal suffrage using the secret vote or by equivalent free voting procedure. Article 25 of the Universal Declaration provides for the right to vote and to be elected at genuine periodic elections, which shall be universal and equal suffrage, guaranteeing the free expression of the will of the electors. Article 13 (1) of the ACHPR reiterates Article 21 of the Universal Declaration.

At the national level, the Constitution of Uganda clearly stipulates that it is the right of every citizen aged 18 years or above to vote.[173] The right to vote has corresponding duties on citizens and the state respectively, such as to register and to take necessary steps to ensure that all citizens qualified to vote can register and exercise their rights. The Constitution further mandates parliament to make specific laws that provide for the facilitation of citizens with disabilities to also vote.[174] The Constitution also protects the freedom to associate, including through political parties.[175]

Other specific legislation with regard to elections include: the Electoral Commission (Amendment) Act of 2010, the Presidential Elections Act of 2005, the Presidential Elections (Amendment) Act 2010, the Presidential Elections (Amendment) Act 2015, the Parliamentary Elections Act 2005, the Parliamentary Elections (Amendment) Act 2015, the Political Parties and Organisations (Amendment) Act of 2010, and the Local Government Act Cap 243, among others.

Other rights that facilitate the right to take part in the government and equal suffrage include freedom of opinion, freedom of expression, non-discrimination, freedom of assembly and association, and access to justice.[176]

[173]n. 110 above, Article 59.
[174]As above, Article 59 (2) - (4).
[175]As above, Article 29.
[176]Articles 7, 13 19 and 20 of the UDHR; Articles 7, 9 and 19 of the ICCPR; Articles 3, 5, 18, 21 and 29 of the CRPD; Article 5 (d) (i), (vii,) and (ix) of the CERD; Articles 1, 2 and 4 of the CAT; Articles 2, 5, 6, 9 and 10 of the ACHPR; and Articles 21, 23, 24 and 29 of the 1995 Constitution.

6.3 ENSURING THE RIGHT TO VOTE

In 2001 and 2006, UHRC monitored the electoral process and observed the general elections to ensure that the right to vote was respected.

6.3.1 Recommendations arising from the 2001 and 2006 general elections

Following the election observation during the 2001 and 2006 general elections, UHRC made recommendations aimed at facilitating the right to vote in Uganda. The recommendations included:

- Review of the process of appointing members of the EC for greater consensus and acceptance;
- Ratification of the African Charter on Democracy, Elections and Governance;
- Improvement of the electoral administration by the EC to, among other things, ensure transparency;
- Timely review and update of the national voters register before the subsequent elections.
- Availing adequate polling materials during polling day;
- Adherence to the electoral legal framework by the EC;
- Timely review of electoral laws;
- Facilitation of freedom of speech and equal access to the media, especially the state media, by all political parties;
- Adequate facilitation of UHRC and the EC to carry out civic and voter education, respectively, before the elections; and
- EC, together with the UPF ensure sufficient security by avoiding unnecessary and unlawful interruption of the electoral process.

6.3.2 Key areas of concern raised in preparation of the 2016 general elections

In 2014, UHRC specifically raised key areas of concern that needed to be addressed by the various stakeholders during preparations for the 2016 general elections. Concerns raised by the UHRC included: the need to clarify the link between the national identity cards registration (ID) and the national voters register exercises; the alleged registration of non-Ugandans during the national ID registration; and failure to register inmates for voting. Others included: the presence of outdated and restrictive laws, such as sections 178 and 179 of the Penal Code Act on defamation; inadequate civic and voter education; election-related violence; monetisation of politics; and the need for the Uganda Police Force to have a legal framework for recruitment and management of crime preventers. Further concerns raised for consideration during the 2016 general elections were: the delayed electoral reforms, the rationale and late creation of constituencies, the lack of a code of conduct for political parties and organisations, and the need for credible and objective media.

6.3.3 Focus on the electoral cycle

The UHRC interventions for the 2016 general elections, therefore, shifted the focus away from mainly the election day to the electoral process/cycle by focusing on the pre and post-electoral activities. This was in recognition that the process also demonstrated that every activity and stakeholder in the electoral process interacted and influenced one another. Therefore, the inter-linked nature of activities in the electoral process implied that failure at one stage would lead to failure in other stages and vice versa. UHRC recognized the fact that the various activities that are critical to the right to vote run concurrently throughout the electoral processes and, subsequently, required a broad view during the assessment.

The processes monitored by the UHRC in 2015 were mainly for the pre-election period and focused on: the prevailing legal framework; the planning and implementation process covering budgeting, funding, financing, election roadmap, procurement, logistics and security; training, civic and voter education; voter registration and update; monitoring of nominations; electoral consultations and campaigns; and the electoral facilitative rights and freedoms.

It is against the backdrop of its previous recommendations, as earlier mentioned, and in fulfillment of its mandate to protect and promote human rights that UHRC undertook the interventions highlighted below.

6.4 UHRC INTERVENTIONS THROUGH THE EARLY WARNING AND EARLY RESPONSE PROJECT

In May 2015, UHRC commenced the implementation of the EWERP in order to enhance the promotion and protection of human rights during the electoral process. The main objective of the EWERP was to pre-empt violence and minimize the incidence of conflicts during the electoral processes by flagging violence-prone areas and identifying triggers in advance.

UHRC specifically monitored election-related events and shared some of the findings with the stakeholders. Some of the key activities in the electoral process that UHRC monitored included display and update of the national voters register, party preparedness, party primaries, nomination of presidential, parliamentary, local government and special interest groups' candidates, and the consultation and campaign periods.

6.4.1 Establishing the UHRC Situation Room

UHRC established a Situation Room at its head office in Kampala to receive and analyse election-related information on a daily basis. UHRC installed and used a web-based internal monitoring system to support data collection from all its regional offices and data analysis on the various election-related activities. Consequently, the information from the Situation Room informed UHRC interventions under the project by particularly drawing the attention of concerned stakeholders to the emerging election-related human rights issues, including the status of crime preventers, enforcement of the EC election guidelines and the need for clarification on whether the national IDs or the voters register would determine the eligibility to vote.

6.4.2 Mapping of election hotspots

UHRC mapped election hotspot areas around the country, which were closely monitored by the Commission's regional offices spread across the country. The hotspots were continuously updated and monitored to forestall human rights violations and/or facilitate redress for those that had already occurred. UHRC also shared vital information on hotspots updates and other election-related concerns with relevant stakeholders, including the EC and UPF in the affected areas. The hotspot map informed the UHRC deployment plan of elections on election day (refer to Annex F that contains list of hotspots monitored by the UHRC in 2015).

6.4.3 Special focus of activities on elections

Through the EWERP, all UHRC efforts were focused on the electoral process by ensuring that all the Commission's routine activities were implemented with special attention to contributing to peaceful and violence-free elections.

UHRC, therefore, implemented human rights/civic education programmes with a wide range of stakeholders, especially the security agencies, including the UPF, UPS, ISO and UPDF, to advocate for peaceful and violence-free elections. UHRC also instituted a special complaints-handling mechanism to specifically document and handle election-related complaints, through which the Commission received

nine such complaints (refer to Chapter 1 on Complaints Management for details). UHRC also inspected specific detention places, including Nalufenya and the Special Investigations Unit (SIU) Kireka detention facilities to locate missing persons reportedly detained on account of election-related matters; and continuously monitored key emerging election-related issues during the entire electoral period.

6.4.4 UHRC election song

UHRC developed an election song '*Obululu tebutwawula*' (elections should not divide us), which was used as an advocacy tool for peaceful and violent-free elections in 2016. The song urged citizens to exercise their right to vote and to be voted, and to respect the election outcomes. The song was played during civic education engagements such as *barazas* and roadshows, using the UHRC civic education vans and targeting grassroots communities countrywide. It was also circulated on various FM stations in the country to ensure that the message reached a wide audience. Through the Arua regional office, UHRC translated the song, which was originally in Luganda and English, into the four dialects of the West Nile sub-region, namely Alur, Lugbara, Madi and Luo, in an effort to disseminate the message to communities that use the respective dialects. Refer to Chapter 3 on Human Rights Education and Awareness Programmes.

6.4.5 Consultative meetings/engagements

UHRC held high-level meetings with stakeholders in the security sector to sensitize them on their roles during the electoral period and to enlist their cooperation and commitment in ensuring a peaceful election. UHRC also held several meetings with the top leadership of the UPF, during which issues that have an impact on human rights were discussed and specific interventions agreed upon. At the regional level, UHRC worked closely with security agencies in the respective regions to ensure that any issues with the potential to violate human rights were tackled before they escalated.

UHRC formed a partnership with the EC to ensure that human rights were preserved during the electoral processes. UHRC held regular meetings and interactions with the EC on emerging issues of elections and human rights that were of concern. UHRC trained EC officials in human rights and the Human Rights-Based Approach to elections, in addition to briefing them on the objectives of the EWERP. The training was held at the Imperial Resort Hotel, Entebbe (Refer to Chapter 3 on Human Rights Education and Awareness Programmes).

6.5 MONITORING THE RIGHT TO TAKE PART IN GOVERNMENT, DIRECTLY OR THROUGH A NOMINATED REPRESENTATIVE

The right to take part in Government is universally guaranteed by international and regional human rights instruments, as well as the Constitution and other electoral laws in Uganda. Therefore, the quest for free and fair elections is an essential desire for democratisation and the need to provide people with a voice in their governance.

In addition, the right to take part in the conduct of public affairs, particularly through elections, requires the enjoyment of a number of human rights and freedoms, among them, the freedoms of opinion, expression, association and assembly, as well as freedom from fear and intimidation.

The right to take part in government directly or through a nominated representative entails putting in place an enabling environment, both externally and internally, within political parties. It also requires that the electorate has adequate knowledge of what requirements are needed to be nominated and elected.

The UHRC examined the environment both within and outside political parties during the electoral period to assess its conduciveness for the realisation of the right to take part in government directly or through a representative. Some of the prerequisites for achieving meaningful participation in the electoral process by the electorate include: electoral reforms, political party preparedness, nominations of presidential and various candidates, and political party primaries, all of which are discussed below.

6.5.1. Electoral reforms

Ensuring fairness in elections requires implementation of an appropriate legal and administrative framework. This, among others, includes: enacting and enforcing laws and regulations that protect the electoral process from bias, bribery, fraud or manipulation; appointing an impartial, professional competent and transparent election body that respects the law; and putting in place effective structures for election management. In effect, this ensures that the right to take part in government and the related right to vote are realised.

The period preceding the 2016 general elections was characterised by calls for electoral reforms from various stakeholders. This was in the hope that such reforms would facilitate the citizens' realization of their right to take part in government by putting in place a more conducive legal environment.

6.5.3.1 The Constitution (Amendment) Bill of 2015

The first amendment of the Constitution took the form of a referendum, bringing about political pluralism in 2005, while the second amendment led to revisions in the provision on presidential term limits and introduced the Leader of Opposition in Parliament. The process to amend the Constitution for the third time, which commenced in 2014, was spearheaded by the Ministry of Justice and Constitutional Affairs. It involved a national consultative process that included a call to the general public to make proposals for the amendment of the Constitution.

The proposals sought to address several electoral aspects such as the social, economic and political challenges that had arisen since its promulgation. Other proposals were: changing of the name of the electoral body from the EC to the Independent Electoral Commission (IEC); prescribing the procedure for the removal of members of the IEC; and introduction of the requirement of at least 1,000 signatures of registered voters in a constituency for an independent candidate to contest in an election. The Constitutional (Amendment) Bill of 2015 was the culmination of the third amendment of the 1995 Constitution, aimed at improving the electoral environment.

UHRC, which closely monitored the above legal reforms, was, however, concerned that they did not adequately prescribe for the independence of the EC, specifically through the appointment and removal of members of the EC. In addition, they did not provide adequate openness and credibility in the procedure for appointment of members of the EC. The proposal for independent candidates to collect at least 1,000 signatures of registered voters in the constituency would put them at a disadvantage, compared to candidates sponsored by a political party or organisation. UHRC noted that the Bill was later passed without addressing the issue of independence of the EC and its inadequate procedure for appointment.[177] Refer to Chapter 8 on the UHRC Position on Selected Bills.

6.5.1.2 Passing of other electoral laws

UHRC further noted that Parliament passed electoral laws for PWDs, youth and the elderly on 20th August 2015. These are: the National Women's Council (Amendment) Act, 2015; the National Youth Council (Amendment) Act, 2015; the National Council for Disability (Amendment) Act, 2015; and the National Council for Older Persons (Amendment) Act, 2015. The Acts replaced election by secret ballot at the village, parish or ward, sub-county, division or town council level with lining up behind candidates, their representatives, portraits or symbols.[178]

UHRC was, however, concerned that the said mode of election would not amount to an *equivalent free voting procedure* because of the likely harassment and intimidation that would hinder free expression; and that the rushed passing of the Acts limited consultation. UHRC further noted that whereas the coalition between opposition parties and CSOs had submitted proposals for electoral reforms in their document code-named the 'Compact', parliament did not consider the proposals.

[177]Constitution (Amendment) Act, 2015 (No. 12 of 2015).
[178]M. Karugaba and M. Mulondo, 'House passes electoral laws for PWDs, youth, elderly', New Vision, Friday, 21st August, 2015.

6.5.2 Political party preparedness

UHRC monitored the preparedness of six political parties: the Conservative Party (CP), Justice Forum (JEEMA), Forum for Democratic Change (FDC), People's Progressive Party (PPP), Uganda People's Congress (UPC) and the National Resistance Movement (NRM).[179] Whereas there were 29 registered political parties in Uganda, UHRC was not able to visit all of them because it was not possible to get their physical addresses, while the Democratic Party cancelled the appointment with UHRC. UHRC realised the need to engage political parties at the outset of the electoral process, to find out what internal mechanisms they had in place to facilitate the right of members to participate in government either directly or through a nominated representative, and the challenges they were facing.

UHRC specifically assessed the six political parties on their level of preparedness, focusing on the following parameters: existence of a party constitution; review, if any, of party constitutions; the political and administrative structures in place; presence of a party roadmap for the forthcoming elections; existence of an electoral commission for the party; and guidelines for internal elections, declaration of assets and liabilities to the EC, as well as funding for party nominations.

UHRC found that the six political parties had put in place the necessary frameworks such as party constitutions and structures, including holding delegates conferences. All parties visited also had mechanisms for reviewing their key documents such as party constitutions and conducting internal party elections. Another finding was that political parties generated funds through members' contributions and fundraising drives. All the political parties monitored confirmed to UHRC that they were prepared to participate in the 2016 general elections.

Besides informing UHRC that parties got their financing from well-wishers and fundraising drives like the one carried out by the NRM, most of them did not have transparent mechanisms of managing their finances. This was exacerbated by the absence of a specific legislation in Uganda to regulate party financing.

Concerns raised by the six political parties included: lack of rules to govern internal elections, interference from security personnel like the District Internal Security Organisation officers, monetisation of elections, low funding and the need for electoral reforms. These concerns were the subject of UHRC's subsequent discussions with various state agencies, including with the National Security Council.

In addition, UHRC noted that political parties such as UPC, DP, FDC and NRM faced splits in leadership due to internal disagreements over who should lead the parties.

6.5.3 Nomination of presidential and various candidates

Nominations are key in realising the right of citizens to participate in government. The nomination exercise covered presidential, parliamentary, local government and special interest groups, starting in November 2015 to March 2016. UHRC monitored the nominations.

6.5.3.1 Nomination of presidential candidates

UHRC monitored the nomination of presidential candidates, which took place on 3rd and 4th November 2015 at Mandela National Stadium, Namboole. The requirements for nominees, according to EC guidelines, included booking an appropriate time for nomination on a first-come-first-served basis and being accompanied by two dully-registered citizens of Uganda as seconders. In addition, aspirants were to be accompanied by no more than 20 people and two motor vehicles. They had to present: proof of payment of UGX 20 million as nomination fees, proof of attainment of the equivalent of the Advanced Certificate of Education, proof of being within the required age bracket of 35 to 75 years, and signatures from one third of all the districts in Uganda.[180]

[179] The appointment with the Democratic Party was cancelled due to internal disagreement on the leadership.
[180] Section 4 of the Presidential Election Act, 2005 and Section 1 of the Presidential Election (Amendment) Act, 2015.

UHRC observed that the EC successfully nominated and issued certificates to eight of the ten aspirants. The two that were not nominated were Mr. Charles Lwanga Bbaale and Mr. Nasser Ntege Sebaggala. The former was disqualified after failing to show proof of payment of the required nomination fees, and presenting a passport-sized photograph instead of a postcard-sized one. On his part, Mr. Sebaggala willfully withdrew from the exercise and officially informed the EC of his decision.[181] Table 6.1 below shows the status of the candidates at the closure of nominations.

Table 6.1 Status of candidates at the closure of nominations

S/N	Name of candidate	Date for nomination	Party	Status
1	Yoweri Kaguta Museveni	3rd November 2015	National Resistance Movement	Nominated
2	John Patrick Amama Mbabazi	3rd November 2015	Independent	Nominated
3	Venansius Baryamureeba	3rd November 2015	Independent	Nominated
4	Charles Lwanga Bbaale	3rd November 2015	Ecological Party of Uganda	Not nominated
5	Faith Maureen Kyalya Waluube	4th November 2015	Independent	Nominated
6	Abed Bwanika	4th November 2015	People's Development Party	Nominated
7	Kizza Besigye	4th November 2015	Forum for Democratic Change	Nominated
8	Joseph Elton Mabirizi	4th November 2015	Independent	Nominated
9	Benon Buta Biraaro	4th December 2015	Farmers Party of Uganda	Nominated
10	Nasser Ntege Sebaggala		Liberal Democratic Transparency Party	Withdrew

UHRC observed that the presidential nomination exercise was successful and had no incidents of mishaps or violence. Besides the aspirant who was disqualified, the others were well prepared, which facilitated the smooth running of the exercise.

All the aspirants kept and managed their time well, which provided an opportunity for Mr. Bbaale and Ms. Kyalya, whose documents were not complete at their first presentation, to correct and resubmit them.[182] The EC informed UHRC that it had interacted with the aspirants prior to the nomination to guide them on what was required to comply with the regulations. On 14th October 2015, the EC had held a meeting with the aspirants, during which the guidelines and requirements were discussed and other concerns raised.

All the nominated candidates complied with the requirements regarding the minimum education qualification, the required age bracket, the signatures and proof of payment of the nomination fees. On the limitation of vehicles to two, all complied, with the exception of the NRM aspirant who was also the sitting Head of State and who was legally entitled to his usual security detail. Although Mr. Biraaro also complied with the regulations limiting the vehicles to two, UHRC observed that the number plates of one of his vehicles were concealed, which was a breach of traffic laws.

However, there were concerns that the nomination fee had been increased at short notice following the amendment of the law, which did not provide sufficient time for aspirants to prepare accordingly.[183] In addition, there were complaints that the fee of UGX 20 million was exorbitant for ordinary Ugandans who desired to vie for presidential nomination.

[181]Nasser Ntege Sebaggala withdrew from the race and duly informed the EC of his decision on 4th November 2015.
[182]Ms. Maureen Kyalya was finally nominated on the second attempt, but Mr. Charles Bbaale failed to meet the requirements.
[183]Presidential Elections (Amendment Act), 2015.

In order to promote transparency, the nomination exercise was witnessed and monitored by a wide range of observers, including national and international organisations, government and non-governmental organisations, diplomatic corps and political parties, including those that had not fielded aspirants. All the observers were accredited by the EC.

6.5.3.2 Nomination of various candidates

UHRC monitored nomination of members of parliament, local government and special interest groups based on four critical areas relating to the post being vied for. These were: time of arrival at the nomination centres, compliance with regulations, the process of nominating in light of the principles of participation, transparency and accountability, as well as the general atmosphere at the nomination centre. UHRC generally noted that the NRM party had the largest number of nominated candidates for all elective positions (277), followed by independent candidates with a total of 237 nominated. This pointed to issues of concern in the political parties' internal democratic processes.

UHRC monitored a total of 648 nomination centres countrywide for the various elective positions, including Member of Parliament, Local Council V Chairperson, Mayor, Local Council III and special interest groups. Table 6.2 below shows the nomination centres that UHRC monitored.

Table 6.2: Nomination centres monitored by UHRC

Name of party/coalition/ individual to be nominated	Seat/Electoral Position					Total
	Member of Parliament	Local Council V Chairperson	Mayor	Local Council III	Other	
Democratic Party	18	1	1	4	2	**26**
Forum for Democratic Change	58	0	2	15	20	**95**
Uganda People's Congress	4	0	0	1	3	**8**
National Resistance Movement	89	4	1	44	139	**277**
Independent	148	9	4	25	51	**237**
JEEMA	2	0	0	0	0	**2**
Other	2	0	0	0	0	**2**
Total	**322**	**14**	**8**	**89**	**215**	**648**

6.5.3.3 Nomination of candidates for parliamentary elections

UHRC observed that the nomination exercise started at 9:00 am until 5:00 pm. The officers in charge at the respective nomination venues were the district registrars. Candidates presenting themselves for nominations at parliamentary level had to comply with a number of EC regulations, including a limit of two vehicles and 10 nominators/seconders, among others. UHRC findings revealed that 99% of the candidates at the nomination centres monitored were duly nominated after complying with the requirements.[184]

On the regulations limiting the number of vehicles and people at the nomination centres, UHRC noted that two aspirants did not comply. Dr. Crispus Kiyonga, the Defence minister, arrived at the venue with more than 20 vehicles, while Mr. James Mbahimba, an independent candidate in Kasese district, had four vehicles.

The EC staff handled the nomination exercise transparently. Where aspirants made mistakes in their submissions, where possible, EC staff assisted them in correcting the errors in order to fulfill the nomination requirements. In cases of missing requirements, the aspirants were given time to submit them before they were nominated.

[184]Section 5 of the Parliamentary Election Act.

The general mood at all nomination centres that UHRC visited was calm, with no incidents of disorderly conduct. The aspiring candidates, their seconders and supporters were peaceful. The findings reveal that the mood in 74.9% of the nomination centres monitored was generally calm. Observers at nomination centres included representatives from CSOs and the NRM party electoral commission.

6.5.3.4 Nominations of candidates for local government

As was the case for the nomination of candidates for Parliament, the nomination exercise for local governments in the centres that UHRC monitored started at 9:00am and ended at 5:00pm. All the candidates who turned up for nomination were duly nominated and received copies of the verified nomination forms from the respective district registrars.

Candidates who belonged to parties were required by their respective constitutions to be seconded by their party district chairpersons. However, some aspirants did not comply with this regulation, which caused delays in the process. In Mukono district, for example, some candidates contesting under DP had not been endorsed by the district party leadership.

The general mood at all nomination centres monitored was calm and peaceful. The EC officials at the centres were professional, fair and transparent throughout the nomination exercise, and the candidates who appeared for the nominations were peaceful.

6.5.3.5 Nomination of special interest groups (SIGs - youth, elderly persons and persons with disabilities)

Nominations for representatives of special interest groups (SIGs), comprising the youth, elderly persons and PWDs, were concurrently held on the same dates as those of other local government aspirants. Therefore, UHRC findings were the same. It was noted that the EC officials were at hand to assist those that had not properly completed their nomination forms, to ensure that they got nominated.

UHRC, however, observed that the location of some nomination centres in Kayunga and Wakiso districts were not favorable for PWDs; for instance, the nomination centre in Kasangati Main Hall, Wakiso district and the District Council Hall in Kayunga only had stairs, and no ramps. There were also no special arrangements to enable persons with physical disability easily access the centres. Additionally, PWDs and the elderly in some districts, including Kayunga, Iganga and Kamuli, had to endure the long queues that characterised the nomination exercise, given that the nomination centres were few and, thus, congestion. There was no special consideration for PWDs.

There were some challenges, although UHRC noted that the nomination exercise was, on the whole, well conducted. The over-crowding, as well as delays at the nomination centres due to long queues, especially during the local government nominations, were challenges. Others were delays in verification of documents due to uncertified academic documents and inadequate preparation for unfavourable weather that not only affected the nomination exercise, but also jeopardised the participation of the vulnerable persons, including PWDs and the elderly. Furthermore, inappropriate location of some polling centres for the vulnerable groups and the limited number of nomination centres, which were restricted to only two per district, also posed a challenge during the exercise. The emergence of large numbers of candidates nominated as independents pointed to bigger challenges for multi-party democracy as party internal processes came under the spotlight.

6.5.4 Party primaries

The 1995 Constitution provides for a multi-party political system in which political parties are free to operate and contest for political positions. Political parties are regulated by the Political Parties and Organisations Act of 2005, under which they are required to, among others, have systems for internal democratic processes. Holding of party primaries is one of the ways of ensuring that all political parties and candidates are able to compete in elections on the basis of equitable treatment.

The main political parties, namely, the NRM, FDC and DP, had internal party processes to determine the candidates who would represent them for parliamentary and other elective positions. Party primaries for the FDC party were carried out in a few regions, while some positions were ring-fenced for certain candidates.

Party primaries for DP were, on the other hand, not country-wide, lacked a strict roadmap and were, therefore, difficult to monitor. Internal processes to nominate candidates for the various elective positions by other political parties or organisations that participated in the electoral process, such as CP, JEEMA, Go Forward and TDA, among others, were not very clear to the public and to UHRC, making it difficult to monitor. UHRC was, therefore, only able to monitor party primaries for the NRM party because they were on a country-wide scale and involved a sizeable population, offering an opportunity to assess the party's internal democratic processes on a large scale. UHRC consequently monitored party primaries for other parties such as the FDC, DP and TDA through media reports.

UHRC noted that the lack of primary elections in some of the political parties points to a major challenge of lack of internal democratic processes that negatively impacts on the right to part in government directly or through a nominated representative.

6.5.4.1 NRM party primaries

The NRM party constitution provides for party primaries through which flag bearers for various elective positions at all levels are nominated. Therefore, the NRM party primaries, which were held on 27th October 2015, were part of its roadmap in preparation for the party's participation in the 2016 general elections. The NRM party primaries were held for various elective positions, such as members of parliament (including district woman members of parliament), local government chairpersons and mayors. However, UHRC noted that in some areas like Hoima district, several postponements of the exercise led to the final primary elections being held on 18th November 2015.

UHRC monitored the process of NRM party primaries through its ten regional offices and ten field offices spread across the country in 51 districts, covering 361 polling centres, as shown in Table 6.3 below, to assess the observance of human rights in the polling process.

Table 6.3: Polling centres monitored by regional office

Regional office	Number of polling centres monitored	Percentage (%)
Arua	77	21
Central	75	21
Fort Portal	29	8
Gulu	41	11
Hoima	26	7
Jinja	17	5
Masaka	8	2
Mbarara	12	3
Moroto	24	7
Soroti	52	15
Total	361	100

UHRC noted that the process of determining eligibility of one to vote in the NRM primaries involved the use of the NRM members register (Yellow Book) and party cards. The UHRC team also noted that in order to ensure security at polling centres, personnel from the UPF and UPDF were deployed at all polling centres during the NRM primaries.

The officer in charge at Namhuga South polling centre in Kasese district scrutinizes a voter's party card to verify her details.

UHRC also observed that the voting process was, to a large extent, transparent and the method of voting used in the exercise was by secret ballot. The UHRC election observers further monitored the availability of polling materials such as ballot papers, ballot boxes, indelible ink, basins, voters registers, declaration forms, logistics, facilitation of polling officials, equipment for weather changes and access for vulnerable groups at the polling centres visited.

The UHRC team observed that most of the vulnerable groups were able to access polling centres. At many of the polling centres, the illiterate, PWDs and older persons were free to choose people to assist them. For instance, at some of the polling centres in Kayunga district, the UHRC team witnessed that vulnerable persons such as PWDs and older persons were exempted from queuing.

a) Challenges identified during NRM party primaries

The UHRC monitoring team noted that although the NRM primaries were carried out on a countrywide scale, the exercise had many challenges. These were partly responsible for the emergence of a large number of independent candidates, who were challenging what they perceived as unfair, undemocratic or mismanaged internal party processes.

There was poor election administration, leading to frequent changes and postponement of polling dates; delayed delivery of polling materials; insufficient or no polling materials such as ballot boxes, ballot papers, indelible ink, basins, seals and demarcation materials; lack of information to voters about the process; and inadequate number of polling officials.

Inadequate polling materials, for instance, led to the use of one ballot box for all elective posts at Nkanaga polling centre in Mubende District and other polling centres in Butambala District, while others like Ngetta Ginnery and Combani Ward polling centres in Lira district did not receive ballot papers for the woman MP primaries. At Rukungiri Stadium polling station, only one box was used to accommodate ballot papers for all four elective positions (MP, district woman MP, LC V chairman and mayor). Furthermore, lack of indelible ink to identify those who had already voted exposed the exercise to multiple voting at some polling centres such as at Nakigo II polling station in Iganga district.

Another challenge was that of insufficient or no ballot papers at some polling centres, as was the case at Kyetume C and Wabuyinja polling centres in Kayunga district, where there were no ballot papers for the position of the LC V chairperson. The polling officials improvised with pieces of paper on which they asked voters to write the names of the candidates of their choice. This not only disenfranchised illiterate voters, but fundamentally changed the voting process as originally provided for in the NRM party voting regulations.

UHRC noted inadequate logistics at all polling centres, including lack of preparedness for weather changes such as heavy rain, shown by the failure to provide shelter, gumboots, umbrellas and raincoats for polling officials. Rain in Karamoja sub-region and in several districts, including Masaka, Sembabule, Rukungiri, Bushenyi, Isingiro and Kamuli, disrupted voting at some polling centres where shelter had not been provided. Other instances of inadequate preparation included: lack of electricity in some tallying centres where the exercise went on into the night, for example the NRM tally centre on Lubas Road in Jinja; lack of seats for the polling officials; and failure to provide lunch, transport and remuneration for the officials. Lack of logistics was, in some instances, reported to have led to misuse of public resources, as the UHRC team observed at Kamulikinzi Cell polling station, where voting materials were delivered using a government vehicle with registration number UG 0022M, attached to the Kasese municipal council central division.

Other challenges noted included widespread errors on the voters register and on ballot papers, such as missing or misspelt names of candidates and improperly-aligned or missing ticking boxes against candidates' names. In Ayivu county, Arua district, for example, the names of four contestants were missing on the ballot paper, while in Mbarara muncipality in Mbarara district, one candidate, Medard Bitekyerezo's name was omitted. In Rwampara county, Mbarara, the ballot paper for the position of MP had one ticking box less than the number of candidates' names – even though the exercise went ahead.

There was also a mix-up in candidates' names, positions and constituencies, such that some candidates appeared on ballot papers in positions or areas for which they did not contest. In Gomba district, for example, a candidate for Gomba West constituency, Araali Muhirwa, appeared on the ballot paper for Gomba East constituency. Similarly, in Hoima district, Beatrice Byenkya Nyakaisiki, a candidate for Bugahya constituency, appeared on the ballot paper for Hoima municipality. Such errors led to postponement of the exercise.

UHRC also noted that voters registers in most polling centres monitored had errors, such as names appearing in more than one register at different polling centres, inflated number of voters and ineligible underage voters.

There were reports of incidents of violent skirmishes/clashes involving voters in a number of polling stations monitored. Police in Iganga district reported that 21 persons (all male) were arrested during the NRM primaries. Elsewhere in Busoga sub-region cases of violence and arrests were reported in Kamuli between supporters of Isaac Musumba and Martin Muzaale. In Kampala district, there were reports of clashes between supporters of Salim Uhuru and Nsegumire Kibedi.

There were allegations of malpractice, including vote rigging and pre-ticked ballot papers as was observed in Hoima district, leading to postponement of the exercise from 26th October to 18th November 2015. The postponement in many areas led to voter apathy, demonstrated by low voter turnout in some areas such as Hoima district. There were allegations of attempted multiple voting at Ogengo polling station in Adekokwok sub-county, Lira district and at Mulago polling station in Mukono municipality.

The alleged widespread bribery during the NRM primaries was another challenge. Media reports quoting findings of a media monitoring exercise by the Citizen Elections Observer Network indicated that Kigezi sub-region in western Uganda had registered the highest voter bribery cases during the NRM primaries. Bribery, according to the monitoring report, took the form of vote buying by agents and candidates, including serving cabinet ministers.[185]

[185]I. Baligema, 'Kigezi records highest voter bribery - report' *New Vision*, Thursday 3rd November 2015, p. 9.

6.6 FACILITATING THE RIGHT TO VOTE

6.6.1 Voter and civic education

Elections are genuine if voters are able to make an informed choice. This, therefore, requires that voters should have information about the electoral process, such as access to unbiased voter information programmes and comprehensive non-partisan civic education.

The EC carried out substantial voter education using outdoor banners, posters, flyers, SMS (phone text messages), announcements and pullouts in newspapers, talk shows on radio and television, television infomercials, radio spot messages and its website. Civil society organisations, such as Citizens Coalition for Electoral Democracy in Uganda (CCEDDU), also conducted election-related communication campaigns in the media, particularly radio and television. However, UHRC pointed out to the EC that some of the voter education messages were sending mixed or unclear signals. For instance, the campaign on who was eligible to vote was feared to have the potential to cause confusion among the voters.

As was mentioned in Chapter 3, UHRC also conducted civic education under its Early Warning and Early Response Project using special vans, the election song, radio messages and talk shows, *barazas* and road shows, sensitisation of security agencies and training of the EC on human rights and elections.

In preparation for the 2016 elections, the Legal and Human Rights Directorate of the UPF, on 8th December 2015, held a two-day training session for 300 police commanders to equip them with skills in observing human rights and electoral laws.[186]

6.6.1.1 Challenges identified in voter and civic education

Although CCEDDU contended that it's 'Topowa' campaign that was aired on radio and television was intended to encourage voters to register and vote, the EC objected to some aspects of the campaign, on grounds that it was misleading, biased and contrary to guidelines of accreditation.[187]

UHRC noted the concerns raised by various stakeholders that voter education efforts by the EC and its partners were not adequate. A report by the Citizens Election Observers Network Uganda (CEON-U) indicated that the EC had abandoned critical voter education ahead of the 2016 elections, claiming that two months to polling, many people were not aware of their polling station, of the polling day and of the legal framework to use.[188] UHRC also noted that its efforts to provide continuous civic education in order to empower citizens to meaningfully participate in the electoral process were equally inadequate due to funding constraints.

6.6.2 Election administration structures/tools

In an effort to ensure that voting procedures were easy to follow and did not discourage voter participation, the EC put in place mechanisms and structures for effective election management. These included: planning and implementing communication campaigns; introducing new technological and strategic enhancements, such as the voter location slips and the Biometric Voter Verification System (BVVS); procuring election materials; and issuing and enforcing electoral guidelines, among others.

The EC endeavoured to be transparent by developing and publishing the election roadmap and putting in place mechanisms to communicate with the public, especially providing guidelines and updates of the ongoing electoral processes. The EC also published the *Media Guidelines Pocketbook* for use by journalists and media houses during the electoral period. As mentioned above the EC used various media to communicate, including radio, television, outdoor signage, posters, SMS messages and online systems. The EC created an online platform in an attempt to help registered voters easily check and confirm their registration status. The exercise, which took place from 22nd July to 11th August 2015, worked hand-in-hand with the traditional physical display of the register. The online register was on the website address www.ec.or.ug/register.[189]

[186] A. Bagala, '300 police chiefs trained in elections and human rights', Daily Monitor, 10th December 2015, p. 5.
[187] H. Sekanjako, 'Voter education: EC, CSOs clash', *New Vision*, 1st December 2015, p. 9
[188] A. Tumwine, 'Election observers accuse EC of failing on voter education', Daily Monitor, 3rd December 2015, p. 7.
[189] E. Ssekika, 'Voters to check their registration on internet', The Observer, 10th-11th August 2016, p. 2.

The EC also initiated other election administration processes such as: procurement and delivery of voter materials that included voter allocation slips, biometric verification machines, ballot papers and ballot boxes; procurement of civic education equipment or tools; and drawing up and monitoring guidelines for political parties and candidates during election campaigns. The EC Guidelines for Candidates Campaigning Meetings for General Elections, 2016 (EC Guidelines) were aimed at ensuring smooth and coordinated electoral activities for all political players. The eight presidential candidates officially launched their campaigns on 9th November 2015, according to the guidelines issued by the EC. The guidelines, among others, prohibited candidates and their campaign agents from making statements threatening war or which were defamatory, insulting or inciting hatred. They also prohibited them from using symbols or colours with tribal or religious affiliations.[190]

6.6.2.1 Challenges identified in election administration

However, UHRC noted that the above efforts by the EC notwithstanding, there were a number of concerns. The delays experienced in the procurement processes due to disagreements between the EC and prospective service providers were a challenge. UHRC, however, noted that in spite of the delays, the procurement processes progressed. Delayed procurement, delivery and storage of ballot materials raised anxiety among the public on issues of transparency on part of the EC. Consequently, the EC allayed the fears by inviting all interested stakeholders, including political party representatives, the media and election observers, to witness the arrival, movement and storage of the election materials.

Other challenges included stakeholders' lack of confidence in and suspicion surrounding the newly-introduced voter biometric equipment and some unclear voter education messages and guidelines. Through the partnership with the EC, UHRC urged the former to increase sensitisation on the guidelines on the use of the new voter equipment in order to build public confidence and acceptance.

Furthermore, despite the presence of a jointly-agreed-upon campaign schedule for each candidate, in order to avoid clashes and to ensure a smooth process, there were reports of skirmishes between supporters of rival camps. On 13th December 2015, for example, there was a clash between supporters of candidates Yoweri Kaguta Museveni and John Patrick Amama Mbabazi in Ntungamo District. This had been preceded by skirmishes in Mbarara District between supporters of the two candidates.

6.6.3 The legal framework and its application

Enacting and enforcing laws and regulations that protect the electoral process from bias, bribery, fraud or manipulation is a prerequisite for an environment that fosters free and fair elections. UHRC observed that the legal framework in place at the time was generally adequate to facilitate the 2016 electoral process. The EC made further efforts to streamline electoral activities by developing guidelines that were agreed upon with all political parties and candidates.

6.6.3.1 Challenges identified in the legal framework and its application

There were some grey areas in the laws, such as the interpretation of '*notice*' under S.5 of the POMA as '*granting of permission*' by the UPF; and interpretation of powers to regulate assemblies under S.32 of the Police Act Cap 303. These needed objective interpretation and application in order to facilitate promotion and protection of electoral rights and freedoms. Different interpretations and contestation of some of the laws, such as the POMA, and non-compliance with EC electoral guidelines by some political players led to clashes between the police and politicians. On 22nd December 2015, supporters of the deputy speaker of parliament, Jacob Oulanyah, in Gulu district caused chaos following allegations that he had organised a gathering at the same time and venue as had been allocated to presidential candidate Dr. Kizza Besigye. On 26th July 2015, Dr. Besigye and his supporters clashed with the UPF in Mbarara town after he had diverted from the planned route following his rally at Boma grounds.

[190]See Vision Reporter, 'EC sets guidelines for presidential candidates', New Vision, 6th November 2015, p. 7. The EC Guidelines were issued on 21st December 2015.

There were also concerns of selective application of the law and election guidelines by the EC and police, with allegations of inequitable enforcement of guidelines and failure to enforce guidelines when particular parties or candidates did not comply.

Other discriminatory provisions were the requirement for public officers to resign from their jobs before they could contest for political positions during general elections, while exempting certain offices, including members of commissions, authorities or councils and requiring them to obtain leave of absence from office.[191] UHRC noted that such provisions were discriminatory and did not comply with the principle of equitable treatment of all before the law. UHRC received concerns on these legal provisions, which, according to human rights principles, were discriminatory and did not promote equity.

6.6.4 Resolution of election disputes and grievance-handling mechanisms

There was need for election offences to be clearly defined and enforced by the law without discrimination, as well as the availability of effective mechanisms for promptly resolving election disputes or complaints. Therefore, assessing the availability of mechanisms for receiving citizen complaints regarding infringements of electoral-related rights for action was one of the areas of concern for UHRC.

UHRC noted the EC mechanism for dealing with complaints and disputes during the election period, especially during campaigns. A National Liaison Committee was formed at EC head office to handle election disputes. It also guided its district staff to formulate District Liaison Committees to handle election disputes at the local level. Other mechanisms available included the courts of law and UHRC, which handled all human rights violations, but had put in place special arrangement for election-related complaints.

6.6.4.1 Challenges in resolution of election disputes

UHRC noted that there were joint attempts by the government and the Uganda Joint Christian Council (UJCC) to establish an independent elections conflict resolution body to handle election disputes by the end of 2015. However, the Uganda National Conflict Prevention and Peace Building Policy that had provided for the conflict resolution body had not been passed by the end of 2015.

Nevertheless, UHRC observed that there were mechanisms available at the EC for handling election disputes, although they were not widely known by candidates, parties, agents and the populace. There were also allegations of failure by the EC to reprimand some political candidates. Such lapses were evident when candidates campaigned beyond 6:00pm according to the EC guidelines. This was the case for rallies of candidates Amama Mbabazi in Mukono and Kisoro districts, Kizza Besigye in Kamwenge, Mukono and Mityana districts and President Museveni in Mbale district.[192] There were also accusations by the opposition, of bias and unfair treatment in dispersal of rallies after the stipulated time.

6.6.5 Allocation of resources to the EC

UHRC noted that, whereas the EC had submitted a budget of UGX 476,579,774,000 to efficiently carry out the 2016 general elections, it was allocated UGX 366,794,014 985 (which included a supplementary budget of UGX 47,155,974,000) leaving a shortfall of UGX 109,785,759,015.

6.6.5.1 Challenges identified in resource allocation to the EC

It was, therefore, observed that the inadequate budget allocated to the EC affected its ability to recruit adequate human resource and acquire adequate polling materials and equipment necessary for successful implementation of the various stages of the electoral process. UHRC noted that inadequate resources also affected effectiveness of the EC's election-related activities, such as voter education.

[191] S. 257 the Constitution, S.4 (4) of the Parliamentary Election Act, 2005 and S.166 (5) of the Local Government Act Cap 24.
[192] B. H. Oluka, 'How candidates are breaking the rules', *The Observer*, 18 - 20 December 2015.

6.6.6 The role of security agencies during the election period

The need for security and observance of law in all the electoral processes, including public rallies, assemblies, demonstrations and polling, cannot be over-emphasized. Human rights standards require that security agencies remain non-partisan during the electoral process and desist from partisan interference with election rights under the guise of maintaining security, law and order. Security forces must, therefore, respect and protect human dignity and maintain and uphold human rights of all persons, including election-related rights.

The EC cultivated a close working relationship with security agencies both at the national and local government level. UHRC noted that UPF, which is the primary security agency charged with keeping law and order during the electoral process, was well facilitated for the task even during the pre-election period. The UPF acquired crowd control equipment, recruited more personnel and assured the nation that it would obtain reinforcement from other security agencies whenever the need arose. Media reports indicated that the UPDF had assured the country that it would deploy together with the police at campaign rallies for all candidates in order to beef up security during the electoral period.[193] There was the emergence of crime preventers who, police said, would offer support to the UPF during community policing.

6.6.6.1 Challenges identified under the role of security agencies during the election period

Media reports quoted warnings to sections of the public by heads of security agencies to desist from acts of lawlessness and violence during the electoral period.[194] There were also public reservations about the acquisition of heavy police equipment in readiness for the electoral period and the increased deployment of security personnel, especially in city and urban centres across the country. In addition, UHRC noted the interference and denial of campaign rallies and the violent dispersal of opposition rallies.

There were calls to police to clarify on the legal mandate of crime preventers, especially from opposition politicians and some members of civil society who claimed they were an illegal group (militia).[195] CSOs under the Human Rights Network - Uganda (HURINET-U) criticised the government for failing to stop the emergence of crime preventers and youth vigilante groups loyal to either government or the opposition parties, which were likely to compromise security during the electoral period.

6.6.7 Update of the national voters register

The processes of compiling, revising and updating the national voters register are crucial in facilitating the right to vote.[196] It is based on this that UHRC monitored the update of the national voters register in 384 update centres countrywide. The update centres monitored were located in 78 constituencies covering 50 districts, as shown in Table 6.4 by region.

Table 6.4: National voters register update centres monitored, by UHRC regional offices

UHRC Regional office	Number of update centres	Percentage (%)
Arua	42	10.9
Central	64	16.7
Fort Portal	15	3.9
Gulu	85	22.1
Hoima	41	10.7
Jinja	28	7.3

[193]H. Sekanjako, 'UPDF, police to deploy jointly at campaign rallies', *New Vision*, 16 November 2015, p. 10.
[194]E. Ainebyoona, 'General Katumba warns candidates on 2016', 13 December 2015, Available at http://www.monitor.co.ug/News/National/Gen-Katumba-warns-candidates-on-2016/; Last accessed on 8 June 2016.
[195]J. Kato, 'Activists criticize govt over militia groups,' Daily Monitor, 7th September 2015, p. 9.
[196]n. 175 above, Article 61.

UHRC Regional office	Number of update centres	Percentage (%)
Masaka	12	3.1
Mbarara	32	8.3
Moroto	16	4.2
Soroti	49	12.8
Total	**384**	**100.0**

UHRC's monitoring of the voters register update exercise was based on five critical issues: location of the update centre, the leadership at the centre, presence of stakeholders, including from government and NGOs, the process of updating and the general atmosphere at the update centre.

Findings revealed that of the 384 update centres monitored, the national voters register was available in 357 centres, accounting for 98%. In 95% of the update centres, officials/agents of the EC were present, while in 5%, they were not. The respondents attributed the absence of EC officials at update centres to the unfriendly weather (threats of rain) at the time and to temporary breaks, like lunch. As a result, some of the people that had gone to participate in the exercise at that particular time were not served because of the absence of the update officials. Nevertheless, it was noted that the update exercise was in progress in most of the centres monitored.

Other findings indicated that the voters register update officials and relevant stakeholders had come up with mechanisms for informing the vulnerable persons about the exercise. This was evident in 85% of the centres monitored. The measures/mechanisms used included door-to-door visits by the update officials and use of the respective local council officials and relatives of vulnerable persons.

Respondents at 63% of the centres revealed that the time allotted to the exercise was not adequate, while at 37% centres, they said it was adequate. The inadequacy was attributed to interruptions due to bad weather and the absence of update officials in the centres at particular periods.

The responses indicated that 17% of the update centres were closed before 6pm (the official closing time), 75% were closed at 6pm and 8% were closed after 6pm. This shows that the majority of voters register update centres remained open until the official closing time.

The overall picture regarding the process of updating the national voters register, according to the respondents, was that the exercise was transparent. In places where respondents reported lack of transparency, they cited names missing from the register and incidents of alleged registration of non-Ugandans in border towns.

Cases where eligible Ugandans above 18 were denied an opportunity to register were witnessed in ten of the 384 update centres, representing 3%. The reasons given included: failure to verify that they were of voting age, lack of proper documentation and doubted nationalities. There were claims in 25 update centres (8%) that non-Ugandan citizens appeared on the national register. This was reported mostly in the border town of Busia, where some Kenyans were allegedly registered. Some attributed this to political scheming, but others reported that some had been included in the register, pending clearance.

The findings showed that there were mechanisms to verify and deregister foreigners at 97% of the update centres. Findings also showed that 29% reported removal/deletion of names from the register during the process of updating. The deleted cases cited were of deceased persons, those with double registration and those who failed to prove their citizenship.

In most of the update centres, voters could transfer their particulars to their preferred voting locations. However, in some, there were no transfer forms, which explains why some voters could not transfer their particulars to their preferred polling stations.

6.6.7.1 Challenges identified during the update of the national voters register

Some of the challenges were names not appearing on the voters register, as was the case at Lopida B in Napak district and Mabona in Isingiro District –even in instances where the voters had national identity cards. Other challenges included: instances where some people were registered with particulars of others; inadequate facilitation of the update officials; inadequate sensitization, whereby PWDs in some of the update centres were under the false impression that the voters register that was being updated was for the elections of PWDs; and the public perception that the exercise was a waste of time.

6.6.8 Display of the national voters register

UHRC monitored the display of the national voters register to assess whether eligible voters were able to check for the accuracy of their particulars and photographs. Further areas of interest were to establish whether display officers were able to remove from the register, names of the deceased, foreigners, people under 18 years of age, residents of another parish, and names that appeared more than once.

The monitoring exercise also assessed whether eligible voters who appeared more than once on the voters register or whose particulars were missing were given an opportunity to present their cases. In order to make the above assessment, UHRC monitored a total of 393 national voters register display centres. Table 6.5 shows the display centres monitored by regional offices.

Table 6.5: Display centres monitored by UHRC regional offices

UHRC Regional office	Number of display centres	Percentage (%)
Arua	48	12
Central	54	14
Fort Portal	43	11
Gulu	81	21
Hoima	31	8
Jinja	30	7
Masaka	23	6
Mbarara	5	1
Moroto	34	9
Soroti	44	11
Total	**393**	**100**

UHRC observed that 26% of the display centres monitored were opened before 8am, which was the official opening time, 72% were opened at 8am and 3% were opened after 8am. UHRC also observed that 2% of the display centres were closed before 6pm, 97% were closed at 6pm, and no centre was open after 6pm.

The majority (97%) of the display centres monitored had EC officials/agents present, while 3% did not. At some of the centres, such as at Bugema University, at Busiika in Kalagala sub-county and at Tongo in Zirobwe sub-county, all in Luwero district, the exercise had been concluded days before the deadline, since all the registered voters had verified their particulars.

The general atmosphere in all the display centres monitored was peaceful, as there were no incidents of violence recorded. However, only one incident of disorder was witnessed in Jinja district, at the National Housing display centre in Jinja East municipality, where drunkards caused disruption. The situation was, however, quickly resolved.

In addition, UHRC noted that the national voters register was available at 150 display centres. This accounted for 96%, with the remaining 4% representing the ones that UHRC found closed. At 83% of the display centres monitored, members of the public interviewed said the time designated for the exercise was adequate. At 73% of the display centres, government stakeholders said the time was adequate. Nevertheless, the members of the public interviewed at 17% of the centres and government stakeholders interviewed at 27% of centres said the time was not adequate. They cited students in boarding schools who could not leave to participate in the exercise, as well as voters who had failed to travel long distances to their preferred voting areas to verify their particulars.

UHRC further noted that there were mechanisms for vulnerable persons to access the register in 74% of the monitored display centres. In Hoima Town Council, Hoima District, for instance, the parish supervisors, assisted by the LC1 chairman, took the voters register to the residences of the vulnerable persons. Some display centres in Jinja, Gulu, Nwoya and Amuru districts also had officials reaching out to the vulnerable in their homes and enabling them to participate in the exercise. UHRC observed that in 26% of the display centres, no special mechanisms were in place to facilitate access of vulnerable persons.

The youth and older persons were able to verify their dates of birth in 93% of the display centres. In some instances, the youth and older persons who verified their particulars were assisted.

In 63% of the display centres, some cases of deceased persons, non-citizens and those belonging to other parishes appeared on the voters register. In others, persons below 18 years of age also appeared for the exercise. Due to a general lack of documentary proof of death, verification of deaths was done with the assistance of relatives, neighbours and local leaders.

6.6.8.1 Challenges identified during the display of the national voters register

The main challenge was the low turnout which, in some cases, was bad as 40%. This was attributed to a number of factors, including little or no sensitisation and communication programmes about the exercise by the responsible offices and lack of clarity on the relationship between this and the previous national ID registration exercise. Some LC officials, who should have supplemented the government mobilisation drive, intimated to UHRC that they themselves had not been fully mobilised and facilitated to participate in the exercise.

A number of voters mistook the national voters register display exercise for a time designated to pick up national ID cards to the extent that those that had picked up theirs did not consider it necessary to go back. This was the case at Town Yard display centre in Masaka municipality, among others.

There was also some level of voter apathy among the population who thought the exercise was a waste of time. They were influenced by the unclear or contradictory messages that were sent out by the EC, tagging the voter display register exercise to the national identity card process. A media report in the *Daily Monitor* newspaper quoted the EC as having declared the final number of eligible voters in the country to be 15,277,196 and that an unspecified number of people would miss out on the voting because their data had not been captured during the fresh voter registration exercise or they had not registered for the national ID.[197]

Locations of some of the display centres were new and not known to community members. This was because the EC had created new polling stations as mandated by law when the number of voters registered at an existing polling station exceeded the maximum limit. In such instances, voters who had thought they only needed to verify information ended up moving from place to place in a bid to locate their particulars, and some gave up.

[197] S. Arinaitwe, 'EC gives final verdict on voters register', *Daily Monitor* 5th December 2015, p. 3.

UHRC observed that some centres were located as far away from the voters as two or more kilometers. This was challenging to certain categories of people, especially the older persons, PWDs and those who lived by themselves without anyone to leave in charge of their residences. Farmers were constrained, as they had to attend to their animals and gardens most of the time, which discouraged them from going to the centres to update their particulars. UHRC also observed that some centres were located in unfavourable places such as shops and commercial business premises.

6.6.9 Consultation and campaign periods

The right to take part in the conduct of public affairs, particularly through elections, requires the freedom to exchange political ideas, programmes and messages between candidates and the electorate. In this regard, consultations and campaigns are the most commonly used and effective methods of public dissemination of political information and messages.

In 2015, in order to facilitate electoral consultations and campaigns, the EC, in addition to implementing provisions of the available electoral laws, put in place election guidelines that were agreed upon by all candidates and political parties. The EC election guidelines included an agreed schedule for consultations and campaigns by the various candidates in order to avoid clashes. The EC also issued guidelines for the media, civil society, election observers and security agencies.

UHRC noted that at the beginning of the consultation period, there was lack of clarity on the part of the EC and the candidates of what constitutes 'consultation' under Section 3 of the Presidential Election Act, 2005. UHRC further noted that this was not elaborated in the said Act, and its interpretation as provided by the Attorney General was that it was limited to preparatory activities that did not include campaigns, rallies and canvassing votes. Nevertheless, UHRC noted that the period of election campaigns, which commenced in November 2015, was generally peaceful.

6.6.9.1 Challenges identified during the consultation and campaign periods

UHRC noted that the period of consultation had incidents of curtailment of the movement, particularly of the opposition politicians, by police. This was mainly due to unclear laws and the multiple interpretations of the POMA and the Police Act Cap 303 by different stakeholders. Such misunderstandings led to some aspirants being denied access to voters. One such incident was the arrest of presidential aspirant Mr. Amama Mbabazi in Njeru, Buikwe district, on 9th July 2015, stopping him from proceeding to Mbale for consultations. Another incident was the blockage of opposition FDC officials on 10th October 2015 along the Masaka-Mbarara highway on their way to Rukungiri district to attend a consultation meeting.

The other challenge was the outright refusal by some candidates to comply with the electoral law and guidelines. An example is the defiance campaign by Dr. Kizza Besigye, which he advocated throughout the campaign, despite warnings from the EC that such a message could incite the public.[198]

Other concerns included: campaign rallies that commonly went beyond 6:00pm, the closing time stipulated by the EC; clashes between supporters of rival political camps; cases of open involvement of religious and cultural leaders in politicking; alarmist statements by political leaders; and accusations and counter accusations of election rigging by the different parties. An example of direct involvement of religious leaders in politics was cited in the media, where the Uganda Joint Christian Council allegedly condemned the clashes between people dressed in NRM T-shirts and the security team of independent candidate, Amama Mbabazi, in Ntungamo district on 3rd December 2015.[199]

The campaign period also saw the emergence of militias propagated by the various political organisations under the pretext of preparing to guard their vote. UHRC noted that militia groups had

[198]Vision Reporter, 'Presidential aspirants warned against early campaigns', *New Vision*, 11 September 2015, p.7.
[199]E. Kasozi, 'Religious leaders condemn counter campaign rallies', Daily Monitor, 16 December 2015, p.4.

the potential to turn into instruments of hooliganism and public disorder. Police accused Amama Mbabazi of having a militia group, and the Inspector General of Police (IGP) assured the country that this militia would be disarmed.[200]

6.7 OTHER RIGHTS FACILITATING THE RIGHT TO VOTE

Efforts aimed at attaining the critical right to vote and the right to take part in the conduct of public affairs through elections is hinged on the realisation of a number of other rights and freedoms that are a prerequisite to the full enjoyment of the right. The other rights and freedoms that facilitate the right to vote include, among others: the realisation of the freedom to receive and impart information; media freedoms; freedom of movement and personal liberty; freedom of expression and assembly; and the right to equality and non-discrimination. UHRC assessed how the facilitative rights and freedoms linked to the right to vote were impacted during the 2015 electoral period.

6.7.1 Freedom to receive and impart information

Freedom of expression and information is provided for under international, regional and national human rights instruments. The methods of expression, however, are diverse. Freedom of political expression is important because the purpose of an election is to allow people to express their political will and, therefore, the right is vital for transmitting information to the electorate. However, the same standards provide for circumstances under which the rights can be limited, and urge states not to arbitrarily do it. Promotion of these freedoms, therefore, requires that voters should have access to information about the parties, candidates and their political messages and programmes through the various available media.

6.7.1.1 Media freedoms

The media, comprising the traditional electronic and print channels, as well as the new social media platforms, was vibrant during the electoral period. The EC, UHRC and CSOs such as CEDDU, among others, also broadcast election-related campaigns and information on radio and television.

The African Centre for Media Excellence (ACME) issued periodic reports on its analysis of media coverage of the electoral process. The reports gave insights into the role the media was playing in imparting election-related information, and the extent to which the various media houses were complying with the promotion of equal access to media by the different political candidates.

6.7.1.2 Challenges identified under media freedoms

The media monitoring reports revealed the unequal access to media by candidates, citing incidents in which some opposition leaders were denied media space. An example was in November 2015 when UBC TV was reported to have given 43.9% of its airtime to NRM presidential candidate, Yoweri Museveni, while the other seven presidential candidates shared the remaining 56.1%.[201]

There were reports of some media practitioners being harassed, mainly by security agencies, public officials, politicians and even some members of the public. Some journalists in Kampala, Mbarara and Arua districts, as well as in Karamoja sub-region, allegedly became victims and also reported loss of their equipment.[202] In one such case, a journalist filed a complaint at the UHRC Mbarara regional office, and the matter is under investigation. The UPF was reported to have apologised for some of these incidents and pledged to replace the journalists' destroyed equipment.

[200] n.192 above.
[201] The African Center for Media Excellence (ACME), 'Monitoring media coverage of the 2016 elections: Findings', November 2015.
[202] Human Rights Network for Journalists, 'Blatant abuse of media freedoms by state agencies threatens the watchdog role of the media ahead of the 2016 general elections in Uganda. Perpetrators must be brought to book', 26 July 2015.

Whereas UHRC noted the crucial role that the media played in informing and educating the citizens, as well as mobilising people during the electoral process, there was a concern about the growing tendency of some media houses to give biased, alarmist and inaccurate reports.

Social media were among the commonly-used channels by political parties and individuals to communicate electoral messages. Unfortunately, due to their ability to provide anonymity, they were widely misused and abused during this period. UHRC noted that although social media could facilitate expeditious mobilisation of people for a good cause and for information sharing, they also became platforms for smear campaigns, hate speech, misinformation, incitement, propaganda and, in some instances, blatant abuse and insult. The reckless use of these platforms was enabled by their versatility and ability to keep the sources anonymous.

6.7.2 Freedom of movement and personal liberty

UHRC observed that all the candidates enjoyed freedom of movement and personal liberty to a large extent during the electoral period. The presidential candidates generally observed the agreed campaign schedule, and members of the public were also largely able to move freely to attend political rallies of their choice across the country.

6.7.2.1 Challenges identified under freedom of movement and personal liberty

UHRC noted incidents involving curtailment of movement of candidates, specifically at the beginning of the consultation period in September 2015. There were incidents in which police stopped opposition presidential candidates from going to particular places, such as hospitals and institutions. However, the government later cleared the candidates.[203]

Two outstanding incidents of curtailment of movement were the arrest of presidential candidates Amama Mbabazi and Dr. Besigye, as earlier mentioned, on account of the unclear interpretation of the laws. UHRC also noted the use of preventive arrest by police to curtail the movement of opposition politicians, and its implications on the right to free movement and liberty. Such incidents stemmed from differences in interpreting sections of the electoral laws by the aspirants, candidates, the EC and the UPF.

The incident of the inhuman and degrading arrest of an opposition party official on 10th October 2015 along Masaka-Mbarara highway caused concern to UHRC. The use of unnecessary force to arrest the woman, who was stripped and her nakedness exposed in the glare of media, prompted UHRC to issue a public statement condemning the act and expressing concern about its human rights implications.

6.7.3 Freedom of expression and assembly

The right to freedom of peaceful assembly provides for gathering publicly or privately, and collectively expressing, promoting, pursuing and defending common interests. This right includes the right to participate in peaceful assemblies, meetings, protests, strikes, sit-ins, demonstrations and other temporary gatherings for a specific purpose. States, therefore, have an obligation to protect and facilitate peaceful assemblies.

The enjoyment of the right to assembly is crucial for elections because political rallies and public demonstrations are effective methods of public dissemination of political information and messages. Assemblies that are provided for and protected are peaceful ones. However, peaceful assemblies can also be restricted in accordance with international, regional and national laws, such as the Public Order Management Act.

[203] n. 200 above.

Although the early period of consultations was characterised by some incidents of curtailment of this right, all presidential candidates freely and actively held political rallies and meetings in the period immediately after their nomination on 4th November 2015. As earlier noted, all presidential candidates agreed on their respective campaign schedules with the EC and largely respected them. Members of the public were also free to attend public rallies and participate in other activities of political parties of their choice.

6.7.3.1 Challenges identified under freedom of expression and assembly

As earlier indicated, some incidents occurred in which the freedom of expression and assembly, especially for some opposition presidential candidates and some members of the electorate, were curtailed owing to the gaps in, and the different interpretations of, the existing laws.

UHRC, however, also noted the challenge of non-compliance with some laws and guidelines by some opposition candidates, which, in some instances, led to clashes with law enforcement bodies. Media reports stated that upon nomination of the FDC presidential candidate, 'a campaign of defiance' was launched, which would culminate in the people "taking back their power" from a dictatorship. Dr. Besigye also defied several warnings from the EC that such a campaign had the potential to impact negatively on peaceful elections.[204]

Other cases that UHRC noted were the various media reports citing incidents in which three presidential candidates, Dr. Besigye, Yoweri Museveni and Amama Mbabazi, campaigned beyond the 6:00 pm limit.[205]

UHRC noted reports of the overzealousness and selective application of EC guidelines by the UPF, leading to their alleged interference in and denial of some campaign rallies, prevention of opposition accident victims from accessing a health centre for treatment, prevention of people from attending opposition rallies, violently dispersing opposition rallies and injuring supporters; and the arrest of opposition officials and confiscation of opposition materials such as manifestos. It is worth noting that the UPF took action on some of its errant officers and instituted investigations into the incidents.

6.7.4 Equality and non-discrimination

Human rights standards require that participation in elections should be non-discriminatory, equal and universal. Every eligible citizen must be allowed to exercise the right of suffrage without discrimination. Grounds of race, color, sex, language, religion, political or other; opinion, association, property, birth or other status should not be used to deny eligible persons the right to vote or to contest for election.

Other good practices include equal opportunity to put out one's case on political issues, programmes and free access to the electorate, and equitable access to the media by all parties and candidates.

UHRC noted that the general electoral atmosphere and many of the mechanisms in place in the electoral periods were aimed at achieving equity and non-discrimination for all. It was, for instance, noted that the same information concerning voter registration, update and display; the EC electoral roadmap; and civic and voter education programmes, among others, was disseminated to all citizens without discrimination. Additionally, all candidates for presidential, parliamentary and other elective positions were subjected to similar requirements for nomination, campaign roadmaps, EC campaign guidelines and voter and civic education access.

[204]S. K. Kaaya and D. Walusimbi, 'Dr. Besigye launches defiance campaign', The Observer, 6 - 8 December 2015; and S. K. Kaaya and D. Walusimbi, 'Besigye to Kiggundu: You can't threaten me', The Observer, 27 – 29 November 2015, p. 2.
[205]n. 203 above.

6.7.4.1 Challenges identified

There were concerns about the alleged discriminatory nature in the way political players enjoyed rights and freedoms of assembly, movement and personal liberty, which did not, in many cases, favour opposition leaders during the electoral period.

Other challenges that were observed included the interpretation and application of some laws, prohibitive nomination fees; and lack of uniformity in the conditions public servants and civil servants seeking to contest political offices were subjected to, among others.

6.8 RECOMMENDATIONS

1. Government should:
    - Review all laws relating to elections, including the Presidential Election (Amendment) Act 2015, Parliamentary Act 2005, Public Order Management Act 2013 and the Police Act Cap 303 among others, avoid lacunas for multiple interpretation and discrimination during the electoral process.
    - Review the process of appointing members of the Electoral Commission, to ensure transparency and independence in order to build public confidence in the body.
    - Review the legal provisions on nomination fees with a view to reducing the current exorbitant rates that are prohibitive; and review the requirement for public servants to resign, which hinders interested contenders from contesting for elective office.
    - Provide adequate funding to UHRC for continuous civic education, and to the EC for voter education and election administration.
    - Ratify the African Charter on Democracy, Elections and Governance in order to strengthen the holding of regular free and fair elections and the promotion of human rights and good governance.
2. Media houses should fulfill their duties and responsibility to promote free and equitable access to the media, to allow political contestants equal opportunity to convey messages to the public.
3. Ministry of Information Communications and Technology should enforce the constitutional requirement for the Uganda Broadcasting Corporation, as a public broadcaster, to provide equal access of all its outlets to all political parties to present their programmes to the citizenry.
4. Uganda Communications Commission and the Ministry of Information Communications and Technology should enforce regulations on the media's compliance with their professional responsibility, to stem irresponsible media reports. These institutions should also monitor and regulate the use of social media platforms in Uganda.
5. Electoral Commission should plan and provide logistics for weather changes on voting days.
6. All political parties should streamline and strengthen their internal democratic processes, party administration and funding in order to address the question of independent candidates.
7. Electoral Commission should emphasise the duty of the public to register and vote through voter education.

6.9 CONCLUSION

In order to monitor the right to vote, the Early Warning and Early Response Project assessed the right to take part in government directly or through a nominated representative; interventions to facilitate the right to vote; and the enjoyment of other facilitating rights, such as freedom of expression and association. Although UHRC noted positive developments, such as strengthened internal mechanisms in political parties, the successful nomination of presidential, parliamentary and various candidates at the local government, and introduction of new technology, such as SMS and the online system, there were challenges that still hindered the realisation of the right to vote.

UHRC also noted that some of the challenges identified during the previous elections, such as the timely review of electoral laws, had not been addressed in the run-up to the 2016 elections. In addition, UHRC notes that there is need to address evolving challenges, such as lack of internal democratic party processes, the emergence of crime preventers and militia during the electoral period, and the varied interpretation of laws, in order to ensure that the right to vote is realised. Therefore, UHRC urges all stakeholders to address the recurrent challenges, as well as those that emerged in 2015 in respect to the 2016 elections, early enough. Adequate and appropriate action should be taken to improve the next cycle of elections and to ensure that citizens enjoy their rights and freedoms related to elections.

CHAPTER 7
THE HUMAN RIGHTS SITUATION OF ETHNIC MINORITIES

7 INTRODUCTION

In line with its mandate under Article 52(1) (h) of the 1995 Constitution, UHRC undertook monitoring visits to a cross-section of ethnic minority groups (EMGs) in Uganda located in Kisoro, Kabale, Bundibugyo, Yumbe, Kaabong, Moroto, Kween and Bulambuli districts. The visits were to establish the state of human rights in the EMG communities, including developments and concerns, and to track the government's progress in realising them.

This chapter provides a contextual understanding of 'ethnicity', 'ethnic minorities' and 'indigenous peoples' in Uganda, discusses the relevant legal and policy framework relating to EMGs, provides an assessment of the state of human rights progress made on previous recommendations on EMGs, and proposes recommendations to address identified gaps.

7.1 UNDERSTANDING ETHNICITY, INDIGENOUS PEOPLES AND ETHNIC MINORITIES

Ethnicity is the state of belonging to a social group with common culture, tradition and language.[206] The 1995 Constitution provides a description of communities and groups that are indigenous to Uganda. An indigenous person, as implied by the description of a citizen by birth, is 'every person born in Uganda one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926, and set out in the Third Schedule to this Constitution'.[207]

On the other hand, according to the African Commission on Human and Peoples' Rights, indigenous people are persons left on the margins of development, perceived negatively by dominant groups; whose cultures and ways of life are subject to discrimination and contempt; and whose very existence is under threat of extinction.[208] In view of this definition, the African Commission on Human and Peoples' Rights is concerned about the limited interpretation provided by the Constitution of Ugandan and its inconsistency with regional standards.

The implication of this legal framework approach is that it may alienate a person if the wider definition, as provided by the African Commission on Human and Peoples' Rights, is not widely considered. In Uganda, for instance, there are already eight resident groups that are neither in the national database of Uganda Bureau of Statistics (UBOS) nor categorised as living in Uganda by 1926, but are documented in many studies. They include the Benet (Ndoroobo), Bagangaizi, Bayaga, Basese, Meru, Wangwar, Bakingwe and Banyanyanja.[209]

Similarly, ethnic minorities are a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members are nationals of the state but possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.[210]

[206] Main report on the National Population and Housing Census, 2014, p. 19.
[207] Article 10 (a) of the 1995 Constitution.
[208] Report of the African Commission's working group on indigenous populations/communities: Research and information visit to the Republic of Uganda; 14 – 17 and 24 – 29 July 2006, p.43-44.
[209] Equal Opportunities Commission (EOC), 'A desk review on the status of recommendations made by various studies on ethnic minorities in Uganda': Addressing the burden of social exclusion and discrimination', May 2014, 14.
[210] F. Capotorti, former Special Rapporteur for the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

The concept of numerical inferiority and distinct characteristics from the bigger group is introduced in this definition of EMGs.

Indigenous peoples are understood to be distinct ethnic communities who are the first inhabitants of a geographical region,[211] and the land on which they live, as well as the natural resources on which they depend are inextricably linked to their identities, cultures, livelihoods, physical and spiritual well-being.[212]

Therefore, the fundamental difference between indigenous peoples and ethnic minorities lies in indigenous peoples' ties to their territory of origin or specific livelihoods. In many indigenous belief systems, land has a symbolic and spiritual value, as well as a social and economic function within the group, even for those who live outside of the homeland.

Most indigenous peoples fall under the category of ethnic minorities, hence the reason they are usually considered as both minorities and indigenous peoples. However, not all minorities could be defined as indigenous peoples. Much as some minorities have territories they traditionally occupy, indigenous peoples are considered the first inhabitants of their territories. Ethnic minorities and indigenous peoples are often defined according to the context in which these groups exist or increasingly through self-determination.[213] In Africa, countries are often composed of a large number of groups, none of which make up a majority, and so indigenous peoples are culturally-distinct societies and communities.

There are approximately 370 million indigenous peoples worldwide, in over 90 countries. Although they make up 5% of the global population, they account for about 15% of the extreme poor. While indigenous peoples own, occupy or use a quarter of the world's surface area, they safeguard 80% of the world's remaining biodiversity.[214] Some of the most biologically-important lands and waters are intact as a result of the stewardship of indigenous peoples. Therefore, they are also essential partners in the fight against climate change, and hold vital knowledge and expertise on how to adapt, mitigate and reduce risks from climate change and natural disasters.

7.2 LEGAL AND POLICY FRAMEWORK RELATING TO ETHNIC MINORITY GROUPS

Uganda is party to international and regional standards guaranteeing the fundamental rights and freedoms of ethnic minorities or indigenous peoples.

7.2.1 International legal framework

At international level, the ICCPR specifically provides for the protection of the rights of persons belonging to ethnic, religious or linguistic minorities in community with other members of their group, to enjoy their own culture, and to profess and practise their own religion or language.[215] The CESCR, on the other hand, guarantees the enjoyment of rights without discrimination of any kind as to race, colour, sex, language; religious, political or other opinion; national or social origin; property, birth or other status[216]. In the same vein, the CRC provides for the right of children to learn and use the language and customs of their families, different from those of the majority population in the country where they live, as long as this does not harm others.[217]

[211] B. Felicien, Capacity Building Officer, Minority International Africa Regional Office Kampala, 'An assessment of human rights achievements and concerns faced by ethnic minorities in Uganda in 2015', at the UHRC consultative meeting for 18th Annual Report at the Sheraton Kampala Hotel, 30 March 2016.
[212] Available at http://www.worldbank.org/en/topic/indigenouspeoples/overview, Last accessed 5 May 2016.
[213] n. 209 above.
[214] n. 212 above.
[215] Article 27 of the ICCPR.
[216] n. 57 above.
[217] Article 30 of the CRC.

The Convention on the Elimination of all forms of Racial Discrimination (1965) prohibits racial discrimination of any kind by providing for various rights, including equality and non-discrimination before the law, security and integrity of persons, participation in public affairs, work, housing, health, education and social protection.[218] The 1948 Convention on the Prevention and Punishment of the Crime of Genocide also prohibits the destruction of a national, ethnic, racial or religious group,[219] and the Convention Against Discrimination in Education recognises the rights of minority groups to carry out their own educational activities, including establishing their own schools and teaching their own language.[220]

Finally, the International Labour Organization (ILO) Convention No 169 provides for protection of indigenous and tribal peoples' right to equality of man and woman. It adds that no form of force or coercion shall be used in violation of fundamental rights and freedoms of tribal peoples.[221]

It further provides for other rights, including: protection of indigenous peoples from any prejudices of general rights of citizenship by refraining from compulsory services paid or unpaid, recognition, retention and protection of customary methods and practices for dealing with offences committed by their members; and the right to decide own development priorities, including occupation or use of land without undue removal from land without their free and informed consent, including returning them to traditional land soon after grounds for relocation cease to exist, but also establishing penalties by law for unauthorized intrusion or use of their land. The Convention further obliges governments to take measures, including facilitating contacts between indigenous and tribal peoples across borders in the economic, social, cultural, spiritual and environmental fields.[222]

The UN Declaration on Minorities devotes all its nine articles to minority rights. However, it remains non-binding on any state, which then can only voluntarily comply with any or all of its provisions.

7.2.2 Regional legal framework

At the regional level, the ACHPR provides for the right to economic, social and cultural development to be respected with regard to freedom and identity. It further obliges individuals to observe the rights of others, collective security, morality and common interests.[223]

7.2.3 National legal and policy framework

At the national level, the 1995 Constitution, particularly under the National Objectives and Directive Principles of State Policy,[224] provides for affirmative action in favour of groups marginalised on basis of gender, age disability or any other reason created by history, tradition or custom, for purposes of redressing imbalances.

The Equal Opportunities Act, 2007 gives effect to Article 32 (3) of the Constitution and seeks to eliminate discrimination and inequalities against any individual or groups of persons on various grounds. The Equal Opportunities Policy, 2006 provides a framework for redressing imbalances that exist against marginalised groups, while promoting equality and fairness for all.

Similarly, the Uganda Human Rights Commission Act, 1997 gives effect to Article 52 (1) of the Constitution, which mandates it to protect and promote the human rights of all, while the Local Governments (Amendment) Act gives effect to decentralisation, which obliges local governments to respond to unique needs of ethnic minorities.

[218] Article 5 of the CERD.
[219] Article 2 a-e of the Convention on Prevention and Punishment of Crime of Genocide.
[220] Article 1 (a-d) of the Convention Against Disrimination in Education.
[221] Articles 2-3 of the ILO Convention No.69.
[222] As above, Articles 4-7 and 32.
[223] Article 22 of the African Charter on Human and Peoples' Rights.
[224] n. 207 above, Articles 10, 20 (2), 32, 36-37 and National Objectives and Directive Principles of State Policy XII, XIV and XXIV.

The National Protection Policy Framework for Uganda, 2013 envisions a society where all individuals and families are secure and resilient, and provides comprehensive and coordinated social protection interventions to address extreme poverty, risk, vulnerability, gender and social inequalities. The National Land Policy, 2013 recognises that in Uganda, the land rights of ethnic minorities as ancestral and traditional owners, users and custodians of the various natural habitats are not acknowledged even though their survival is dependent upon access to natural resources. The Uganda National Culture Policy, 2006 seeks to promote culture and enhance its contribution to community empowerment, and to strengthen Uganda's diverse cultural identities.

7.3 DISTRIBUTION OF ETHNIC MINORITIES IN UGANDA

Uganda is home to a large number of diverse ethnic, cultural and linguistic minority groups.[225] The Constitution, in the Third Schedule, lists 65 recognised indigenous communities that were living in Uganda as at 1st February 1926, although various studies observe that other groups were left out. Nonetheless, the UBOS census of 2002 classified ethnic minority groups on the basis of a demographic size of, or less than, 25,000 persons in total. Nonetheless, it was emphasised that any disempowered group, regardless of numerical size, should be considered a minority. In view of this, in the 2002 census, 19 ethnic groups, which formed 0.7% of the total population of 23 million people then, had less than 25,000 persons, thus qualifying as ethnic minorities on the basis of numerical inferiority.[226]

According to the 2014 census, the number of most of those ethnic minorities had increased. In about five groups – the Ethur, Jie, Napore, Nyangia and Venoma, the numbers had increased by thousands. The Batwa are the only group whose numbers had reduced, and this could gradually lead to their extinction. During interaction with some Batwa, UHRC observed that alcoholism and HIV/AIDS were the biggest threats to them. There is a false belief that if a male person suffering from HIV had sexual intercourse with a Mutwa woman, he would be healed of backache and HIV/AIDS. The combination of HIV, alcoholism and poverty, which were common among the Batwa, were arguably among the leading factors affecting the quality of their health. Table 7.1 below shows the ethnic minority groups,[227] according to the National Population and Housing Census Reports of 2002 and 2014.

Table 7.1: Ethnic minority groups in Uganda of 25,000 people or less

Ethnic group	2002 population	2014 population	Location
Babukusu	14,961	37,117	Masindi and Bugiri districts
Bahehe	3,358	4,023	Rukungiri and Busia districts
Banyabindi	13,912	16,331	Mubende and Kasese districts
Banyara	20,612	47,699	Kayunga and Kamuli districts
Basongora	10,153	15,897	Kasese district
Batuku	20,532	35,350	Bundibugyo district
Batwa	6,705	6,200	Kisoro, Kabale, Bundibugyo, Kasese, Kanungu and Bushenyi districts
Chope (Paluo)	20,517	34,327	Masindi district
Ethur	2,342	98,348	Abim district
Ik (Teuso)	8,497	13,939	Kaabong district
Jie	1,092	165,242	Kotido district
Lendu	11,155	18,919	Masindi, Hoima and Nebbi districts
Mening	1,092	2,655	Kaabong** and Kotido districts
Mvuba	863	2,879	Arua and Mukono districts
Napore	330	25,417	Kaabong and Kotido district
Nubi	25,118	28,772	Luwero district
Nyangia	332	9,634	Kaabong district

[225] Available at http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/JS6-JointSubmission6-eng.pdf. Last accessed on 3 April 2016.
[226] n. 213 above.
[227] n. 225 above. Information on the location of the etnic minorities in Table 7.1 is available at that website address.

Ethnic group	2002 population	2014 population	Location
So (Tepeth)	21,527	23,422	Moroto and Napak istricts***
Venoma	119	2,613	Kapchorwa, Arua, and Kayunga districts

**The majority of the Mening are found in Karenga sub-county, Kaabong District.

***The Tepeth are found on the slopes of Mt Moroto in Katikekile and Tapac sub-counties in Moroto District, and in Iriiri sub-county in Napak District.

According to the 2002 census, Uganda's 23 million people then had 56 indigenous groups. With the amendment of the Constitution in 2005, the number increased to 65 in the Third Schedule, with an additional ten groups, including: the Aliba (18,296),[228] Aringa (494,628),[229] Banyabutumbi (10,113),[230] Banyaruguru (48,995),[231] Barundi (92,570),[232] Gimara (11,182),[233] Ngikutio (5,729),[234] Reli (8,357)[235] and Shana (10,835).[236]

While the original list was based on existence of tribes within set boundaries of colonial times, it is not clear how the new groups were identified. As earlier stated, groups such as the Benet (Ndoroobo), Bagangaizi, Bayaga, Basese, Meru, Mwangwar, Bakingwe and Banyanyanja have emerged even though they are not listed in the schedule. The need to list them in the schedule should be urgently addressed. Currently, there are 36 groups in Uganda that can be categorised as ethnic minorities spread across the country, as Table 7.2 below shows.[237]

Table 7.2: Distribution of ethnic groups by population size

Population size	Number	Ethnic groups	Population ('000s)	Percentage (% age)
1 million or more	9	Baganda, Banyankore, Basoga, Bakiga, Iteso, Langi, Acholi, Bagishu, Lugbara	16,529.4	71.0
500,000-1,000,000	4	Banyoro, Bakonzo, Batooro, Alur	2,412.8	10.4
250,000-500,000	8	Bafumbira, Bagwere, Japadhola, Banyole, Banyarwanda, Madi, Basamia, Karamojong	2,706.8	11.6
100,000-250,000	5	Sabiny, Bahororo, Kumam, Baruli, Kakwa	798.4	3.4
25,000-100,000	11	Jonam, Bagwe, Pokot, Babwisi, Bakenyi, Bagungu, Batagwenda, Baamba, Kuku, Kebu (Kebu), Nubi	586.0	2.5
Less than 25,000	19	So (Tepeth), Banyara, Batuku, Chope, Babukusu, Banyabindi, Lendu, Basongora, Ik (Teuso), Batwa, Bahehe, Dodoth, Ethur, Mening, Jie, Mvuba, Nyangia, Napore, Venoma	108.8	0.7
Others		Non-indigenous groups	93.5	0.4
Total	**56**		**23,287.6**	**100**

[228]n. 206, p.71.
[229]n. 227 above.
[230]n. 228 above.
[231]As above.
[232]As above.
[233]As above.
[234]National Population and Housing Census 2014 Main Report, (n 1) and 2002 Census Results Report ,72.(22)
[235]As above.
[236]As above.
[237]D. Rukare, '*Key issues to consider when dealing with cases of minorities and marginalized groups*', a presentation at the training for judicial officers organised by the UHRC on, 29 February 2016.

7.4 PROGRESS MADE BY GOVERNMENT TO ENHANCE THE PROTECTION AND PROMOTION OF FUNDAMENTAL HUMAN RIGHTS OF ETHNIC MINORITY GROUPS IN UGANDA

In its 11th Annual Report of 2008, UHRC made 10 recommendations regarding ethnic minority groups. This section tracks status and progress of implementation since issuance of the 2008 report.

7.4.1 Government support to the adoption of final draft of the UN Declaration

Although the government must be commended for supporting the adoption of the final draft of the UN Declaration on the Rights of Indigenous Peoples, it still has no domestic legal provisions to support the UN Declaration. The only reference to indigenous people in the Ugandan legal regime is in Article 10(a) of the Constitution, which provides that any group that exists and is resident within the boundaries of Uganda as at 1926 is indigenous to Uganda.

7.4.2 Development of National Social Protection Policy Framework 2013

The policy provides a framework for legislation, coordination and programming for social protection.[238] Prior to 2015, the government only had 15 districts on the SAGE programme, as already stated in the preceding section. The government has planned to expand the social protection grants in a phased manner to cover the elderly in 40 more districts, starting from financial year 2015/2016 through to 2019/2020.

However, seven districts hosting some EMGs are not on the list of beneficiary districts and, therefore, the ethnic minorities resident in those districts will not benefit. These are: the Babukusu, Chope or Paluo and Lendu in Masindi district; the Bahehe in Rukungiri and Busia; the Batwa in Kanungu and Bushenyi; the Lendu in Hoima; the Mvuba in Mukono; the Nubi in Luwero; and the Venoma in Kapchorwa district.

Equally important to note is the fact that the criteria for selecting the grant beneficiaries is simply based on one's age, irrespective of economic status. The older persons are always vulnerable due to the aging factor, but the fact that ethnic minorities are vulnerable by virtue of their social status subjects the older persons among the minorities to multiple vulnerabilities. The government should extend affirmative action to individuals from ethnic minority groups by considering lowering the age bracket of eligible beneficiaries from all ethnic minority communities to 60 years, and to include all minority groups.

7.4.3 Development of the National Land Policy, 2013

The government developed the National Land Policy, 2013, which recognises the land rights of ethnic minorities. It recognises that the establishment of national parks and conservation areas managed by government, as well as large-scale commercial mining, logging, plantations, oil exploration and dam construction, often take place at the expense of ethnic minorities. Since minorities occupy land on the basis of precarious and unprotected land rights systems, they are exposed to constant evictions, removals and displacements. Government commits to pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.[239]

7.4.4 Enactment of the Institution of Traditional or Cultural Leaders Act, 2011

The Government enacted the Institution of Traditional or Cultural Leaders Act, 2011, which was to facilitate implementation of the affirmative action obligation for ethnic minority groups so that they could enjoy their cultural rights and promote their culture without any hindrances. Sections 3 and 4 of the said Act provide for criteria of instituting traditional or cultural leaders based on culture, customs and traditions of the people concerned, among others. Article 9 also provides for the roles of traditional or cultural leaders,

[238] n. 226 above.
[239] Section 4.8, paragraph 5.7 (b) of the National Land Policy, 2013, p. 28.

including promoting and preserving the cultural values, norms and practices, which enhance the dignity and well-being of people recognized as such. These criteria and roles are consistent with the wording of the UN Declaration and the ILO Convention discussed earlier.

7.4.5 Creation of two new constituencies within ethnic minority communities

The Government created two new counties/constituencies for the Ik and Tepeth. The first two MPs to represent Tepeth and Ik counties were elected in February 2016 to represent their constituents in the 10th Parliament commencing May 2016. This move is meant to enhance effective political participation and representation of ethnic minorities in decision-making and public life at the local and national level. UHRC noted, however, that the two MPs might not necessarily represent the interests of all minority groups in Uganda, since each has some its unique, specific interests. The government needs to extend this gesture to all other ethnic minority groups.

7.5 A CRITICAL ASSESSMENT OF THE HUMAN RIGHTS DEVELOPMENTS IN ETHNIC COMMUNITIES

UHRC undertook a monitoring exercise in some ethnic communities in Uganda to assess, specifically, their human rights developments and concerns. The findings presented below were analysed in line with the relevant standards provided for in the international human rights frameworks.

7.5.1 Sample size of respondents

UHRC conducted interviews with key informants comprising opinion leaders, officials from local governments (local councils, parish chiefs, community development officers and chief administrative officers), police officers, individual members of ethnic minority groups, as well as staff from civil society organisations operating within communities where the ethnic minority groups (EMGs) live. The CSOs included the Benet Lobby Group, AWARE Uganda and the Ik Agenda, among others.

The geographical scope was the area covered by five of the UHRC regional offices, located in Soroti, Arua, Fort Portal, Mbarara and Moroto. A total of eight districts were covered, especially where EMGs live, namely: Kaabong, Moroto, Kween, Bulambuli, Kisoro, Kabale, Bundibugyo and Yumbe. The statistical data generated was in respect of qualitative responses obtained through eight focus group discussions (FGDs) with 181 members of EMGs. In addition, 56 other interviews with key informants were conducted, and responses quantified and expressed in percentages. All ethnic minorities have similar lifestyles and, therefore, the issues affecting them were alike, hence the small sample size, albeit representative.

7.5.2 Nature of environment near ethnic minorities

UHRC findings indicate that the biggest percentage of the EMGs were situated around lakes/rivers (22%), followed by national parks and forest reserves (17%) and mineral extraction sites (13%). The settlements were not fenced off and instances of encroachment or intrusion into their habitats or privacy by other tribes or tourists were always likely.

Since indigenous peoples can be vulnerable by virtue of them occupying areas meant for conservation purposes, the government is expected to take steps to establish adequate procedures in the national legal system to resolve any land disputes, including restraining itself from removing indigenous peoples from land they occupy, without free and informed consent. These steps should also include returning them to their traditional lands as soon as the grounds for relocating them cease to exist. As an obligation to its vulnerable groups, the government should provide alternative quality and legally-recognised land, including establishing adequate penalties for unauthorised intrusion or use of their land by anyone from outside.

A typical Ik homestead in Usake village in Kaabong district. Source: IK Development Agenda

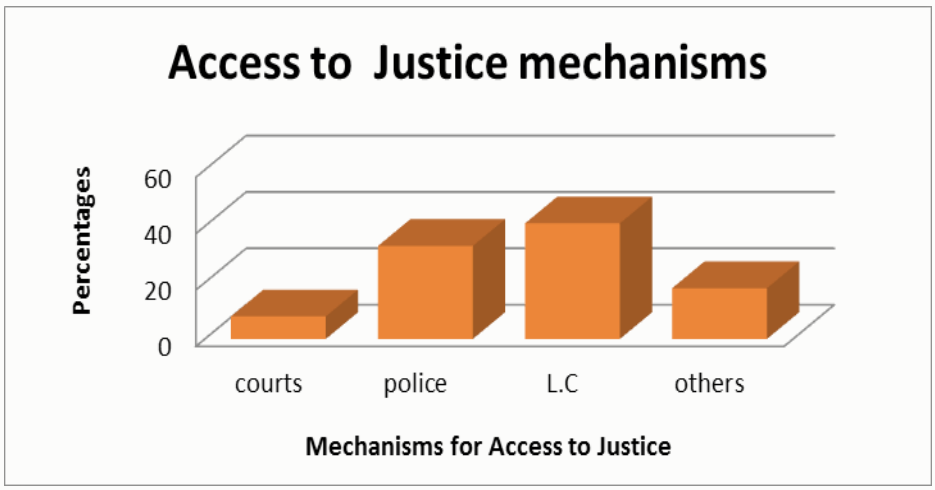
7.5.3 Access to justice, equality before the law and protection

UHRC also established that 74% of the respondents felt that there were adequate security measures for their protection in the communities, and 86% said ethnic minorities were able to move freely within and outside their communities. UHRC found that the most common nature of violence among ethnic minorities was deprivation of property, according to 35% of the responses, followed by murder (26%), sexual violence (15%) and ethnic clashes (9%), among other forms. The most common cause of violence against ethnic minorities was reported to be negative attitudes (48%), followed by exploitation of minerals (17%) and access to land (13).

The Ik, for instance, according to the findings, had only four police personnel at Kamion police post designated for the sub-county. The nearest court in Kaabong town is 100 kilometers away. The challenges of access to justice for EMGs were long distances, lack of interpreters, ignorance and lack of empowerment, as well as corruption by some police officers. As a result, the council of elders was the Ik's most preferred alternative justice system. Figure 7.1 below shows the mechanisms for access to justice for EMGs, with the LCs being the most utilised (41%), followed by police (33%) and courts accessed by very few (8%).

Discrimination against indigenous peoples in accessing justice among Ngikutio in Kaabong district manifests itself in terms of deliberate delays by police to investigate their cases and bribery of the police by some dominant groups so that no case from the nearest Pire police post ever progresses to court.

Figure 7.1: Mechanisms of access to justice for EMGs



7.5.4 Contacts with outside world

According to the respondents, 87% of ethnic minorities were subjected to some form of discrimination in access to basic services, access to jobs, representation at decision-making levels, and respect of cultural distinction, among others. The biggest perpetrators of such discrimination were local authorities, according to 53% of the responses, followed by surrounding communities (42%) and businesses (5%).

The above trend in the level of discrimination infringes on the legal provision that rights and freedoms should be enjoyed without distinction of any kind,[240] and that the state should take social, economic, cultural and special measures to develop and protect rights of certain groups or individuals.[241] The Constitution guarantees the right to freedom of equality and non-discrimination. [242]

Owing to fear of discrimination, the Batwa rarely interact with neighbouring communities, as it is seen as a bad omen. Interestingly, the very names of some ethnic minorities point to derogatory attitudes and a refusal to accept cultural identity and specificity. The Kebu in West Nile sub-region, for example, are often referred to by their neighbours as *"Okebu mave"* (mere Kebu); the Napore in Karamoja sub-region are often called *"Ngikatap"* (poor people feeding on cereals), the Ik are branded as "*Teuso*" (poor people without cows); while the Paluo are referred to (even in official documents) as "*Chope*" (men are not there).[243]

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities outlines three facets of the right to contacts, including permitting intra-minority contacts, inter-minority contacts, and trans-frontier contacts. The right to intra-minority contacts is inherent in the right of association. Inter-minority contacts make it possible for persons belonging to minorities to share experience and information and to develop a common minority platform within the state. The right to trans-frontier contacts constitutes the major innovation of the Declaration, and serves in part to overcome some of the negative consequences of the often unavoidable division of ethnic groups by international frontiers.

Such contacts must be free, but also peaceful. The latter limitation has two aspects: contacts must not involve the use of violent means or preparation of the use of such means; and the aims must be in conformity with the Declaration and, generally, with the purposes and principles of the Charter of the United Nations.

Since discrimination affects one's self-esteem, measures are required to enforce the provisions of the UN declaration and protect EMGs from discrimination by both government and third parties. It is provided for that no disadvantage shall result for any person belonging to a minority as a consequence of the exercise or non-exercise of the rights.[244]

7.5.5 Source of livelihoods and survival

During the UHRC monitoring, 21% of respondents said the EMGs' sources of livelihood were: fruit gathering, followed by hunting (14%), pastoralism (7%) and trade (4%). As previously alluded to, land has a symbolic and spiritual value, as well as a social and economic function in many indigenous belief systems, even for those who live outside of the homeland.

Consequently, the Nyangia of Karamoja depend on agriculture and their major foods are sorghum, maize and beans. The Ik and the Tepeth depend for their livelihood on hunting, farming and food gathering, particularly honey. The Kuku of Yumbe are involved in farming and trade, in small businesses. However, the Batwa in Bundibugyo, who were removed from their land, mainly depend on handouts from well-wishers and NGOs.

[240]n. 62 above, Article 2.
[241]n. 218 above, Article 2.
[242]n. 240 above, Article 21 (1)-(3).
[243]Available at http://crossculturalfoundation.or.ug/wp-content/uploads/EMG-policy-brief-final1.pdf, last accessed on 3 April 2016.
[244]Article 1 of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

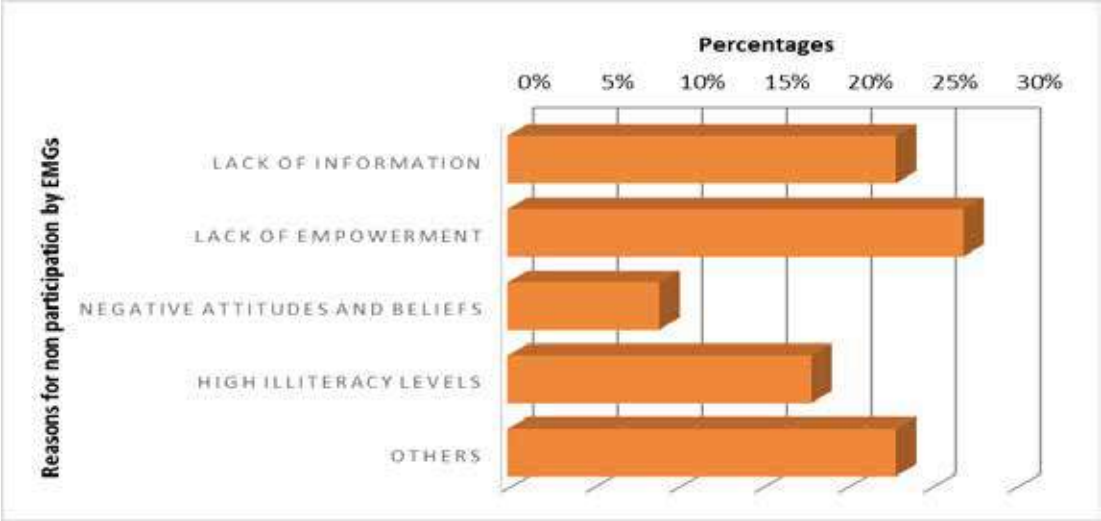
Despite the fact that a majority of the ethnic minorities are deprived of their source of livelihood within their habitats, the government has not put in place any safeguards and social safety nets to ensure a secure source of livelihood. This is how some of them, such as the Batwa, have been turned into perpetual beggars to survive.

A UHRC staff with local handcrafts on sale that were produced by the Batwa community of Bundibugyo District

7.5.6 The right to participate in decisions and policies at local, national and international levels

UHRC noted that 56% of respondents interviewed stated that ethnic minorities were represented at local council levels, while 44% said representation was at the district level. According to 63% of the respondents, EMGs participate in decisions that affect them, while 37% said they do not participate due to a number of reasons, as illustrated in Figure 7.2 below.

Figure 7.2: Reasons for lack of participation of EMGs in some decision- making



Some ethnic minorities, including the Nyangia, Mening and Napore, have no political or other representation at the district level. The Ik have a male and a female councillor at the district level. Despite this, according to Ms Angom Jiria of Ngikutio EMG, *"the two council representatives are always overshadowed by the majority Dodoth and other groups in the district during council sessions and other proceedings*".[245] The Napore in Kaabong district are dominant, as they are represented at the village, district and national levels, with an MP representing Dodoth East, who is also the Minister for Ethics and Integrity, Hon. Simon Lokodo. The Napore, Ik and Tepeth, therefore, have some effective representation and participation in decisions affecting them.

The major reason respondents advanced for EMGs not participating in some of the decisions that affect them was lack of empowerment (27%), followed by lack of information. Participation in public life includes rights relating to voting and standing for elections, holding of public office, and other political and administrative domains. To realise this right, minorities should be involved at the local, national and international levels in the formulation, adoption, implementation and monitoring of standards and policies affecting them.

Effective participation provides channels for consultation between and among minorities and governments. It can serve as a means of dispute resolution and sustain diversity as a condition for the dynamic stability of a society. The EMGs had limited or even no involvement or participation in matters affecting them at national or international level.

7.5.7 Access to land and territories

In terms of land use, 41% of respondents said EMGs were denied access to their own land. On who denied them access, the respondents blamed: the government (47%), the surrounding community (26%); fellow EMGs (13%); and the business community and other individuals (7%). A total of 81% of respondents said EMGs had no titles for their land.

Most of the minority and indigenous peoples were evicted from their ancestral land with an aim of creating national parks. In this process, the principles of meaningful consultation, participation, prior and free consent were never applied. This resulted in persistent landlessness, extreme poverty conditions, isolation, exclusion and discrimination, affecting their economic livelihoods and socio-cultural lifestyles.

Therefore, the ethnic minority communities live as squatters on other people's land, with none they could call theirs to set up homesteads, graze their animals and grow crops. The Batwa in Kisoro and Kabale districts, for example, were evicted from Bwindi and Mgahinga forests which were gazetted as national parks, while the Benet were evicted from land belonging to Mt Elgon National Park. The Kuku in Yumbe district were evicted from Kei Forest Reserve by the National Forestry Authority, on grounds that they had encroached on it.

7.5.8 Right to adequate food

Everyone, including EMGs, inherently has the right to an adequate standard of living, including adequate food[246]. According to 87% of the UHRC respondents, EMGs were able to access food from sources shown in Figure 7.3 below.

[245]Interview with A. Jiria, former council representative of Pire parish in Lobalangit sub-county, Kaabong District, 17 September 2015.
[246]n. 244 above, Article 11(1).

Figure 7.3: Various sources of food for Ethnic Minority Groups

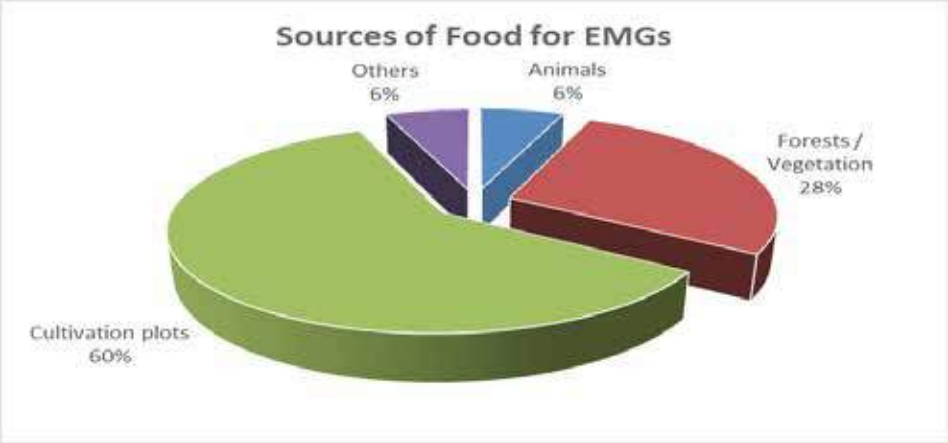


Figure 7.3 shows that the majority of the respondents (60%) said the EMG population had cultivation plots as the source of food, while 28% mentioned forests and vegetation, and only 6% had animals as their source of food.

Some ethnic minorities such as the Nyangia, Ngikutio, Napore and the Ik complained of harassment by the Uganda Wildlife Authority (UWA) while they searched for food from Kidepo Valley National Park, their former natural habitat. The Batwa in Bundibugyo district originally occupied Semliki forest, but with the gazetting of the forest into a national park, they were almost entirely dispossessed of their homes. Their communities were now occupying an eight-acre settlement, as well as three other pieces of land of approximately 2-3 acres each, that were communally owned. They only have land agreements, but lack titles for the land they claim to own. Most of the respondents said the vulnerable among the ethnic minorities had access to food, as shown in Table 7.4 below.

Figure 7.4: Access to food by the vulnerable among the ethnic minorities

7.5.9 Right to education

A child has the right to use language and culture different from the majority group. Children have the right to an education and primary education should be free.[247] While assessing the status of education, 83% of the respondents told UHRC that ethnic minority children had access to free education (mainly through the Universal Primary Education or UPE), and the same percentage said the ethnic minority settlements had schools nearby. Whereas 74% of the respondents revealed that ethnic minorities had access to education, almost 100% said only primary education was available in their settlements. Although 86% of respondents said the EMGs had accepted formal education, there is still low enrolment of children is school in spite of the availability of UPE.

[247] n.217 above, Article 28.

Sixty-four percent of the respondents said EMGs had access to bursaries that would facilitate their higher education. However, it was noted that after primary education, children of EMGs dropped out of school to get married. For instance, one of the Batwa king's brothers was said to have dropped out of school in Senior Three at King of Kings Secondary School in Fort Portal, Kabarole district, to get married. Another factor was that secondary schools were far away from EMG communities; so, the Ik, Nyangia and Ngikutio, for example, walked long distances to access Kaabong and Karenga secondary schools in Kaabong district.

There was no reliable official data from the government on education levels attained by different ethnic minorities in Uganda. However, various studies conducted by different bodies, including interviews by UHRC, revealed that very few ethnic minorities attained higher education. The highest level the Kuku attained was Primary Seven; the Ik already had three university graduates, one of whom was female; and the Tepeth had less than five university graduates. The first Mutwa woman joined university in 2009 after many years of sustained efforts by CSOs, including the United Organisation for Batwa Development in Uganda (UOBDU).[248] The rest of the minority groups had no reliable data and so their statistics could even be worse, since most of them could neither read nor write.

The mud-and-wattle structure that accommodates a Batwa community school in Bundibugyo District

7.5.10 The right to health, clean water and sanitation

UHRC findings indicated that 96% of the respondents said there was a health facility in or near the EMG settlements. According to 65% respondents, EMGs were living within 5km of the health facility, while 59% said the health facilities near EMG communities had essential drugs and 96% said they had qualified workers. Half of the respondents (50%) said essential supplies were available, while the majority (96%) said children of EMGs got access to immunisation programmes at the health facilities.

Among the Ik (Teuso), Thulthul village, which is 54km from Kamion at the border with Kenya, is the most distant in terms of difficulty in accessing health services. The nearest referral facility for the Ik was Kaabong hospital, about 65km from Timu parish, where Thulthul village is located. The biggest challenge during referrals was the high cost of hiring motorcycles (*boda-boda)* – about UGX 20,000. The cost of hiring an ambulance was UGX 80,000.[249]

[248]Available at http://globalrights.org/Library/Equality,%20ethnicity%20and%20IDPs/Ethnicity_and_Human_Rights_in_Uganda_A_Desk_Study_of_.pdf, last accessed on 23 April 2016.
[249]Interview with C. L. Peter, LC III Chairperson of Kamion sub-county, Kaabong district, December 2015.

According to Chebet Mungech, the coordinator of the Benet Lobby Group, *"The social services need to be extended closer to the Benet settlement and the local authorities should address the imbalance in development between the Benet community and surrounding communities. In Yatui settlement area, young children are unable to go to school, as the nearest government-aided primary school is more than three kilometres away."*

Concerning health services, Chebet claims that*, "The Benet community members are discriminated against, as the health workers view them as backward. As such, they are not given much attention when they go to the health centre, Benet HC.III. This phenomenon has caused some people to shun health facilities and resort to herbs as an alternative, since some health personnel do not consider them to be important'.*

UHRC observed that different EMGs suffered various different diseases, including malaria, jiggers and hepatitis B (common among the Napore, Nyangia and Tepeth), syphilis and gonorrhoea (among the Batwa in Kisoro and Kabale), HIV/AIDS (among the Batwa in Bundibugyo) and hepatitis B and C (among the Kuku).

In terms of access to water, only 59% of the respondents said EMGs had access to clean water; the rest said they did not. It was further established from 65% of the respondents that most of the water sources were less than 5km away, while 35% indicated a distance of more than 5km. In addition, most of the respondents (73%) did not agree that the water was adequate for personal use. Sixty-eight percent of the respondents said EMG women and girls had not experienced any sexual violence as they went fetching water. On sanitation, 60% of the respondents said ethnic minorities used pit latrines as a waste disposal method, while 40% said they used other methods, including defecation on open land.

Access to clean water contributes a great deal to the quality and standard of a person's health. The government, in conjunction with other partners, has made an effort to enhance access to clean water for everyone and, ultimately, to attain the highest standard of physical and mental health. However, even though water sources are built for use by everyone, they are not necessarily near and easily accessible to EMGs. On average, members of the minority groups walk between 200 metres and 5km to access clean water. The Tepeth (So), fetch water from streams on the slopes of Mt Moroto, but during the dry season, they can access boreholes built around the settlements of the neighbouring majority Matheniko. The Batwa in Kisoro and Kabale districts fetch water from Lake Bunyonyi and no incident had been recorded of sexual violence against them as they went fetching water.

7.5.11 The right to shelter

EMGs live in semi-permanent shelters made of mud and wattle and built either on plain ground, mountain tops, valleys, forest reserves or national parks. According to the UHRC findings, 81% of the respondents said EMGs live in semi-permanent houses; 9% in permanent structures, and 5% in old shelters or houses.

The mud-and-wattle house in which the Batwa king lives in Bundibugyo District

A home in the Rwamahano Batwa community in Kabale District

7.5.12 The right to work

The right to work, including the opportunity to gain one's living by work freely chosen, as well as the right to enjoy just and favourable conditions of work,[250] are provided for in international legal frameworks. In this regard, 76% of the respondents said the EMGs were given the opportunity to work within and outside their settlements. According to Global Rights, an international NGO, 98% of Batwa adults of working age, living in south-western Uganda, were unemployed by 2004.[251] UHRC noted that in order to survive, many Batwa were casual labourers on farms in neighboring communities. In return, they received, as compensation, permision to stay on the landlord's property, permission to cultivate a small piece of land, food handouts and old clothing.

Most ethnic minorities cannot compete in the job market for various positions tenable in the district local governments through the District Service Commissions (DSCs) and the Public Service Commission (PSC). This is because the majority lack education qualifications to compete with the dominant population for the available job opportunities. Most adult Batwa and their children in Kisoro and Kabale districts have resorted to alcoholism, which has affected their ability to engage in productive activities.

7.5.13 The right to equal participation in cultural activities

The right to equal participation in cultural activities[252] and the right to belong to, enjoy, practise, profess, maintain and promote any culture, language or religion in community with others[253] should be exercised, as provided for in the legal frameworks. However, the Benet, whom the government evicted many times from Mt Elgon National Park, found it very difficult to practice, let alone promote or preserve, their culture when they lacked security and stability in their home area.

The Batwa culture and language seem to be disappearing, considering their small population of 160 people in Bundibugyo district. Their way of life is different from that of their neighbours and, with the continuous developments in the area, they seem to be more prone to losing their culture than maintaining it. These factors have made it very difficult for EMGs to maintain, practise and preserve their cultural heritage, unless government makes specific legal provisions to protect them.

[250] n. 248 above.
[251] n. 238 above, Article 28.
[252] n. 239 above, Article 5.
[253] As above, Article 15, 36 and 37.

An elderly Mutwa demonstrating to UHRC staff one of their cultural dances, during a monitoring visit at Karegye Batwa community in Kabale District

7.5.14 The right to social security and social services

Article 5 of the CERD provides for the right to social security and social services. From 2010, the government was implementing the Social Assistance Grants for Empowerment (SAGE) programme that covered at least 123,260[254] beneficiaries in 15 pilot districts: Kyenjonjo, Nebbi, Zombo, Kyegegwa, Kiboga, Kyankwanzi, Apac, Kole, Katakwi, Kaberamaido, Moroto, Napak, Nakapiripirit, Amudat and Yumbe (refer to the section on 'Social protection for older persons' in Chapter 5). This was in accordance with the Constitution, which provides for affirmative action in favour of marginalised groups in-order to address imbalances. This grant was meant for universal coverage of all people aged 65 years and above, but an exception was made for beneficiaries from Karamoja sub-region, whose age requirement is 60 years.

Most districts in Karamoja have ethnic minorities who are poor and with limited sources of livelihoods. The beneficiaries of the grant cited some of the impacts as: better nutrition, access to healthcare, improved savings, investment and productivity, booming local economies and increase in demand of goods and services. The grant was extended to 20 more districts in the financial year 2015/2016, namely: Kaabong, Abim, Kotido, Koboko, Gulu, Pader, Agago, Lamwo, Amolatar, Pallisa, Amuria, Kween, Namayingo, Mayuge, Kamuli, Kayunga, Nakasongola, Kibaale, Kisoro and Bundibugyo. Another 20 will benefit in a phased manner until the financial year 2019/2020.

7.6 HUMAN RIGHTS CONCERNS ARISING FROM SITUATIONS OF ETHNIC MINORITIES

Uganda ratified international and regional legal frameworks relating to ethnic minorities. However, there are still gaps in the national policy and legal framework, including lack of a clear and consistent definition of ethnic minority and/or indigenous peoples. Ethnic minority issues are not well appreciated and not regarded to be of utmost importance at policy level.[255] In this regard, UHRC is concerned about the human rights implications arising from the challenges that the ethnic minorities face due to the nature of their groupings.

[254] Available at http://ugandaradionetwork.com/story/government-expands-sage-to-40-more-districts, last accessed on 14 April 2016.
[255] Equal Opportunity Commission, 'Survey report on equity and equal opportunities capacity gaps for vulnerable groups in northern Uganda', July 2010.

7.6.1 Lack of /inadequate participation in the development processes

It is the responsibility of governments to develop, with the participation of the indigenous peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity. This entails assisting the members of the group to eliminate socio-economic gaps that may exist between indigenous and other members of the national community in a manner compatible with their aspirations and ways of life.[256] Ethnic minorities fear to express themselves and cannot associate freely like the other community members from the majority population due to negative attitudes towards them.

With little respect or protection for minorities by the dominant population, and with virtually no process to accommodate those wishing to retain their cultural identity, areas with ethnic minorities may remain marginalised, insecure and underdeveloped. This could largely lead to lack of respect of other fundamental rights and freedoms. In this context, the rights to freedom of expression, association and assembly would be seriously infringed upon, hence lack of effective participation of the ethnic minorities in matters affecting them.

7.6.2 Poor appreciation of language and cultures

The core elements of minority rights include the right to recognition, language and cultural identity, among others. There is a retrogressive assumption among dominant tribal groupings that minorities are 'temporary' societies destined to disappear as a result of 'modernisation'. Due of this approach, the realisation of minorities' values and cultural diversity could be easily ignored. This kind of seemingly-forced assimilation has been experienced, for example, by the Basongora in Kasese district, who are obliged to learn Lukonzo instead of Rusongora, their mother tongue.[257] Such policies already led to the extinction of Lusinga, a language formerly used by the Singa of Rusinga Island.[258]

Furthermore, the various derogatory names imposed on EMGs by the dominant population could continue to inhibit them from expressing, practising and preserving their cultures, hence infringing on their right to protection of cultural identity.

7.6.3 Low standard of living

Most minority groups in Uganda do not have reliable sources of livelihoods. The Batwa make local handcrafts such as bows, arrows, smoking pipes and drinking calabashes in order to earn some money to buy a few necessities for their families. Owing to this uncertainty of their survival, the government and NGOs like World Vision, Mercy Corps and Community Action for Health (CAFH) have offered various forms of assistance, but concentrated more on baiting them with a view of gradually assimilating them into the larger community.

It should be clear that a degree of integration is required to ensure respect of human rights. Without protection of minority rights, their survival would be treated like an emergency. This would lead to forced assimilation, which is always unacceptable, and abuse of their rights as unique, distinct communities with specific right to the lands, territories and resources they have traditionally owned and occupied.

7.6.4 Absence of a coherent legal framework to implement international provisions on EMGs

The lack of a coherent legal and policy framework to implement international conventions and declarations for the protection of ethnic minorities hampers the task of harmonising constitutional rights for ethnic minorities with international standards, and makes enforcement and monitoring of those rights more difficult. Ethnic minorities are still non-dominant, discriminated against by dominant majority and living in remote geographical locations and in small communities.

[256] n. 222 above.
[257] n. 211 above.
[258] n. 240 above, Articles 10, 20 (2), 32, 36 and 37 and the National Objectives and Directive Principles of State Policy XII, XIV and XXIV.

The outcome of this has been marginalisation, exclusion and increased discrimination of different groups at different times in history, which has culminated in outbursts of physical violence, among others. When ethnic violence takes place, it leads to persecution and an infringement on the right to protection of one's survival, through combating violence. Besides, it will lead to further abuse and/or violations of the right to non-discrimination and equality.

7.6.5 Evictions from forests and national parks

Indigenous peoples are disproportionally vulnerable to the impact of climate change, since they often live in environmentally-sensitive ecosystems (tropical forests, grasslands, mountains, game reserves) and frequently depend on surrounding biodiversity for subsistence, as well as cultural survival.

However, the government has continued to evict these people from forests and, therefore, some communities have remained landless. Eviction affects the enjoyment of a number of rights, including housing, property, family, food, education, healthcare and the highest attainable standards of living, among others. Ultimately, it also causes mental torture. The Benet, for instance, still live in a camp-like arrangement on a portion of Mt Elgon National Park, awaiting resettlement.

In 2005, the Benet and their supporters won a landmark court case to have their lands within the park returned because the eviction by UWA was illegal. Despite this success, the Benet struggled to get the government to implement the ruling. In 2008, some progress was made and the Benet communities in Bukwo district have now been permanently resettled. In addition, approximately 1,000 Benet in Kapchorwa district, whom the government had until now failed to recognise, have been acknowledged and temporarily resettled ahead of a more permanent solution.

However, in Kisoro, a number of Batwa families live as squatters on other people's land and there is no plan by the government to allocate them land. When court makes judgements and nothing is implemented, it becomes an infringement on the right to access justice and to an effective remedy.

7.7 RECOMMENDATIONS

1. Government should act on previous recommendations made in UHRC's 11th Annual Report of 2008, which were not implemented, including:
    - Ministry of Gender Labour and Social Development should develop special affirmative action programmes targeting ethnic minority groups; and
    - Ministry of Education and Sports and Ministry of Gender Labour and Social Development should equip district local authorities with skills and resources to educate EMGs in order to facilitate their participation and representation at local and national levels.
2. Ministry of Gender Labour and Social Development and the Ministry of Foreign Affairs should comply with international reporting obligations on the status of protection of ethnic minority groups to treaty bodies and during the Universal Periodic Review.
3. Ministry of Foreign Affairs should ratify and domesticate the Indigenous and Tribal Peoples Convention, 1989 and should comply with all provisions of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities throughout its various interventions.
4. Parliament of Uganda should amend the 1995 Constitution of Uganda to include provisions for clear categorisation and inclusion of all ethnic minorities and indigenous groups, and also harmonise the conceptual understanding of indigenous peoples under Article 10 (a) of the Constitution with the international and regional standards.
5. Ministry of Gender, Labour and Social Development should design a national policy that seeks to recognise the fundamental rights and freedoms of ethnic minorities, and develop

deliberate measures to protect their existence and ethnic, cultural, religious and linguistic identity through promotion strategies such as exchange/exposure visits of ethnic minority.

6. Ministry of Lands, Housing and Urban Development and the Ministry of Water and Environment should de-gazette some portion of land under forests and national parks for EMGs and ensure the protection of their existence, including their continued regulated access to the material resources traditional to their existence.
7. Ministry of Gender, Labour and Social Development and the Equal Opportunities Commission should build the capacity of public servants to ensure protection of the identity of Ethnic Minority Groups and refrain from designing laws and policies that have the purpose or effect of assimilating minorities into the culture of dominant ethnicities. instead
8. Ministry of Gender, Labour and Social Development and Ministry of Public Service should ensure that the various ethnic, linguistic and religious communities have equal access to employment opportunities in the public and private sector.
9. Ministry of Gender, Labour and Social Development should take affirmative action to enhance access to higher education for Ethnic Minority Groups and participation in decision-making platforms, with a view to uplifting the standards of ethnic minorities
10. Ministry of Education and Sports, in conjunction with the National Curriculum Development Centre, should review the curricula to be consistent with Article 29 of the Convention on the Rights of the Child, which provides that education should develop each child's personality and talents to the full, and encourage children to respect their parents, their cultures and other cultures. Any government interventions, like schools, within the EMG settlements should ensure that the teaching is offered in such a way as to ensure that their traditional way of life, practices and languages are preserved.

7.8 CONCLUSION

Uganda is a party to regional and international instruments relating to the protection and promotion of people's rights. However, it is yet to ratify and domesticate the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989), which has inadvertently affected realisation of the rights of ethnic minorities. There are still gaps in the policy and legal framework, with no clear and consistent definition of ethnic minorities or indigenous peoples. Ethnic minority issues are not well appreciated and not regarded to be of utmost importance at policy level. Minority rights hinge on survival and existence, promotion and protection of their identity, equality and non-discrimination, and effective and meaningful participation. Since Uganda has ratified the ICCPR, it is obliged to ensure that all individuals under its jurisdiction enjoy their rights; including taking specific action to correct inequalities to which EMGs are subjected. The government needs to comply with and domesticate the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

CHAPTER 8

UHRC POSITION ON THE PERSONS WITH DISABILITIES BILL 2014, THE NON-GOVERNMENTAL ORGANISATIONS BILL 2015, THE CONSTITUTION (AMENDMENT) BILL 2015, AND THE CHILDREN (AMENDMENT) BILL 2014

8 INTRODUCTION

UHRC is mandated under Article 52 and 53 of the 1995 Constitution to promote and protect human rights. In discharging its mandate, UHRC monitors government's compliance with international treaty and convention obligations on human rights and makes recommendations to parliament on effective measures for the promotion of human rights.

Furthermore, UHRC has the responsibility, as a national human rights institution, to review and analyse bills, laws and policies in order to ensure that they are in line with human rights obligations and standards, and not in conflict with existing laws. It is on this basis that UHRC presented to parliament in 2015 its position on the Persons With Disabilities Bill, 2014 (PWDs Bill), the Non-Governmental Organisations Bill, 2015 (NGO Bill), the Constitution Amendment Bill, 2015 and the Children (Amendment) Bill, 2014.

UHRC notes that the NGO Bill, 2015 and the Constitution (Amendment) Bill 2015, have already been passed and are now Acts of Parliament. A number of its recommendations on the two Bills were adopted in the Acts. UHRC's position, as it was submitted to parliament, as well as a highlight of the recommendations that were adopted in the laws that were enacted, are presented below.

8.1 UHRC POSITION ON THE PERSONS WITH DISABILITIES BILL 2014

8.1.1 Background to the Bill

According to the World Health Organization (WHO), 15% of the world's population, estimated at one billion people, live with disabilities, making them the world's largest minority[259]. In Uganda, the Uganda National Household Survey 2009/2010 estimated that the disability population in the country is approximately 16% or 5,088,000 of the estimated total of 31.7 million people at the time[260].

In addition, according to a recent study conducted by UNICEF and the Ministry of Gender, Labour and Social Development, there were 2.5 million children living with disabilities in Uganda as of December 2014.[261] The major causes of disability in the country are communicable diseases, congenital abnormalities, war, injuries and accidents.[262]

After prolonged deliberation, the Convention on the Rights of Persons with Disabilities (CRPD) was finally opened for signature in March 2007,[263] as the only international treaty exclusively dealing with protecting and promoting the rights of PWDs. The specific purpose of this treaty was to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs, and to promote respect for their inherent dignity[264].

Uganda signed and ratified the CRPD and its Optional Protocol in 2007 and 2008, respectively. A core obligation under the CRPD is for state parties to introduce legislative measures that would protect and work towards the advancement of the rights of PWDs. Already in existence in Uganda is the PWDs Act,

[259] Available at http://www.un.org/disabilities/default.asp?id=18 United Nations enable website. Last accessed 18 February 2015.
[260] UBOS, 'Uganda National Household Survey' (2010), p. 156. Available at http://www.ubos.org/UNNHX0910/, last accessed 18 February 2015.
[261] '2.5 Million Ugandan children living with disabilities', report by UNICEF and the Ministry of Gender, Labour and Social Development, 3 December 2014. Available at http://www.unicef.org/esaro/5440_uga2014_children-with-disabilities.html.
[262] National Policy on Disability in Uganda, Ministry of Gender, Labour and Social Development, 2006, p. 6.
[263] UN General Assembly resolution A/RES/61/106: Convention on the Rights of Persons with Disabilities: Adopted on 24th January 2007. Available at http://www.refworld.org/docid/45f973632.html, Last accessed 18th December 2014.
[264] n. 60 above, Article 1.

2006 and the Mental Treatment Act, 1964. However, these laws are now regarded to be out-dated, especially in light of the fact that they were drafted before the CPRD came into force.

In light of the above, the PWDs Bill, 2014 is a welcome step towards ensuring that Uganda fulfills her obligations under the CRPD.

8.1.2 Summary of the objectives of the Bill

The PWDs Bill, 2014 aims to replace and reform the law relating to PWDs. The Bill also proposes to repeal the PWDs Act, 2006; and to amend the National Council for Disabilities Act, 2003, the Trial on Indictment Act, Cap 23 and the Magistrates Court Act, Cap 116. The Bill also seeks to operationalise Article 35 of the Constitution by providing for the respect of fundamental human rights and non-discrimination of PWDs in the health, education and employment sectors. In addition, the Bill seeks to regulate accessibility to public buildings and provision of transport for PWDs. Lastly, the Bill aims to clarify some ambiguous terms and provisions, and to modify the tone and language used in the 2006 Act.

8.1.3 Scope of the Bill

The Bill covers the following issues in respect to rights of PWDs: the definition and determination of disability under clauses 1 to 3; non–discrimination in the provision of health, education and employment services under clauses 6 to 8; and accessibility to buildings and provision of transport services under clauses 9 and 10. Penalties for offences are catered for under Clause 12.

8.1.4 Positive aspects of the Bill

UHRC welcomes the efforts made towards drafting this Bill in order to bring Uganda in line with its international[265], regional[266] and national[267] obligations pertaining to the rights of PWDs. Furthermore, UHRC welcomes the endeavours to operationalise Article 35 of the Constitution by ensuring that there is effective legislation protecting the rights of PWDs. UHRC finds the following aspects of the Bill particularly positive and, therefore, commends them.

8.1.4.1 Embodiment of the principles of equality and non-discrimination

Clause 4 of the Bill is reflective of the core human rights principles of equality and non-discrimination, and as enumerated by the CRPD. Article 5 of the CRPD states that all state parties should recognise that PWDs are equal before the law. It also emphasises that state parties should ensure that there is prohibition against discrimination on the basis of disability, with use of effective legal protection. Clause 4 (1) of the Bill guarantees that PWDs should enjoy all the human rights provided for in the Constitution. Besides this, Clause 4(3) of the Bill explicitly provides for all persons to enforce and implement the laws of Uganda without discrimination on the basis of disability.

8.1.5 Human rights concerns arising from the provisions of the Bill

8.1.5.1 State obligations

State parties have an obligation to respect, protect, and fulfill the rights of all PWDs. In this regard, to 'respect' requires the state parties to refrain from any action that deprives PWDs of their rights in the CRPD. In reference to 'protect', the state parties should take action to prevent non–state actors and private persons from interfering with ability of PWDs to realise and enjoy their human rights. To fulfil the rights of PWDs, the state parties must pro-actively engage in activities intended ensure that PWDs can fully enjoy their human rights [268]

[265] As above. Article 4 requires state parties to adopt all appropriate legislative measures to implement the rights contained in the Convention.
[266] n. 249 above. Article 18 (4) provides that PWDs should be afforded with special measures of protection in keeping with their physical and moral needs.
[267] n. 258 above. Article 35 explicitly provides that the State should take all appropriate measures to ensure that PWDs realise their full physical and mental potential. It further states that parliament should enact laws appropriate for the protection of PWDs
[268] General Comment No.1 (2014), CRPD, 11th Session, 31st March to April 2014,

UHRC has observed that throughout this Bill, these key obligations are not exhibited or reflected. The Bill makes no reference to any duties of public institutions and what happens in the event that there is a failure of these duties. This lack of emphasis on the obligations of the state is wanting, since the state has primary responsibility of guaranteeing the human rights and freedoms of persons within its jurisdiction. The Bill mostly places this onus on private enterprises and individuals. Although the private enterprises and individuals also have a responsibility to respect human rights, the state has the primary duty to respect, protect and fulfil the rights of PWDs, and this must be reflected throughout the Bill.

UHRC, therefore, recommends that:

- *The Bill is redrafted to reflect the obligations of the state to respect, protect and fulfil the human rights of PWDs.*

8.1.5.2 Interpretation and definition of key terms

Article 1 and 2 of the CRPD define certain key terms such as communication, language, discrimination on the basis of disability, reasonable accommodation; universal design, and PWDs. UHRC, however, notes that some of these crucial terms and definitions are not reflected in the interpretation section of the Bill[269]

a) Definition of disability and persons with disability

The definition for the term 'persons with disability' or 'disability' under the proposed Bill differs from the provision in CRPD. The Bill limits the definition of disability to impairments as listed in Schedule 3. Furthermore, the definition in the Bill is tied to determination of disability of per Clause 3 of the Bill, which implicitly introduces the determination of disability only by medical diagnosis. On the other hand, the CRPD suggests a social approach to the determination and definition of disability. In addition, Clause 2 (2) looks primarily at the impairment and the barriers faced by a person with a particular impairment.[270]

UHRC is concerned that there is a clear discrepancy between the definitions of disability within the Bill and those in the CRPD. Of further concern is the fact that disability is an ever evolving concept and having Schedule 3 outline the types of disability limits the definition of disability. Finally, in this respect, UHRC notes that it is particularly challenging to leave determination of disability based solely on a medical practitioner, as suggested by Clause 3 of the Bill, instead of a holistic approach involving crucial actors such as caretakers, teachers and medical practitioners.

b) Clarification on the responsible minister

UHRC is concerned about the undefined word 'minister' within the Bill. UHRC is aware that disability issues fall under the mandate of the Ministry of Gender, Labour and Social Development, which is headed by the minister, and there is also a state minister for disability. There is need for clarification as to who is the responsible minister, for the purposes of ensuring the implementation of the provisions of the Bill.

c) Narrow definition of assistive devices

Clause 10(3) defines 'assistive devices' to mean wheelchairs and crutches. This definition is limiting, as there are various forms of disability besides physical abilities, such as visual and hearing impairments, which require different types of mobility aids, assistive devices and technologies.[271]

This clause is, therefore, restrictive and only accommodates persons with physical disability.

d) Absence of concepts on reasonable accommodation, universal design and affirmative action

UHRC also notes that concepts on 'reasonable accommodation', 'universal design' and 'affirmative action' need to be reflected, especially in areas of education, health and employment, as enumerated by the

[269] J. Abimanyi-Ochom and H. Mannan, 'Uganda's disability journey: Progress and challenges', Africa Journal of Disability, Volume 3 No. 1, 2014.
[270] n. 265 above, Clause 2 (2): PWDs include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, hinder their full and effective participation in society on an equal basis with others.
[271] WHO: The International Classification of Functionality, Disability and Health (ICF), 2002.

CRPD and Article 32 of the Constitution in respect to affirmative action. Under the CRPD, reasonable accommodation refers to "*necessary and appropriate and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to PWDs the enjoyment or exercise on an equal basis with others of human rights*." This, therefore, involves a personal and particular adjustment so that one person may enjoy human rights such as health, education and employment. These key concepts are conspicuously missing in the Bill.

Consequently, having the Bill reflect the definitions and key concepts of disability, as found in the CRPD, would ensure that its provisions are consistent with the CRPD provisions.

UHRC, therefore, recommends that:

- *The interpretation and definition section should be reviewed and realigned to provide for definitions that are reflective of those in the CRPD and to avoid any ambiguous definitions.*
- *Key concepts that are central in the promotion and protection of the rights of PWDs, especially 'reasonable accommodation' and 'universal design', should be included and explained in various clauses of the Bill.*

8.1.5.3 Right to enjoy family life

Article 23 of the CRPD provides that state parties should take appropriate measures to ensure that PWDs are not discriminated against in relation to marriage, family, parenthood and relationships. This includes recognising that: PWDs aged 18 and above are entitled to marry and found a family on the basis of free and full consent of the intending spouses; the rights of PWDs in respect to reproduction and family planning are recognised; and the rights of PWDs in respect to guardianship, wardship, trusteeship and adoption are recognised. In addition, the same provision emphasises that the best interests of the child principle must in all cases be maintained. [272]

Clause 5 of the Bill is restrictive because it exclusively deals with children and the right of an unmarried woman to enjoy family life. This provision is discriminatory in nature, for the right of family life must be enjoyed by the whole family unit; and the clause does not include family situations such as marriage, parenthood and relationships. Consequently, the provisions of Clause 5 are not reflective of the provisions and obligations as per Article 23 of the CRPD.

UHRC, therefore, recommends that:

- *Clause 5 of the Bill should be redrafted to include all elements of the right to family life and guarantee equality and non-discrimination at, during and after dissolution of marriage.*
- *The elements of access to equal information on reproductive health and right to guardianship, trusteeship and adoption should be included in the Bill*
- *In matters relating to children, the best interests of the child must be of paramount importance within the Bill.*

8.1.5.4 Accessibility

Article 9 of the CRPD clearly outlines the measures that should be taken to ensure that PWDs access the physical environment, transportation, information and communications, including ICT and systems. General Comment No. 2 on Article 9 of the CRPD on accessibility highlights the importance of ensuring access to the physical environment, transportation, information and technology, and services open to the public as an important pre-condition for the effective enjoyment of various civil and political rights by PWDs. General Comment No. 2 on Article 9 goes on further to state that disability laws should be framed containing comprehensive provisions on accessibility.[273]

Although Clause 9 provides for accessibility of PWDs, UHRC is concerned that it has gaps and does not address accessibility as stipulated under the CRPD.

[272] Guiding principles for the welfare of the child are also enshrined under Children Act Cap 59, First Schedule.
[273] CRPD General Comment no.2 (2014), 11th Session, 31st March to April 2014, paragraph 1.

a) No definition of accessibility

There is no definition of accessibility in the Bill. By defining accessibility, the Bill would inadvertently clarify what it entails and the minimum standard with respect to accessibility.

b) Limitation of accessibility to buildings

Clause 9 of the Bill limits accessibility of PWDs to buildings exclusively and does not include the issue of entire access within and outside the buildings by the various categories of disabilities such as persons with physical, visual and hearing impairments. As such, facilities such as designated disability parking, toilet facilities, elevators and disability appropriate fire exits are the ones that should be covered within this clause.

Furthermore, the element of accessibility is missing under Clause 10 of the Bill, which is the provision on non-discrimination of transport services. Accessibility should extend to the entire transport infrastructure and the provision of public transport services, which include access paths, ramps, handrails, signs and symbols.

c) Access to information

There is no clause in the Bill that specifically covers PWDs' access to ICT. In addition, the aspect of access to ICT does not arise in the clause concerning the provision of education services, health services or employment, which is contrary to the provisions of CRPD.

Similarly, the aspect of access to information is missing in the Bill. Access to information is closely linked to the realisation of various civil and political rights, such as the right to vote and the right to participate in public and political affairs. In the Bill, accessibility is limited to buildings and transport services.

UHRC is mindful that accessibility to physical environment (buildings), transportation, ICT or services open to the public cannot be achieved immediately, especially in light of the already existing structures/ services. Consequently, the Bill should provide for specific, enforceable, time-bound benchmarks for gradual modification of inaccessible structures and services to being accessible.

UHRC, therefore, recommends that:

- *The Bill should have a definition of accessibility or what it entails.*
- *The Bill should have elements of PWD access to physical environment, transportation, ICT and any other public services.*

8.1.5.5 Full participation of PWDs

Article 4 (3) of the CRPD is clear, stating that in the development and implementation of legislation that is formulated to implement the provisions of the said convention concerning issues dealing with PWDs, the State Parties should consult closely and actively with PWDs through their representative organisations.

During the consultations with stakeholders for the purpose of reviewing the Bill, UHRC received reports that the organisations representing PWDs were not consulted whilst this Bill was being formulated. To this end, these organisations, led by the Uganda National Association for the Deaf (UNAD), Mental Health Uganda (MHU) and Legal Action for PWDs in Uganda (LAPD), formed a coalition, namely 'The Coalition for a CRPD-compliant Law on Disabilities'. The coalition published a document with numerous proposed amendments to the Bill that suggest that the initial drafting did not consider close consultations with PWDs and their representative organisations.

UHRC, therefore, recommends that:

- *Before the Bill is passed, PWDs, through their representative organisations, should be closely and widely consulted to ensure they are part of the legislative process of the Bill.*

8.1.5.6 Awareness-raising

Article 8 of the CRPD provides that State Parties should adopt immediate, effective and appropriate measures to raise awareness throughout society; to combat stereotypes, prejudices and harmful practices; and to promote awareness of the capabilities and contributions of PWDs.

UHRC is of the view that one of the effective methods of raising awareness in respect to PWDs is by ensuring that disability legislation has a provision in respect to awareness raising, directing both public and private institutions in this respect. UHRC is concerned that the Bill has no provisions in respect to raising awareness, yet this is a fundamental means for reducing discrimination against PWDs.[274]

UHRC, therefore, recommends that:

- *A section on awareness-raising should be included in the Bill, with specific details on how it should be carried out, perhaps to be included in the regulations to the Bill.*

8.1.5.7 Situations of risk and humanitarian emergencies

Article 11 of the CRPD provides that state parties should take all measures to ensure the protection and safety of all PWDs in situations of risk, including armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Furthermore, General Comment No.2 on Article 9 of the CRPD [275] expands this right by detailing that in such situations, emergency services must be accessible to PWDs, or their lives cannot be saved or well-being sufficiently protected. As such, all disaster efforts must cater for the rights of PWDs

UHRC is concerned that the Bill does not address the issue of risk or humanitarian situations at all and, as such, leaves a gap in this respect and is consequently not reflective of the CRPD provisions.

UHRC therefore, recommends that:

- *A clause concerning the rights of PWDs during situations of risk and humanitarian emergencies should be included in the Bill in accordance with the CRPD.*

8.1.5.8 Legal capacity

Article 12 of the CRPD provides that PWDs have the right to be recognised before the law and to enjoy legal capacity. State parties must ensure that the legal capacity of PWDs is not restricted; it should be provided on an equal basis with others, especially in instances of guardianship and mental health.[276] General Comment 1 on Article 12[277] reaffirms that a person's status as a PWD must never be grounds for denying legal capacity. The committee further clarifies that "unsoundness of mind" and other such discriminatory labels are not legitimate reasons for denial of legal capacity.

UHRC is concerned that the Bill does not provide for the legal capacity of PWDs in light of the fact that the Children Act Cap 59, the Mental Treatment Act, 1964, the Succession Act Cap 162 and the Penal Code Act Cap 120 [278] have clear gaps that restrict the legal capacity of PWDs.

UHRC, therefore, recommends that:

- *A clause should be included in the Bill that explicitly states that PWDs have a right to legal capacity and equal recognition before the law.*

[274] Section 7 of the Tanzanian PWD Act 2010, provides that the minister, in collaboration with civil society organisations, shall undertake measures to raise public awareness and combat stereotypes. Such a section can be replicated in the Bill to ensure that it is reflective of CRPD provisions in respect to awareness-rising.
[275] 11th Session of the CRPD, General Comment No.2 on Article 9: Accessibility, 2014.
[276] CRPD General Comment No.1 (2014) – Equal recognition before the law, 11th Session, 31st March to April 2014.
[277] As above.
[278] Both the Children Act Cap 59 and the Mental Treatment Act are in the process of being amended.

8.1.5.9 Identification of suspects and accused persons by visually impaired complainants and witnesses

Clause 13 of the Bill provides that a PWD of total blindness or low vision could identify a suspect by the voice or by touching.

UHRC is concerned that in many instances provided for in other laws of Uganda, such as the Evidence Act Cap 6 and Penal Code cap 120, and due to judicial practice, such evidence is circumstantial and would, in most instances, require corroboration.

In the case of Abdalla Bin Wendo and Another vs. R (1953) 20 E.A.C.A[279], it was held that the evidence of identification by a single or sole witness must be corroborated. Consequently, the provision, in relation to such identification as enumerated by Clause 13, is inadequate because corroboration of such evidence is not given due consideration.

UHRC, therefore, recommends that:

- *Clause 13 is reconsidered, given that such evidence may require corroboration. The clause should be aligned to other laws and judicial precedence concerning evidence.*

8.1.5.10 Access to justice

Article 13 of the CRPD provides that the state party must provide effective procedural guarantees to ensure that PWDs access justice. These procedural guarantees should be accommodative to, among other things, effectively facilitate the role of PWDs as direct and indirect participants in the justice process.

Although Clause 13 of the Bill provides for identification of suspects by visually impaired complainants and witnesses, UHRC is concerned that this clause does not encompass one's ability to seek and obtain a remedy through formal and informal institutions of justice for grievances, amongst other things[280].

Various prerequisites for one to access justice, such as pre-trial procedures, including in arrest and detention of PWDs, are missing and not catered for in the Bill as required by the CRPD.

UHRC, therefore, recommends that:

- *Within the Bill, the right to access justice by PWDs should encompass aspects such as access to courts.*

8.1.5.11 Designation of focal point to monitor implementation of the CRPD

Article 33 requires the state party to specifically designate a focal point within government to coordinate and monitor implementation of the provisions of the CRPD. In addition, the state party is required to designate an independent mechanism that would promote, protect and monitor implementation of the Convention.

UHRC notes that although the Bill makes reference to the National Council for Disability, it does not make the designation as required under Article 33 of the CRPD. UHRC notes that this designation is required to fulfil Uganda's obligations under the CRPD and, in addition, to make it unambiguous and clear as to which institution is responsible for the activities as listed in Article 33 of the CRPD

UHRC, therefore, recommends that:

- *The National Council for Disability is clearly designated in the Bill as the independent mechanism required under Article 33 of the CRPD.*

[279] It is the leading case law on identification of suspects.
[280] United States Institute of Peace, 'Necessary Conditions: Access to Justice', Available at http:// www.usip.org/guiding- principles-stabilization-and-reconstruction-the-web-version/7-rule-law/access-justice. Last accessed 13 May 2015.

8.1.5.12 Protection of women and children with disabilities

Articles 6 and 7 specifically provide for the rights of women and children with disabilities. These are among the most vulnerable and marginalised groups in society, especially because of the stigmas associated with both disability and gender.[281] A UNAIDS report states that a large percentage of PWDs, particularly women and girls, will experience sexual assault or abuse in their lifetime.[282] These extra barriers call for additional safeguards, especially with regards to education and health needs.

UHRC commends Clause 7 of the Bill for its efforts to provide specific provisions concerning women and children. However, it should be noted that the vulnerability of women and children with disabilities does not only manifest within the health sector, but in all sectors of society and aspects of life.

Accordingly, extra protection for these vulnerable groups must be consistently reflected within the clauses of the Bill, especially in sectors such as education and employment.

UHRC, therefore, recommends that:

- *The provisions on additional safeguards for the protection of women and children with disabilities, as per Article 6 and 7 of the CRPD, should be included in the Bill.*

8.1.5.13 Right to education

The CRPD provides comprehensively for certain economic, social and cultural rights for PWDs. Article 24 of the CRPD provides for education, outlining the components of this right, including the inclusion of PWDs in mainstream education systems. Clause 6 of the Bill provides for education services, although its provisions are not in line with those of the CRPD. The CRPD, for instance, requires an inclusive free primary and secondary education, reasonable accommodation and facilitation in respect to assistive devices. These provisions are not reflected in the Bill.

UHRC, therefore, recommends that:

- *The provisions of non-discrimination in education services under Clause 6 of the Bill should be in line with Article 24 of the CRPD and should have an aspect of inclusive education.*

8.1.5.14 Right to health

Article 25 of the CRPD recognises the right of PWDs to health, including access to gender-sensitive health services. Clause 7 of the Bill, however, places emphasis on reproductive and child health, and not necessarily on the provision of holistic medical services for PWDs.

Furthermore, the Bill is silent on the provision of habilitation and rehabilitation of PWDs as stipulated under Article 26 of the CRPD.[283]

UHRC, therefore, recommends that:

- *The provisions on non-discrimination in the provision of health services for PWDs under Clause 7 of the Bill should be in consonance with Article 25 of the CRPD.*
- *The Bill should include provisions on habilitation and rehabilitation as per Article 26 of the CRPD.*

8.1.5.15 Lack of regulations

The Bill has numerous provisions that will require regulations for management and further implementation. Such clauses include accessibility to buildings and awareness-creation.

[281] Human Rights Watch 'Human Rights for Women and Children with Disabilities', p. 3, http://www.hrw.org/sites/defauult/files/related_material/0912_disabilities_brochure_0.pdf.
[282] UNAIDS, 'Disability and HIV Policy Brief', 2009, p. 2
[283] Habilitation involves learning skills that will enable a person to function in society. These kinds of programmes usually target children born with disabilities. Rehabilitation means restoring capacity and ability. This generally applies to an adult who has to readapt to society after acquiring a disability.

UHRC notes that the Bill does not provide for the formulation of such regulations and, as such, creates a question around the practicability and implementation of certain clauses.

UHRC, therefore, recommends that:

- *Certain provisions of the Bill that require further management and implementation should be done through regulations that are primarily provided for in the Act.*

8.1.5.16 Provision of a disability fund

Article 4 of the CRPD requires state parties to take all appropriate measures of the effective implementation of the rights provided for in the Convention. UHRC is of the view that creation of a Disability Fund would be an effective way in which to implement the provisions of the Bill, especially in respect to those that involve resource mobilization, such as those concerning provision of services to PWDs, including education, healthcare, social assistance and protection. The Tanzanian PWDs Act, 2010, in Part XI Sections 57 and 58, provides for a fund, with the source of income dictated by parliament.

UHRC, therefore, recommends that:

- *The Bill should provide for the creation of a Disability Fund that could possibly be run by the National Council for Disability for purposes of implementing the provisions of the Bill.*

8.1.5.17 Penalties

Article 4 of the CRPD imposes general obligations on state parties, including taking all appropriate measures that will reduce discrimination against PWDs, such as imposing punitive measures within legislation. The Black Law Dictionary defines punitive measures as "...damages on an increased scale where wrong is done to a person and could be aggravated by circumstances of violence, oppression, malice... and especially in circumstances where the person has a disability..."[284]

UHRC commends the efforts to introduce a Bill that provides for punitive measures as one of the ways to deter persons, organisations and private enterprises from engaging in discriminatory treatment of PWDs. However, UHRC is concerned that the provisions on punitive measures in the Bill are lenient, considering the magnitude of the barriers that PWDs face.

Under Clause 11 of the Bill, for instance, if a person who provides services to the public on a commercial basis fails to make their services available and accessible to PWDs, they are merely required to explain the reason for unavailability and inaccessibility to the PWDs. Such a provision is not punitive.

In addition, UHRC notes that corporate bodies are not liable for offences committed within the confines of the Bill. Instead, it provides penalties for individuals in their personal capacity for offences committed under the Bill.[285] This should not be the case, as corporate bodies, like legal persons, should be held accountable for any human rights violations. However, most clauses in the Bill have an effect on organisations, some of which may be corporate bodies. Section 62 of Tanzanian's PWDs Act, 2010 provides for a penalty for offences committed by a body corporate as being not less than two million Tanzanian shillings (equivalent to about $1,150) and maximum of twenty million shillings (equivalent to about $ 11,500).

Consequently, the provisions of the Bill are inadequate with regard to making corporate bodies culpable and, instead, place unnecessary emphasis on the culpability of individuals rather than on private and public enterprises and organisations.

Finally, the penalties for denial of access to the physical environment, transportation, ICT or services open to the public are not clearly set out as per the CRPD.

[284] The Black Law Dictionary (6th edition), St. Paul, Minn, West Publishing, 1990, p. 360.
[285] Under clauses 9,10,11,12 of the Bill.

UHRC, therefore, recommends that:

- *The penalties provided within the Bill should be reviewed to ensure they are commensurate with the offence being committed.*
- *Corporate bodies should be made liable for the offences committed, where appropriate.*
- *The penalties for denial of access to the physical environment, transportation, ICT or services open to the public should be clearly stated as per the CRPD.*

8.1.6 Conclusion

Taking into consideration the various human rights concerns discussed, UHRC is of the view that the Bill, in its present state, does not meet the minimum human rights standards. Therefore, we recommend that the Bill be redrafted in consultation with relevant stakeholders so as to ensure that its provisions are brought in line with the CRPD and Uganda's obligations to the Convention.

8.2 UHRC's POSITION ON THE CONSTITUTION (AMENDMENT) BILL 2015

8.2.1 Background to the Constitution (Amendment) Bill

The Constitution (Amendment) Bill, 2015 is the third amendment of the 1995 Constitution. The first amendment came through a referendum, bringing about political pluralism, while the second one revised the provision on presidential term limits and introduced the Leader of Opposition in Parliament. In 2014, the process to amend the Constitution for the third time was spearheaded by the Ministry of Justice and Constitutional Affairs, which led a national consultative process that included a call to the general public to make proposals for the amendment of the 1995 Constitution. The proposals sought to address several electoral aspects and social, economic and political challenges that have arisen since its promulgation. This process of consultation with the general public culminated in the current Bill under review: The Constitution (Amendment) Bill, 2015.

8.2.2 Summary of the contents of the Bill

The Bill seeks to: amend the Constitution in accordance with articles 259 and 262 of the 1995 Constitution; amend the name of the Electoral Commission (EC) to 'Independent Electoral Commission'; prescribe the procedure for removal of members of the EC; and regulate criteria for nomination and vacation of independent members of parliament, as well as their participation.

The Bill also seeks to: amend provisions concerning the composition of the Supreme Court when hearing appeals from the Constitutional Court; amend the retirement age of justices of the Supreme Court and the Court of Appeal, and the judges of the High Court; and expand the functions of the Judicial Service Commission.[286] The Bill further seeks to give corporate status to the Inspectorate of Government and to establish city land boards, as well as a Salaries and Remuneration Board.[287]

8.2.3 Positive aspects of the Bill

UHRC welcomes the objectives of the Bill to fill the gaps identified within the current constitutional provisions in light of the vital role that the Constitution plays in protection and promotion of human rights and fundamental freedoms in Uganda. UHRC appreciates Clause 1 of the Bill, which provides for a change in the name of the EC and for the introduction of a procedure for removal of the EC members.

UHRC also appreciates Clause 10 and 11 of the Bill, which create city land boards and a Salaries and Remuneration Board. The proposal for creation of city land boards comes amidst a protracted crisis and dilemma that has plagued the Kampala District Land Board (KDLB). This crisis is characterised by legal

[286] Clauses 1 to 8 of the Bill.
[287] As above, Clauses 9 to 11.

suits against KDLB,[288] as well as conflicting mandates between KDLB and Kampala Capital City Authority that have resulted in shutting down of the former, leading to ineffective provision of services to residents of Kampala.

On the other hand, the Salaries and Remuneration Board will enhance harmonisation of salary structures for public servants across ministries, departments and agencies.[289] This will assist in addressing the current disparities in the salary structure in order to ensure just and favourable conditions of work through ensuring decent living for workers and their families.

8.2.4 Human rights concerns in the provisions of the Bill

UHRC is concerned about various aspects of the Bill relating to the independence of the EC, the participation of independent members of parliament, creation of city land boards, as well as the Salaries and Remuneration Board, which could hinder the principles of transparency, accountability as well as equality and non-discrimination. In this regard, the Bill needs to facilitate rather than hinder the greater enjoyment of rights and fundamental freedoms.

8.2.4.1 Independence of the Electoral Commission

The independence of the EC is key in guaranteeing free and fair elections. Guarantees that would ensure the independence of the EC include the appointment process and removal of its members. Although Clause 1(a) provides that: "*There shall be a Commission called the Independent Electoral Commission, which shall consist of a Chairperson, Deputy Chairperson and five other members…",* UHRC is concerned that the clause, in its current form, does not adequately substantiate on how the independence of the EC will be ensured, specifically through the appointment and removal of members.

8.2.4.2 Appointment of members of the Electoral Commission

UHRC is also concerned about the appointment of members of the EC as per Article 60 (1) of the Constitution, even though it is not within the current scope of the Bill. The Constitution provides for the appointment of members of the EC by the president, with approval from the parliament. The procedure that is stipulated is not elaborate and does not foster greater openness and credibility to the appointment process. In order to ensure openness and credibility of the appointment process, best practices can be adopted, such as constituting a selection panel that has broad representation from professional bodies and commissions; nomination of persons by the selection panel or inter party committee (constituted by parliament) to the president; and the vetting by parliament of names forwarded to the president for approval.[290]

UHRC, therefore, recommends that:

- *The clause should further provide for guarantees that ensure the independence of the Electoral Commission through the provision of an elaborate appointment procedure for members of the Electoral Commission.*

8.2.4.3 Procedure for removal of members of the Independent Electoral Commission

Clause 1 (b) provides that: "*…the removal a member of the Independent Electoral Commission shall be referred to a tribunal appointed by the president, and the president may remove the member if the tribunal recommends that the member should be removed on any of the grounds specified….*" The clause makes an effort to prescribe the procedure for the removal of members of the Independent Electoral Commission. However, UHRC is concerned that the responsibility to appoint the tribunal is the sole responsibility of the president. This

[288] Constitutional Application No. 28 of 2011 and Constitutional Petition No. 34 of 2011.
[289] Fair Wages and Salaries Commission in Ghana, and Kenya Salaries and Remuneration Commission.
[290] Article 250(2) of the Constitution of the Republic of Kenya; Section 5 of Independent Electoral and Boundaries Commission Act, No. 9 of 2011, Laws of Kenya and Section 6 of the Election Commission Act No. 51 of 1996, Laws of South Africa.

could be arbitrarily used and further undermine the security of tenure of the members of the EC, and its independence. Of similar concern is the composition of the medical board, to be constituted by the president in instances where it is alleged that a member of the EC is unable to perform his functions due to physical and mental incapacity.

Although Clause 1 in the Memorandum of the Bill prescribes that the removal of these members should follow a similar procedure as that for the removal of judicial officers (which must be done with a referral from the Judicial Service Commission to the president to set up a tribunal consisting of pre-determined persons)[291], this process is not the same as that proposed in the body of the Bill for the removal of members of the EC. In other jurisdictions, the removal of a member of the EC requires that the petition is subjected to the oversight of the legislature and, thereafter, to the president, who constitutes a tribunal to conduct investigations and make binding recommendations.[292]

UHRC, therefore, recommends that to ensure transparent and inclusive processes:

- *The Bill should expressly adopt the procedure for removal of judges as the procedure for removal of members of the Electoral Commission, to check and balance the involvement of the president in the process.*
- *The Bill should expressly provide for the composition of the medical board due to the seriousness and sensitivity of the matter to be handled by the board.*

8.2.4.4 Participation of independent Members of Parliament

The right to stand for public office and/or be elected is provided for in the Constitution, as well as regional and international treaties ratified by Uganda.[293] The Constitution also provides that no person shall prejudice the fundamental or other human rights and freedom of others or the public interest. Furthermore, "*public interest shall not permit any limitation of the enjoyment or the rights beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution*".[294]

According to the Constitution, a person can stand for an election as a candidate, independent of a political organisation or political party. Furthermore, Section 11 of the Parliamentary Elections Act, 2005 provides that nomination of a candidate for a parliamentary seat must be supported with names and signatures of 10 persons who are registered voters in the constituency where the person seeks nomination.

Clause 2(b) of the Bill, however, proposes a requirement that an independent candidate must collect at least 1,000 signatures of registered voters in the constituency in order to be able to stand for election.

UHRC is concerned by the proposed amendment, as it fundamentally puts independent candidates at a disadvantage, compared to candidates sponsored by a political party or organisation. To be nominated, candidates fielded by political parties will only need 10 signatures for support, compared to the 1,000 signatures required by independent candidates. In addition, this infringes on Article 21 (1), (2) and (3) of the Constitution in that independent candidates are being treated substantially differently due to their political standing, which ultimately amounts to discrimination.

UHRC, therefore, recommends that:

- *Any amendment made in respect to nomination of candidates should be general in nature and not specifically target independent candidates as members of parliament. If such an amendment is*

[291] n. 267 above, Article 44.
[292] Article 251, Constitution of the Republic of Kenya.
[293] n. 291 above, Article 72(4) (a), (d) and (e). See also articles 19, 21, 22, 25 of the International Covenant on Civil and Political Rights (1966); and articles 11 and 20(1) of the African Charter on Human and Peoples' Rights (1981).
[294] As above, Article 72.

retained, it should apply to all candidates who wish to be nominated as members of parliament.

8.2.4.5 Creation of city land boards

The Bill, in Clause 10, introduces city land boards. The clause also, among other things, stipulates the functions of the city land boards and guarantees their independence from the Uganda Land Commission.

UHRC is, however, concerned that the clause does not address the relationship between the city and district land boards. Even if there is only one city at the moment, a situation of potential conflict is envisaged where a new city is declared and there is already an existing district land board. This in effect will create two land boards. The issue that remains unresolved is whether the city land board only covers the area within the city or if the district land board will cover the area that does not fall within the city, but is within the district where the city is located.

UHRC, therefore, recommends that:

- *The Bill should clearly address such potential uncertainty in the law, as it cannot adequately be dealt with in an Act of parliament since a transitional provision is time-bound.*
- *The Bill should expressly provide for what will happen when a city land board is created where a district land board exists.*

8.2.4.6 Creation of the Salaries and Remuneration Board

The Bill, in Clause 11, creates the Salaries and Remuneration Board and tasks it with determining the salaries of public servants. It also provides for the membership of the board, as well as grounds for removal of members, among other things.

UHRC is, however, concerned about the composition and independence of the board in terms of ensuring that it is not subject to the control of any person or authority while it is, among other things, harmonising the salary structure of public servants.295

UHRC, therefore, recommends that:

- *An institution in the form of a 'Salaries and Remuneration Commission' should replace the proposed Salary and Remuneration Board, for it is better suited to undertake the work of reviewing and harmonising the salary structure of all public servants.*
- *The appointment of its members should be revised to include an array of persons from various sectors, such as the Public Service Commission, the Judicial Services Commission, the Education Services Commission, among others, and not solely appointed by the president. This will ensure an inclusive and less subjective process.*

8.2.5 Other emerging human rights issues

8.2.5.1 Proposed amendment of the 48-hour rule

There have been proposals to amend Article 23 (4), which prescribes for the production of a detained person to court within 48 hours from the time of his or her arrest, on grounds that the prescribed 48 hours is insufficient to bring a person to court.

UHRC is concerned because the problem is not with the time, but with the practice of conducting arrests before carrying out proper investigations. This is further compounded by the fact that in spite of breach of the 48 hours rule, investigations are still inconclusive.[296]

[295] n. 291 above, Article 230. The Article explicitly provides for the Independence of the Commission.
[296] UHRC's 16th and 17th Annual Reports, p. 6 and17, respectively.

UHRC, therefore, recommends that:

- *Article 23 (4) should be retained and priority placed on enhancing the investigative capacity of the Uganda Police Force.*

8.2.5.2 Proposal on compulsory acquisition of property for purposes of investment

There is a proposal to amend Article 26 (2) (a), which provides for the right to property, to allow for compulsory acquisition of property for purposes of investment.

The use of the phrase 'public use' in the provision is good enough and should cover investment, provided it can be shown that the envisaged investment is in the interest of the public. UHRC is concerned that using investment as a ground is likely to result in abuse and property grabbing.

UHRC, therefore, recommends that:

- *Article 26 (2) (a) of the 1995 Constitution should be retained.*

8.2.5.3 Access to legal aid

UHRC is concerned about inadequate access to legal aid in the country, which continues to affect the right to a fair hearing. The provision of legal aid should be a right to not only guarantee the indigent a fair trial, but also facilitate the entrenchment of some of the proposals of the draft Legal Aid Policy into the Constitution.

UHRC, therefore, recommends that:

- *Article 28 should be amended to provide for access to legal aid as a right for all those who require it in both criminal and civil matters.*
- *Article 28 should be amended to provide for an independent State Legal Aid body to facilitate to provide legal aid services to the indigent.*

8.2.5.4 Inadequate inclusion of economic and social rights

Economic and social rights are not adequately provided for in the Constitution. UHRC is concerned that the Constitution does not adequately protect all categories of rights which Uganda is expected to uphold. Economic and Social rights are critical for the well-being of all people and are integral to the fulfilment of civil and political rights. Uganda has taken steps to illustrate its commitment to these rights by, for instance, submitting a state report to the UN Committee on Economic, Social and Cultural Rights, which was considered in July 2015. However, economic and social rights are not explicitly provided for in the Constitution.

Although several elements of these rights are included in the National Objectives and Directive Principles of State Policy, the justiciability of these objectives is still the subject of debate. The introduction of Article 8A that requires parliament to make relevant laws to give effect to these National Objectives and Directive Principles of State Policy is yet to be implemented.

UHRC, therefore, recommends that:

- *Economic, social and cultural rights should be included in a comprehensive manner as part of the Bill of Rights, which would enhance the fight against poverty by empowering citizens in line with the concept of the human rights-based approach to development.*
- *The Constitution should recognise that socio-economic rights encompass key rights, such as the right to the highest attainable state of mental and physical health; the right to sufficient water and sanitation; the right to adequate food; the right to adequate housing; the right to social security and assistance; the right to intellectual property and benefits of science; right of consumer to protection; the right to economic and social development and the right to use public facilities.*

8.2.6. Conclusion

UHRC welcomes the Constitution (Amendment) Bill, 2015, but has concerns that in its current form, the Bill does not comply to the fullest extent with the human rights norms enshrined in our Constitution and with international and regional human rights instruments that Uganda has ratified. The Bill should aim at facilitating rather than constraining the enjoyment of human rights and fundamental freedoms. It should balance precisely the constitutional amendments with the other rights and the entire Constitution, and should only impose restrictions that are acceptable and justifiable in a free and democratic society.

UHRC urges parliament to take note and act on the human rights concerns raised in this submission. Furthermore, UHRC requests parliament to take into consideration the recommendations in order to improve on the Bill. Parliament should undertake sufficient consultations with all critical stakeholders and the entire public in order to ensure meaningful participation in the proposals and allow for comprehensive constitutional amendments.

UHRC recommendations adopted by the Parliament in the Constitution (Amendment) Act, 2015

- *On the issue of participation of independent members of parliament, the UHRC recommendation not to require an independent candidate to collect at least 1,000 signatures of registered voters in the constituency in order to be able to stand for elections was adopted.297*

8.3 UHRC'S POSITION ON THE NON-GOVERNMENTAL ORGANISATIONS BILL, 2015

8.3.1 Background to the Non-Governmental Organisations Bill 2015

The freedom to form and join associations or unions, including trade unions, political and other civic organisations; freedom of speech and expression (including press and media freedoms); and freedom to peaceably assemble and demonstrate together are provided for in the Constitution and in international and regional instruments that Uganda has ratified.[298] non-governmental organisations (NGOs), as human rights defenders, have a right, individually or in association with others, at national level to form, join and participate in NGO associations or groups.[299]

NGOs have been globally and nationally recognised as fundamental actors that, among other functions, influence government policy,[300] advocate for human rights promotion and protection, improve accountability and transparency of public and private institutions, and demand and contribute to service delivery within the grassroots.[301]

By the end of 2013, there were approximately 12,500 NGOs registered in Uganda, working in a multitude of sectors, with the highest coverage in the social sector.[302]

The current legal regime regulating the registration and operations of NGOs in Uganda is the Non-Governmental Organisations Registration Act Cap 113, the Non-Governmental Organisations Registration (Amendment) Act, 2006, the Non-Governmental Organisations Registration Regulations, 2009 and the National NGO Policy, 2010. The need for a review or amendment of the present NGO Registration Act resulted from the need to harmonise it with the National NGO Policy, as there was a clear gap between the policy and the Act. It is against this background that in 2011, the Ministry of Internal Affairs, through the NGO Board, conducted public consultations with stakeholders, including NGOs and the general public, for

[297] UHRC recommended that the clauses creating city land boards and the Salary and Remuneration Board; and the clause inferring corporate status on the IGG should be significantly reviewed. The Act of Parliament did not contain any of these three provisions.
[298] Article 19 and Article 22 of the International Covenant on Civil and Political Rights, Article 9-10 of the African Charter on Human and Peoples' Rights and Article 29 of the 1995 Constitution.
[299] The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Declaration for Human Rights Defenders (Article 5(b)
[300] n. 291 above, Article 38.
[301] Preamble of National NGO Policy 2010, p.5.
[302] Uganda National NGO Forum, 'A Position Paper and Clause by Clause Analysis of the NGO Bill 2015' May 2015, p.2. A presentation made at the UHRC Focus Group Discussions on the NGO Bill held on Thursday 11th June 2015 at Hotel Africana.

their views and proposals for amendment of the present Act. Following a series of public consultations and protracted debate amongst NGOs and the government, the NGO Bill 2015 was gazetted and tabled in Parliament for debate in April 2015.

8.3.2 Summary of contents of the Bill

The object of the Bill is to: repeal and replace the NGO Registration Act Cap 113; provide for the corporate status of the NGO Board; strengthen the capacity of the NGO Board to register, regulate, coordinate and monitor NGO activities; provide for the establishment of regional offices of the NGO Board, district NGO monitoring committees (DNMCs) and sub-county NGO monitoring committees (SNMCs); establish a fund for NGOs; and make provisions for special obligations of NGOs, amongst other things.

The Bill covers the following aspects: establishment, functions and powers of the NGO Board (Part I); membership, tenure and functions of the board of directors (Part II); committees and sub-committees of the Board of Directors (Part III); management and staff of the Board (Part IV); establishment and mandate of the regional offices of the Board, DNMCs and SNMCs (Part V); financial provisions and establishment of a fund for NGOs (Part VI); registration and incorporation of NGOs (Part VII); self-regulation, administrative and reporting obligations (Part VIII); miscellaneous (Part IX); and saving and transitional provisions (Part X).

8.3.3 Positive aspects of the Bill

UHRC welcomes the process to amend and harmonise the current legal regime, with the principle objective of providing a conducive and enabling environment for the NGOs and strengthening the capacity of the NGO Board to register, regulate, coordinate and monitor NGO activities. The proposed legislation should, therefore, comply with human rights standards enshrined within the international and regional human rights instruments that Uganda has ratified.[303]

UHRC finds the following specific aspects of the Bill particularly positive and, therefore, commends them.

8.3.3.1 Establishment of monitoring and oversight mechanisms

The Bill provides for establishment of the National Board of NGOs with the overall mandate to register NGOs, issue, revoke and renew permits, formulate and develop guidelines for NGOs, and monitor NGOs in carrying out their activities.[304] There is also the creation of a governing board of directors who oversee the implementation of the National Board's policies and programmes of the NGO sector.[305] Under clauses 19, 20 and 21, the Board has regional offices that have the function to maintain registers of NGOs and community-based organisations within the respective regions.

The existence of these mechanisms would ensure adequate monitoring and regulation of the NGO sector, and quicken the decision-making processes.

8.3.3.2 Creation of an NGO Consultative and Dialogue Platform

One of the functions of the NGO Board, under Clause 20, is to create and coordinate a consultative dialogue forum for NGOs.[306] This forum could promote a spirit of mutual cooperation and shared responsibility within the sector and with government ministries, departments, agencies and other stakeholders.

[303] n. 300 above, Article 38.
[304] Clause 6 of the NGO Bill, 2015.
[305] n. 304 above, Clause 11.
[306] As above, Clause 6(g).

8.3.3.3 Registration of NGOs by the NGO Board

UHRC welcomes the provision in Clause 6 that streamlines the process of registration and incorporation of NGOs by placing all the procedures under the ambit of the NGO Board. Currently, one has to register the name of the NGO with the Uganda Registration Services Bureau and then complete the process of registration with the NGO Board. The current procedure is lengthy, cumbersome and, to many, confusing. Under the Kenya NGOs Coordination Act (Revised) 2012, registration of NGOs is done by the NGO Coordination Board.[307]

8.3.3.4 Decentralisation of functions of the NGO Board

Decentralisation of the functions of the NGO Board through creation of structures at the regional, district and sub-county levels, as articulated in clauses 19, 20 and 21 of the Bill, is a positive development that will bring the services of the NGO Board close to the people, especially within the grassroots.

8.3.3.5 NGO Fund

UHRC noted that Clause 27 establishes a fund for NGOs, consisting of funds appropriated by the parliament, as well as gifts, grants or donations received from the government or any other source. Creation of the fund, if properly managed, will have a positive socio-economic impact, as it will increase NGOs' access to funds and enable them to effectively carry out their work. Approval of funding from non-state sources by the minister of Finance, Planning and Economic Development is an appropriate security measure against illegal transactions.

8.3.3.6 Self-regulation by NGOs

Clauses 34 and 35 of the Bill provide for the formation of self-regulatory bodies and mechanisms. Encouraging NGOs to provide quality services, be responsible and accountable through self-regulating mechanisms is a credible approach of achieving one of the objectives of the Bill – to establish a regulatory framework within which organisations can conduct their affairs.

8.3.3.7 Clarification on the categories of NGOs

The interpretation section provides the definitions and distinctions between the various types of NGOs that can be registered in Uganda, for instance, community based organisations (CBOs), and foreign, international and regional organisations. This provides clarity and guidance on how to identify or register the organisation in question. This is also consistent with the purposes under the National NGO policy.[308]

8.3.3.8 Sources of funding of NGOs

Under the Bill, there is no restriction on the sources of funding, and NGOs are required to disclose their sources of funding, under Clause 40, through their memoranda of understanding with their donors, sponsors, affiliates, and local and foreign partners. This enables transparency and accountability within the sector, and helps to address national security concerns.

8.3.4 Human rights concerns in the provisions of the Bill

Whereas the Bill has positive aspects that promote and regulate NGOs, it also has aspects that, in their current state, not only stifle the work and operations of NGOs, but also substantially infringe on the enjoyment of human rights and fundamental freedoms in the country. The human rights concerns in the provisions of the Bill are discussed below.

[307] Section 10 and 12 of the Kenya NGO Coordination Act (Revised), 2012.
[308] National NGO Policy, 2010, p. 11-12.

8.3.4.1 Use of broad, ambiguous terms throughout the Bill

A number of the provisions within the Bill use broad and ambiguous terms that could be widely interpreted. The principles of legality require that all laws should be clear, ascertainable and non-retrospective. Good law should be clear, precise and unambiguous to demonstrate and reflect effective rule of law.[309]International standards require that the law should contain certain precision to enable persons to foresee, to a degree that is reasonable in the circumstances, the consequences of taking a given action.[310]

For instance, a 'foreign organisation' is described as an organisation that does not have original incorporation in any country. It is unclear how an organisation cannot have original incorporation in any country. Furthermore, the Bill attempts to differentiate between a 'foreign organisation' and an 'international organisation'. The difference is not clear.

The Bill makes reference to two different boards: the 'National Board for NGOs' and the 'Board of Directors'. However, in several provisions of the Bill, reference is made to 'the Board.' It is not clear which of the two boards the Bill is referring to.

The Bill further makes reference to the 'secretariat' in Clause 37, which is not defined in the interpretation section. As such, it is not clear what constitutes the secretariat.

The use of the word 'public interest' in clauses 31 (4) (d), 33 (d), 36 (e) and 40 (f) is ambiguous, especially in light of the manner for which it is proposed to be applied. In these instances, there is need for "public interest" to be specifically defined to avoid any misinterpretations of the law.

Clauses 31 and 32 of the Bill provide for registration and incorporation of NGOs. However, on further scrutiny of both clauses, there is no clear distinction as to when there is registration and when there is incorporation. The two words (registration and incorporation) are used interchangeably. It is not clear whether both processes are required to necessitate the functioning of an NGO or if the two are one process.

UHRC, therefore, recommends that:

- *The definition of the term 'foreign organisation' should be rectified to address the issue of original incorporation in any country.*
- *A clear distinction should be made in the definitions of 'foreign organisation' and 'international organisation.'*
- *The terms 'National Board of NGOs' and 'Board of Directors' should be distinguished.*
- *Public interest should be defined and included within the interpretation section.*
- *There needs to be a clear distinction as to when registration and incorporation of NGOs, under clauses 31 and 32, shall apply, instead of using the terms interchangeably.*

8.3.4.2 Excessive powers conferred on the minister

The Bill provides the Ministry of Internal Affairs with wide discretionary powers in the appointment and removal of members of the Board of Directors[311], and in determination of salaries of members of the Board.[312] The ministry also has powers to issue instructions to the NGO Board relating to its functions.[313] This would undermine the independence of the NGO Board by creating unwarranted interference by the executive in the performance of its duties, and it could generally affect the enabling and harmonious working environment of the NGO sector.[314]

[309] 'Rule of Law and Guarantees of Legality', available at http://www.pf.upol.cz/, accessed 9th July 2015.
[310] The International Center for Not-for-Profit Law (ICNL), 'Comments on Uganda's Non-Governmental Organisations Bill, 2015', available at http://www.parliamentwatch.ug, last accessed on 9 July 2015.
[311] n. 304 above, Clause 9 (2) and (6).
[312] As above, Clause 13.
[313] As above, Clause 46.
[314] UN OHCHR Uganda, 'Analysis of Uganda's Non-Governmental Organisations Bill, 2015', a presentation made during the UHRC focus group discussions on the NGO Bill at Hotel Africana, Kampala, 11 June 2015.

UHRC, therefore, recommends that:

- *Appointment and removal of members of the Board of Directors should be exercised in consultation with an independent body.*
- *Clause 46 that provides for the minister issuing instructions to the NGO Board relating to its functions should be removed.*

8.3.4.3 Membership and composition of the Board of Directors of the National Board, and of the district and sub-county NGO monitoring committees

To ensure an enabling environment of the NGO sector, all processes concerning NGOs should be inclusive, participatory and representative in order to guarantee an environment where NGOs are free to associate and impart their ideas. Therefore, UHRC is concerned about the membership of the board of directors, the governing body of the National NGO Board as stipulated under Clause 9 of the Bill. It is also not clear as to whether the member of the board of directors with experience in 'organisation, regulation and administration', under Clause 9 (3) (a), applies to NGO representation in light of the definition of 'organisation' under Clause 2 of the interpretation section. Otherwise, it appears that the composition of the board of directors does not include or guarantee representation from the NGO sector.

UHRC is also concerned about the composition of the DNMCs and SNMCs as per Clause 20 and 21 of the Bill, especially with the appointment of the Resident District Commissioner (RDC) as the chairperson of both committees and the presence of an officer from the District Internal Security Organisation (DISO).

The DNMC is mandated to handle matters from the SNMC. With the RDC being the proposed chairperson of both committees, there will be a potential conflict of interest and lack of neutrality when he/she chairs both committees. Secondly, the presence of the RDC and the DISO as members of the committees is not appropriate. Ideally, registration and oversight bodies should be apolitical, impartial and non-bureaucratic. The National NGO Policy provides for the Chief Administrative Officer (CAO) to chair such committees, and the RDC is not part of the structure. Therefore, the Bill departs from the provisions in the policy, yet it is supposed to be aligned to it.

UHRC, therefore, recommends that:

- *The composition of members of the board of directors should include representation from the NGO sector under Clause 9 (3) of the Bill.*
- *The CAO should replace the RDC as chair of the committees, in line with the National NGO policy.*
- *The DISO and RDC should be removed as members of the committees to ensure more independent and apolitical structures.*
- *The membership and composition of the DNMCs and SNMCs should similarly be reconsidered to include a more representative section of the community, such as the local council leaders and religious leaders.*

8.3.4.4 Operationalisation and duplication of roles of the DNMCs and SNMCs

The Bill provides for the establishment of DNMCs and SNMCs, which is a positive development in the effort to bring the NGO Board services close to the people. However, UHRC is concerned about the functionality of these structures to provide an enabling environment for the operation of NGOs.

Among the functions of the SNMCs is to provide *"CBOs at the sub-county with guidelines so as to effectively participate in the implementation and monitoring of programmes"*. This seems to presuppose that each sub-county has its own policy separate and distinct from district policies, yet this is not the case. These structures also have similar functions and there would arguably seem to be an unnecessary duplication of roles, which inadvertently adds to avoidable bureaucratic processes that involve the DNMCs and SNMCs.

UHRC notes that although Clause 20(4) (e) tasks DNMCs to advise district councils on matters of registration and monitoring, it is not clear on the role of district councils and the relationship between district councils and the DNMC.

Furthermore, the cost implication of having both DNMCs and SNMCs would be excessive, considering that there are 115 districts and 1,026 sub-counties in the country. This means that if this Bill is enacted, 115 DNMCs and 1,026 SNMCs would have to be established and operational.

UHRC, therefore, recommends that:

- *Clause 20(4) (e) should be deleted since district councils do not register NGOs and have no apparent role in the Bill.*
- *Clause 21(3) (a) should be deleted and registration of CBOs should be done at the district level.*
- *Only DNMCs should be maintained and can effectively take on the work of SNMCs, since the districts are now much smaller.*

8.3.4.5 Management of the NGO Fund

Clause 27 of the Bill calls for the establishment of a fund that shall be accessed by NGOs. While UHRC welcomes the proposal of putting in place a fund for NGOs, questions remain as to whether the NGO Board would be best suited to manage it. Furthermore, Clause 6 that enumerates the functions of the NGO Board does not mention management of the fund.

UHRC, therefore, recommends that:

- *Management of the NGO fund should be done by a separate independent entity.*

8.3.4.6 Dual liability and excessive penalties

While exercising its disciplinary action under Clause 31 (10) and (11), the NGO Board can impose sanctions on both the organisation, as a body corporate, and the employees for failure to comply with provisions of the Bill.

This amounts to 'dual liability or double punishment,' which is excessive and could hinder the operations of NGOs. Such a provision would also contravene the principle of 'vicarious liability', where the organisation, as an employer, would be held accountable for the acts or omissions of its employees in the course of employment.[315]

UHRC notes that some of the penalties imposed are excessive and are not commensurate with the offences. Such criminalisation would intimidate instead of facilitate the work of NGOs as human rights defenders and this would restrict or impede their operations and working environment.[316]

UHRC, therefore, recommends that:

- *Clause 31 should be reviewed to address the issue of dual liability.*
- *All the penalties in the Bill should be reviewed to be commensurate with the offences committed.*

8.3.4.7 Inspection of NGO premises

Clause 37 (1) empowers an officer of the NGO Board to inspect NGOs within reasonable time and request for any necessary information. UHRC is concerned that this clause grants the officer excessive powers to access and take any information that is deemed necessary, without due process. Such a provision has the potential of breaching Article 27 of the Constitution and Article 17 of the International Covenant on Civil and Political Rights. Legal safeguards should be put in place to ensure that the citizens' right to privacy is protected throughout the process.

[315] Dual liability: Availale at http://www.lexisnexis.com/uk, Last accessed on 9 July 2015.
[316] UN Human Rights Council Resolution A/HRC/RES/22/6, p. 10-13.

UHRC, therefore, recommends that:

- *Clause 37 should be re-drafted to include legal safeguards such as court warrants to ensure that inspections authorised by the Board are conducted in accordance with the law.*

8.3.4.8 Restrictive special obligations of NGOs

Clause 40 of the Bill imposes special obligations on NGOs, which in some instances are too restrictive on the NGOs carrying out their activities, thereby infringing on their right to freedom of peaceful assembly, association, movement and work under articles 27 (1) and (2) and 30 of the Constitution. Clause 40 (a), for instance, prohibits an NGO from conducting activities in any part of the country unless there is dual approval from the DNMC and ocal government, with a signed memorandum of understanding from the latter.

Furthermore, NGOs are not to engage in any act *"prejudicial to the interests, security and laws of Uganda"*.[317] This provision is vague and open to subjective interpretation and arbitrary application. According to the Siracusa Principles on the Limitation and Derogation of Provisions of the International Covenant on Civil and Political Rights (ICCPR),[318] national security can only be invoked when there exists adequate safeguards and effective remedies against abuse.

The requirement for a 'non-partisan' nature of NGOs under Clause 40 (g) has serious ramifications on those NGOs that fundraise or are engaged in advocacy in civil and political rights.

UHRC, therefore, recommends that:

- *Clause 40 should be reviewed due to the restrictive and broad nature of its provisions that infringe on the constitutional rights of NGOs.*

8.3.4.9 Lack of an independent appeal mechanism

Clause 45 of the Bill provides for individuals dissatisfied with a decision of the Board to appeal to the minister within three months after notification of the Board's decision. However, UHRC is concerned that there is lack of access to an independent and impartial court or tribunal in accordance with Clause 45 in terms of an appeal process. This is contrary to the provisions of articles 28 (1), 42 and 50 (1) of the Constitution, which guarantee the right to a fair hearing. The Bill does not have any provisions that create a 'judicial mechanism' that will be available to those aggrieved by the decisions of either the Board or the minister.

Due process and the rule of law principles dictate that access to justice is a fundamental cornerstone of protecting human rights. Best practices indicate that there should be an independent mechanism in place in instances where persons are aggrieved by the decisions of the board. Under the Kenya NGOs Coordination Act, 2012, for instance, an organisation aggrieved by the decision of the minister can appeal to the High Court.[319]

UHRC, therefore, recommends that:

- *An independent and impartial judicial mechanism should be set up to cater for the appeal process under Clause 45.*

[317] n. 313 above, Clause 40 (d) and (e).
[318] Principle 31 of the Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, Annex, UN Doc E/CN.4/1984/4 (1984).
[319] n. 307 above, Section 19(3A).

8.3.4.10 Burdensome registration and re-registration processes

The process of registration of NGOs should be done in an easily accessible, non-discriminatory and non-burdensome manner.[320] Furthermore, the criteria for denying registration of NGOs should not be too broad or vague.[321] Otherwise, these restrictive requirements would serve as disincentives for persons who are interested in forming or participating in NGO activities, due to the inhibiting operational environment. This would also affect the right of NGOs to freely associate, under Article 29 of the Constitution.

Although Clause 51, a transitional provision, provides for continued operations of the organisation, it requires all NGOs that were registered under the old laws to re-register within six months of the Bill becoming an Act. The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association stated that "*newly adopted laws should not request all previously registered organisations to re-register, to protect the existing associations against arbitrary rejection or time gaps in the conduct of their activities.*"[322]

UHRC, therefore, recommends that:

- *The process of registration of NGOs under clauses 31, 32 and 33 should be reviewed.*
- *The grounds for denying registration of NGOs, under Clause 31, should be made precise and explicit.*
- *All NGOs registered under the old laws should continue to operate after the coming into force of the Act for the duration of their permit. Application for renewal of their permit should be in accordance with Clause 31 (5) of the Bill.*

8.3.5 Conclusion

A regulatory framework for NGOs is necessary for the monitoring and coordination their activities. The Bill has some positive legal and procedural guidelines for the oversight, management and self-regulation of the NGOs. However, there are certain aspects pertaining to excessive ministerial powers, the composition of bodies, burdensome restrictive registration requirements, and the lack of independent appeal mechanism, among others, which need further review to foster harmony between the Bill and the National NGO Policy.

UHRC recommendations adopted by the Parliament in the NGO Act 2015

Recommendations made by UHRC	UHRC recommendations adopted by the Parliament
The terms 'National Board of NGOs and 'Board of Directors' should be distinguished.	Section 5 and 9 of the Act distinguished between the 'National Board of NGOs and 'Board of Directors', referring to them as Bureau and Board of Directors.
There needs to be a clear distinction as to when registration and incorporation of NGOs under Clauses 31 and 32 shall apply instead of using the terms interchangeably.	Section 29 of the Act refers strictly to the process of registration.
The composition of members of the Board of Directors should include representation from the NGO sector under Clause 9(3) of the Bill.	Section 9 of the Act provides for the Board of Directors to include two members representing NGOs.
The CAO should replace the RDC as chair of the committees, in line with the National NGO policy.	Section 20 of the Act provides that the CAO shall chair the committees.

[320] Extracted from UN Special Rapporteur on the Rights of Freedom of Peaceful Assembly and Association first thematic report, A/HRC/20/27, paragraph 95.
[321] n. 317 above, Clause 31. The NGO Board can reject an application for registration for "reasons it may deem fit".
[322] n. 318 above.

The DISO and RDC should be removed as members of the committees, to ensure more independent and apolitical structures.	Section 20 and 21 of the Act removed RDCs from the structure of committees.
Clause 31 should be reviewed to address the issue of dual liability.	Section 30 of the Act removed personal liability. The liability is only of the organisation.
Clause 37 be re-drafted to include legal safeguards, such as court warrants, to ensure that inspections authorised by the Board are conducted in accordance with the law.	Section 41of the Act provides for certain legal safeguards such as: Gazetting of the inspectors, prior notice of at least three days before inspection
Process of registration of NGOs under clauses 31, 32 and 33 should be reviewed.	Section 29 of the Act streamlines the process of registration of NGOs.
An independent and impartial judicial mechanism is set up to cater for the appeal process under Clause 45.	Section 53 of the Act establishes an Adjudication Committee and creates an avenue for appeal to the High Court if one is not satisfied with the decision of the Adjudication Committee.
All NGOs registered under the old laws should continue to operate after the coming into force of the Act for the duration of their permit. Application for renewal of their permit should be in accordance with Clause 31 (5) of the Bill.	Section 59 of the Act allows for organisations that were registered under the old laws to continue operating without a time restriction.

8.4 UHRC POSITION ON THE CHILDREN AMENDMENT BILL

8.4.1 Background to the Children (Amendment) (No.2) Bill, 2015

For a long time, there have been concerns that the Children Act Cap 59 is not in line with Uganda's international and national human rights obligations. This includes the all-inclusive protection of a child, guardianship, inter-country adoptions and prohibition of corporal punishment.[323] Subsequently, in February 2015, two Bills (with similar content), both seeking to amend the Children Act, were presented to parliament. The Children (Amendment) (No 2) Bill, 2015 was tabled by a private member of parliament, Hon. Bernard Atiku, while the Children (Amendment) Bill, No. 3 of 2015 was presented in parliament as an initiative of the Ministry of Gender, Labour and Social Development. The said bills were gazetted on the same day. After extensive deliberations, the government withdrew the Children (Amendment) Bill, No. 3 of 2015.

8.4.2 Summary of the objective of the Children Amendment Bill

The objective of the Children (Amendment) (No.2) Bill, 2015 (Bill) is to amend the Children Act Cap 59 to enhance protection of a child, provide for the guardianship of children, provide for inter-country adoption, prohibit corporal punishment and provide for other related matters in the protection of children in Uganda.[324]

In a nutshell, the main purpose of the Bill is to align the provisions of the Children Act with the already existing laws that relate to care and protection of children, provide for fair trial of child offenders, enhance the rights and safety of children and regulate adoption and guardianship of children.[325]

[323] Convention on the Rights of the Child; the African Charter on the Rights and Welfare of the Child; Article 10(2) of the International Covenant on Economic, Social and Cultural Rights; and Article 34 of the 1995 Constitution.
[324] The Children (Amendment) (No.2) Bill, 2015, 'Principles of the Bill'.
[325] The Probation Act Cap 122; the Children Act Cap 59; the Magistrate's Court Act, Cap 16; and the Trial on Indictment Act, Cap 23.

8.4.3 Positive Aspects of the Bill

UHRC welcomes the objectives of the bill that aims at addressing the defects in the existing legal framework where it does not enhance the protection of children in Uganda. UHRC appreciates that the Bill enhances protection of a child, provides for guardianship of children and inter-country adoption, prohibits corporal punishment and provides for related matters, since the existing laws governing care, protection and maintenance of children have legal gaps and implementation challenges. UHRC appreciates the inclusion of provisions that address access to justice for children, such as the reduction of the statutory remand period to three months for capital offences and 45 days for other offences, and the expansion of some definitions in the Bill, namely: child labour, child exploitation, violence and corporal punishment, among others.[326]

8.4.4 Human rights concerns of the Bill

The objective and the positive provisions of the Bill are welcome. However, UHRC is concerned about various aspects of the Bill, as discussed below.

8.4.4.1 Use of ambiguous terms within the definition section

Although some definitions have been expanded, there are a number of provisions that are not clear in the definition section, including concepts such as child labour, child exploitation, child marriage, child pornography and child trafficking. Child labour was defined in the Bill, but it does not take into consideration the Employment (Employment of Children) Regulations, 2012.

The definition of child labour in the Bill would suggest that any form of child work is appalling and unlawful. The Employment of Children Regulations, however, clearly differentiate between various forms of child labour. It is important to note that not all child labour is hazardous and dangerous to the child. For example "light work" means work that is not harmful to a child's health and development, not prejudicial to a child's attendance at school and not in excess of 14 hours per week.[327] This distinction is not clearly reflected in the definition of child labour in the Bill.

The definition of child exploitation in the Bill is too wide, encompassing terms that need to be further clarified. Child exploitation includes child trafficking, child pornography and child prostitution. To ensure clarity of the law, these terms need to be further defined. Child pornography, for instance, is defined as any representation by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes[328]. Child prostitution is the use of a child in sexual activities for remuneration or any other form of consideration[329], while child trafficking is the recruitment, transportation, transfer, harbouring or receipt of any person under the age of 18 years for the purpose of exploitation[330].

Other terms that are used throughout the Bill which should be defined for purposes of clarity include: adoption (inter-country adoption and customary adoption), guardian, social amenities, harmful customary and cultural practice, child, early and forced marriage, and harmful or hazardous employment.

UHRC, therefore, recommends that:

- *The definition section should be reviewed to include definitions such as child marriage, child labour and child pornography, among others.*

[326] n. 324 above, Clause 2.
[327] Section 2 Employment (Employment of Children) Regulations, 2012
[328] Article 3, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children , Child Prostitution and Child Pornography.
[329] As above, Article 2.
[330] Article 3 (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Palermo Protocols.

8.4.4.2 Harmful traditional and cultural practices

Clause 7 introduces the protection of children from harmful customary or cultural practices. However, there is no mention of which practices are actually harmful. Specific harmful traditional practices need to be explicitly provided for and prohibited in the Bill[331]. Child, early and forced marriage,[332] for example, is a known harmful practice that violates the rights of children, and is yet to be expressly criminalised. Such a practice should be specifically identified, outlawed and a commensurate penalty stipulated.

UHRC, therefore, recommends that:

- *This provision should be expanded to consider all known specific forms of harmful practices. The Bill should introduce and criminalise early and forced marriage and provide for a penalty for those who take part directly or indirectly in child marriages.*

8.4.4.3 Harmful employment

Clause 8 (1)and (2) stipulates that a person shall not employ or engage a child in any activity that may be harmful or hazardous to his or her health or his or her physical, mental, spiritual, moral, or social development. It further provides for the minimum age of employment of a child in line with Article 34 of the Constitution and Article 32 (2) (a) of the UN Convention on the Rights of the Child.

However, UHRC notes that the clause does not provide a penalty for the criminalised act of engaging children in hazardous employment. This contravenes the principles of codified criminalised actions, as it should have reflected a criminal sanction.[333]

UHRC, therefore, recommends that:

- *A section explicitly providing for a penalty, if found engaging a child in hazardous employment, should be inserted in the Bill.*

8.4.4.4 Substitution of disabilities with special needs

UHRC is concerned about the substitution of the word disabilities with 'special needs' in Clause 9. UHRC takes cognisance of the fact that the use of the word "special needs" is more affirmative and child-friendly, and is used in the Ministry of Education's policy documents. However, Article 23 (2) of the Convention on the Rights of PWDs and Article 13 of the African Charter on the Rights and Welfare of the Child use the term "disabled children" not 'children with special needs'. Article 35 of the Constitution and the Persons with Disabilities Act, 2006 use the term "persons with disabilities" and not 'children with special needs'. For purposes of uniformity and consistency with the above mentioned international, regional and national statutes, it is suggested that the word "disabilities" is not substituted, but is maintained throughout the law.

UHRC, therefore, recommends that:

- *The term 'special needs' should be substituted with 'disabilities'.*

8.4.4.5 Limited categories of workers with a mandatory obligation to report

Sub-section 2, makes it mandatory for specific categories of workers such as medical workers, teachers and social workers to report any matter of the well-being of a child. However, this list of persons is not exhaustive and this section should rather be based on criteria of persons that work closely with children and are in positions of authority. This category of persons should, likewise, have a mandatory legal obligation to report matters concerning children, as long as they are in positions of authority. These could include non-teaching staff that work within the school environment, religious leaders or sports coaches.

[331] Children Act, No.38 of 2005, South Africa.
[332] Child, early and force marriage means a formal or informal marriage to someone (boy or girl) who is below the age of 18 years.
[333] General Principles of Criminal Law, Human Rights Library, University of Minnesota.

In the event that the current limited categories of persons are maintained under this clause, UHRC proposes that these categories of persons (in particular medical practitioner and social worker) are clearly defined within the definition section. Without being defined, they most certainly could be subjected to being interpreted differently as such, causing uncertainty in the law.

Clause 42 makes it optional for a person who, on reasonable grounds, believes that a child has been abused or is in imminent danger of violence, including physical injury or sexual abuse, to report such abuse. Considering their venerability, all children should be protected from all forms of violence. Therefore, the obligation to report abuse of violence against a child should be mandatory, with a penal provision stipulated against those found meting out violence against children.

In addition, UHRC notes that both the Bill and the Principal Act do not identify the "designated child protection organisation" or the "responsible officer", though a number of roles have been assigned to them.

UHRC, therefore, recommends that:

- *The list for those who have a mandatory obligation to report should be expanded and based on criteria of persons who work closely with children and are in positions of authority.*
- *The obligation of other persons to report on an instance of violence or abuse should be mandatory.*
- *The designated child protection organisation and the responsible officer should be identified.*

8.4.4.6 Guardianship

Guardianship orders have been granted by the courts, by invoking the provisions of Articles 34 (1), (2) and 139 (1) of the Constitution; sections 14, 33, 39 of the Judicature Act; Section 98 of the Civil Procedure Act and Orders 52 rules 1, 2, and 3 of the Civil Procedure Rules; and sections 2, 3, 4, 5, 6, 36 (1) (c), 44 (1), 45, 46 and 51 of the Children Act. Although the best interest of the child is considered, this is not primarily based on human rights standards and does not take into consideration all the guiding principles of Article 2, 3,6, and 12 of CRC.

a) Procedure for guardianship

UHRC welcomes the insertion of Part VI A, which provides for the procedure of guardianship. Although "guardian" is defined[334] in the Principal Act, there is no provision for the procedure of guardianship under the Principal Act, in particular, guardianship that leads to inter-country adoption.

Statistics indicate that the current utilisation of the court process of granting legal guardianship is predominantly for the purpose of eventually pursuing inter-country adoptions, normally in the country of origin of the applicant.[335]One of the common justifications for the resort to legal guardianship for purposes of inter-country adoption is the fact that this process is expeditious.[336] Following the cases of Richard Masaba (Civil Appeal No. 81 of 2011) and Deborah Joyce Alitubeera (Civil Appeal No. 70 of 2011), the court was open to granting "instant guardianship orders" for the purpose of the applicants to emigrate with the children and pursue adoption process in their country of origin.

This current process is of particular concern to UHRC because, in essence, it circumvents the adoption processes through use of this legal guardianship provision. Furthermore, there is evidence to demonstrate that there has been a rise in deliberate recruitment of children from within the community into childcare institutions, with prospects of financial gain through the "purportedly quick and easy" legal guardianship processes. It has, in addition, been used by others for ulterior motives such as child trafficking.[337] The

[334] n. 47 above, Section 1.
[335] UNICEF, 'Study on legal guardianship and adoption in Uganda', December 2014, Available at http://www.unicef.ug, accessed on 15 September 2015.
[336] n. 333 above.
[337] Uganda Law Reform Commission, 'Report on the review of the Children's Act, Cap 59', September 2009.

Committee on the Rights to the Child recommended that there was need to strengthen the laws in relation to legal guardianship in order to avoid practices contrary to the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.[338]

b) Lack of a distinct process of guardianship from adoption

The Bill provides for guardianship, although the process is not distinct from adoption. Obtaining guardianship should not be a means to inter-country adoption. UHRC noted that the rights associated with each of the mentioned processes are different and, as such, the two processes should remain distinct. The purpose of guardianship is to have parental responsibility over the child, which should be maintained throughout the duration of the guardianship order. In the event that one wishes to adopt a Ugandan child, they should adhere to the provisions within Section 46 of the Act, which provides for inter-country adoptions.

In addition, Clause 43 B (2) proposes a requirement of one-year residency in Uganda before being granted a guardianship order. It is assumed that the child can emigrate to the country of origin of the applicants pursue adoption procedures. This, in essence, can still be used to circumvent the requirement of 36 months of fostering a child within Uganda for purposes of inter-country adoption.[339]In order to forestall circumventing of the law, the Bill should ensure that, in addition to the one year residency requirement, there should be an additional requirement that the guardian order should be in force for a minimum of three years, preferably within Uganda, before any application for adoption is considered.

c) Lack of a distinct process for customary guardianship

UHRC is concerned that the Bill does not provide for a process to guide customary guardianship. Customary and testamentary guardianship form the biggest percentage of guardianship in Uganda because of the existing kinship culture, whereby the responsibility of taking care of disadvantaged children within families is usually assigned to relatives. In view of this, there is need to legislate on this particular area in order to ensure that there are appropriate safeguards to promote the best interests of the child, ensure non-discrimination, survival and development. As most customary guardianship takes place in rural areas, a procedure that is easily accessible (use of the local council structures) and not too stringent and complicated as that of inter country guardianship ought to be adopted. The Bill does not in any way attempt to provide legislation in respect to customary guardianship.

d) Lack of an explicit penalty

The Bill does not explicitly provide for a penal sanction for one who breaches their rights and obligations as a guardian. UHRC considers that such a sanction is imperative to ensure that children are protected from abuse.

UHRC, therefore, recommends that:

- *A provision should be inserted in the law, which clearly distinguishes between legal guardianship and inter-country adoptions.*
- *Customary guardianship should be legislated on.*
- *Penal sanctions should be adopted for breach of guardianship obligations.*

8.4.4.7 Post-adoption requirements

UHRC is concerned that clause 13 does not provide for post-adoption requirements. As seen in the Kenyan and South African Children's legislation,[340] there is a requirement that adoptive parents must submit a post-placement or post-adoption report so as to ensure that, indeed, the best interest of the child is continually met.

[338] Committee on the Rights of the Child, 'Concluding Observations', October 2008.
[339] Lady Justice Percy Night Tuhaise, Head, Family Division, High Court, *'Child adoptions and guardianships: challenges and roles of lawyers'*, presentation made at the Uganda Law Society family symposium, 10th March 2015.
[340] Sections 228 and 239 of the South African Children Act, 2005.

UHRC, therefore, recommends that:

- *A post-adoption process should be included in the law.*

8.4.4.8 Minister to make an on order in lieu of a death sentence

UHRC is concerned about the provision that requires the minister to make an order in respect to a sentence given in lieu of a death sentence. There have been challenges associated with this process, such as delays in disposing cases of this nature.[341] Furthermore, the proposed process will allow the minister to interfere with the courts' constitutional mandate, which contravenes the principle of separation of powers as clearly prescribed by the Constitution.

UHRC, therefore, recommends that:

- *This clause should be deleted.*

8.5 CONCLUSION

UHRC commends the effort to bring the current law in line with Uganda's international and regional obligations. UHRC notes that some provisions are in line with the object of the Bill. However, some human rights concerns arise, such as: the use of undefined terms; the lack of definition of what constitutes harmful practices; the lack of sanctions; the lack of a distinct process between guardianship and adoption; and the need to provide a procedure for customary guardianship. UHRC strongly urges parliament to consider these concerns to ensure that the Bill is in line with international and regional human rights standards.[342]

[341] UHRC 17th Annual Report 2014, p. 56.
[342] The Children (Amendment) (No. 2) Act was passed in May 2016.

CHAPTER 9

GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS AND TREATY BODY REPORTING

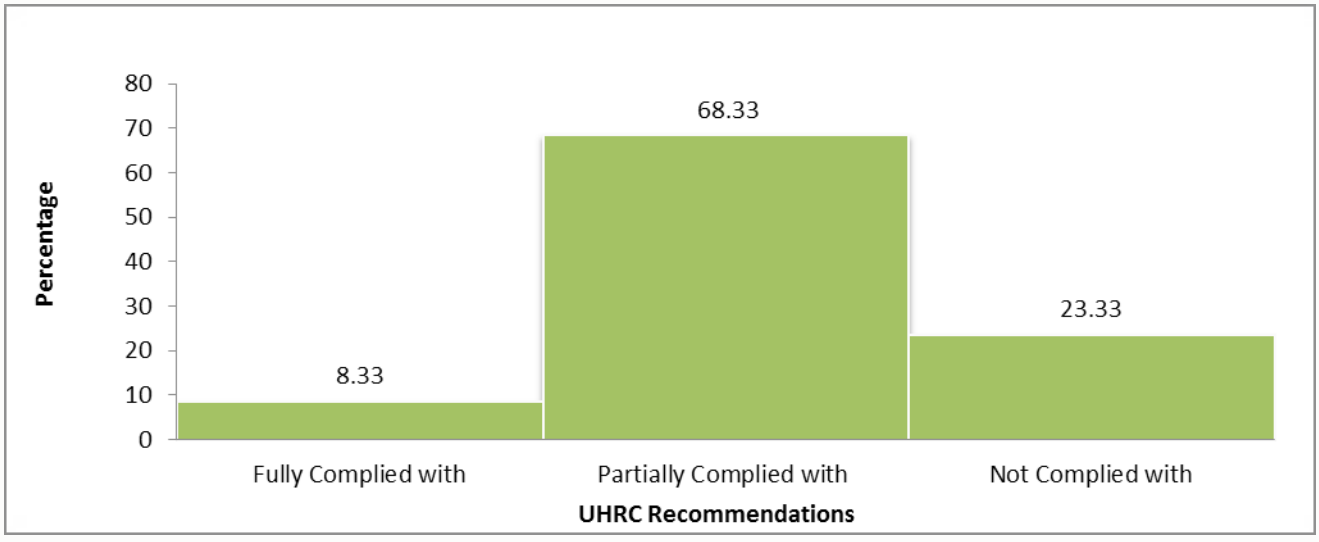
9 INTRODUCTION

UHRC has, over the years, made recommendations to government aimed at improving the human rights situation in the country. This chapter tracks progress on these recommendations. UHRC is concerned that some of the recommendations have not been implemented for more than five years and, therefore, urges the government to implement them urgently, as they are long overdue.

In addition, the chapter highlights the state of preparedness for Uganda's second cycle of the Universal Periodic Review (UPR), including the development of the National Action Plan on Human Rights. Government compliance with UPR recommendations is highlighted, in addition to the status of treaty body reporting to international and regional mechanisms.

As already highlighted in Chapter 4, UHRC developed a database and search engine for all human rights recommendations that Uganda has received from international and regional human rights mechanisms, as well as all UHRC recommendations in its annual reports presented to parliament. The database supported by the OHCHR is aimed at providing a comprehensive monitoring tool for assessing government implementation of human rights recommendations made to it. The information for this chapter on the status of implementation was derived from the database, as well as from updates the various government ministries, departments and agencies (MDAs) gave UHRC during engagements on the status of the recommendations. Figure 9.1 below shows the level of government compliance.

Figure 9.1: Level of Government compliance with UHRC recommendations in 2015



9.1 RECOMMENDATIONS THAT HAVE BEEN FULLY COMPLIED WITH

9.1.1 Ministry of Internal Affairs should strengthen security at Uganda's border points in order to stop illegal immigrants, who may include criminals

This recommendation was made in 2013. The Ministry of Internal Affairs (MIA) took the following steps:

a) Installation of Personal Identification, Secure, Comparison and Evaluation System (PISCES) at Entebbe International Airport and at Malaba, Mutukula, Eregu, Busia and Katuna border points.

b) The Migration information Data Analysis System (MIDAS) is now being used at Goli, Afogi, Bunagana, Kikagati and Port Bell.

These two systems were being used to register travellers' data, and this can be used to compare with data of criminals and any other wanted persons.

c) A total of 276 officers of the MIA are currently undergoing full training on border management, with specific skills in security. Of these, 60% were to be deployed by 1st July 2016 along the common border.

d) The E-Visa, E- Permit System was put in place to deter intending migrants, who are checked and vetted before they are allowed to enter Uganda. The previous system would be applied when the aliens were already at the entry points.

9.1.2 Ministry of Education Science Technology and Sports should widely disseminate guidelines that provide clear reporting, tracking, referral pathways and responses that children, teachers, parents members of the community and schools need to follow when they encounter cases of violence against children in and around schools

UHRC made this recommendation in 2014 and so far, the Ministry of Education, Science, Technology and Sports (MoESTS) has disseminated the guidelines at the following fora:

a) A national dissemination workshop, with representation from ministries, education development partners, religious institutions, civil society, private sector and the media.

b) The Annual Sector Performance Review meeting of 2015, attended by education sector stakeholders.

c) In 16 pilot districts: Abim, Kaabong, Moroto, Nakapiripirit, Kyegegwa, Kyenjojo, Ntoroko, Kasese, Kanungu, Kabarole, Kabale, Kisoro, Masaka, Pallisa, Kween and Mbarara.

9.1.3 UPDF should be availed adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and detainees with HIV/AIDS access ARVs

In 2015, the detainees were provided with three meals a day as advised by the UPDF nutritionist. Free HIV/AIDS voluntary counselling and testing, and ARVs were also availed.

9.1.4 Ministry of Gender Labour and Social Development and parliament to expeditiously amend and enact the Children Amendment Bill, and to explicitly provide the prohibition of corporal punishment in schools

This Bill was passed into law and it explicitly provides for prohibition of corporal punishment.[343]

9.1.5 Ministry of Lands, Housing and Urban Development should expeditiously issue a special plan for developing the Albertine region in order to manage the prevailing uncertainty, speculation and misinformation among the people

UHRC established that the development plan for the Albertine region was finalised in December 2014 and is due for implementation.

[343] n. 342 above.

9.2 RECOMMENDATIONS THAT HAVE BEEN PARTIALLY COMPLIED WITH

9.2.1 Justice Law Order Sector should strengthen the District Coordination Committees (DCCs) in order to address the issue of prolonged detention and improve access to justice

This recommendation was made in the 2012 and 2013 UHRC annual reports. UHRC noted that in 2015, the Justice, Law and Order Sector (JLOS) finalised the process of reviewing and revising the DCC guidelines in order to provide for strengthened supervision, regular and increased active, free and meaningful participation of all stakeholders. JLOS also created Regional Chain-Linked Committees at all High Court circuit levels to receive, consider and address issues arising from DCCs. A National Advisory Committee, which was introduced in 2014, was operationalised to receive, consider and act on reports from the Regional Chain-Linked Committees.

In 2015, JLOS, in conjunction with UNICEF, supported the Justice for Children Programme that is embedded in DCCs to ensure child and juvenile justice in order to strengthen and enhance access to justice for children.

UHRC urges JLOS to continue strengthening DCCs in order to enhance access to justice.

9.2.2 Justice Law and Order should develop a strategy of addressing physical access for vulnerable persons, such as Persons with Disabilities, in already existing Justice Law and Order Sectorstructures that are inaccessible

In 2012, UHRC made this recommended, and in 2014, the sector developed a concept paper for a strategy on improving physical access for all persons, especially the vulnerable persons, to JLOS service points as part of enhancing access to justice. The concept paper was considered and approved in 2015 and was financed under the JLOS Work Plan of 2016/17.

JLOS also reported in 2015 that all its supported construction projects were tested for compliance with physical access for PWDs and that some JLOS ministries, departments and agencies (MDAs) are adapting their premises to accommodate physical access for PWDs.

UHRC recommends that JLOS should allocate sufficient funds to the implementation of the strategy.

9.2.3 Justice Law and Order should strengthen mechanisms for diversion of children away from the formal justice system, including through mediation and arbitration

In 2012 and 2013, UHRC recommended this and, as a result, in 2015, JLOS conducted *alternative dispute resolution* (ADR) trainings (including mediation and arbitration) and capacity building workshops on diversion, under the Children Act, for the judiciary, UPF, DPP, probation officers and lawyers countrywide due to their mandate on conflict resolution. Diversion of children from the formal justice system was one of the key issues emphasised.

In 2015, the development of the National Diversion Guidelines for Juvenile Justice was completed, pending the approval of the Solicitor General. These were to be reinforced with regulations on diversion. JLOS is supporting strategic projects to promote diversion, such as the LDC Diversion Project. In addition, JLOS participates in the Strengthening of Access to Justice for Children and Youths in East Africa (SAJCEA) project that is focused on, inter alia, promoting diversion through training and awareness-building.

UHRC urges the Solicitor General to expeditiously approve the National Diversion Guidelines for Juvenile Justice.

9.2.4 Justice Law and Order Sector should support improvements in the broader governance context, including access to justice through creation of more police posts

In 2014, UHRC recommended this, and in 2015, JLOS indicated that under its outcome on increasing access to JLOS services, the sector undertook construction and opening of new JLOS service points. By December 2015, the presence of the complete chain of frontline JLOS service points had increased from 60 districts (53.6%) to 67 districts (59.8%) of the 112 districts in the country.

UHRC calls upon the government to create and fund more police posts to enhance access to justice.

9.2.5 Government should expedite the process of passing a legal aid policy to ensure access to justice for all

UHRC made this recommendation in 2012 and 2013, and noted that JLOS, with support from the DGF and in consultation with other state and non-state actors, developed the National Legal Aid Policy, which is currently before the Cabinet for approval. The Principles for the National Legal Aid Bill are also before the Cabinet for approval. The passing of this law will result in the establishment of a national body with a mandate to provide legal aid across all areas of the law. By the end of 2015, this policy was still awaiting Cabinet approval.

UHRC urges the government to expeditiously pass the policy and the bill, since they are long overdue, to enhance access to justice for all, especially vulnerable persons.

9.2.6 Parliament should amend the law to prohibit detention of civil debtors in line with the International Covenant on Civil and Political Rights

UHRC made this recommendation in its 2012, 2013 and 2014 annual reports, and parliament reported in 2015 that amendment of the law could only be made possible through collaboration with other stakeholders in government, such as the Ministry of Justice and Constitutional Affairs and the Uganda Law Reform Commission (ULRC), among others. In 2015, the Human Rights Committee of Parliament engaged the ULRC and recommended that it undertakes a study on the issue of civil debtors and reports back. ULRC conducted a study on the reform of the Civil Procedure Act and Rules, and submitted a report to the Ministry of Justice and Constitutional Affairs for action. UHRC found 30 civil debtors in some of the inspected detention facilities in 2015.

9.2.7 Parliament should ensure the effective application of the human rights checklist in order to enact human rights compliant media laws

UHRC made this recommendation in 2013 and in 2015. Members of parliament received training in the Human Rights Checklist and were urged to use it consistently in analysis of bills referred to their respective committees. However, most of the bills with human rights concerns considered by the 9th Parliament had already reached the second reading stage and, therefore, the Human Rights Committee could not add much. In 2015, parliament was in the process of amending its Rules of Procedure.

UHRC urges that the proposed amendment of the Rules of Procedure of Parliament should consider a requirement for all committees of parliament to make use of the Human Rights Checklist in scrutiny of parliamentary business, and report on compliance.

9.2.8 Parliament and the Ministry of Justice and Constitutional Affairs should undertake necessary electoral reforms in good time in consultation with other stakeholders, such as civil society organisations and political parties and organisations

UHRC made this recommendation in 2014 and noted that in 2015, parliament made amendments to the Presidential Election Act 16 of 2005, and the Parliamentary Elections Act 17 of 2005. The amendments provided for polling to close at 4pm instead of 5pm as previously provided; made it a requirement for the EC to provide for persons engaged in electoral activities or on duty in specific professions or areas to vote; and removed government's contribution for presidential campaigns.

The amendments also provided for the revision of nomination fees for presidential aspirants from UGX 8 million to UGX 20 million and, for parliamentary aspirants, from UGX 200,000 to UGX 3 million. The removal of the requirement for a candidate to campaign in every district of Uganda was also approved.

UHRC noted that the bills were passed hurriedly, which did not give ample time even to the committee and other stakeholders to effectively scrutinise them with regard to human rights concerns. In addition, UHRC urges the government to comply with the Supreme Court Judgment[344] and ensure that the next review of the laws is done in a timely manner.

9.2.9 Uganda Police Force should urgently construct new buildings and renovate old ones to meet minimum standards for humane treatment of suspects, and phase out the bucket system

UHRC made this recommendation to UPF in 2012, 2013 and 2014. UHRC observed that newly-constructed or renovated facilities at police stations and posts had reduced from 100 in 2014 to 56 in 2015. These included Agweng, Kilembe, Mukono, Naggalama, Nakasongola, Nwoya, Buliisa, Serere, Kumi, and Bukedea central police stations. Hima Cement factory renovated Hima Police Station, while the Africa Nyamwamba Small Hydro Power Project renovated Kilembe Police Station (refer to Chapter 2).

9.2.10 Children in conflict with the law should be separated from adult offenders

UHRC has repeatedly made this recommendation over the past years, and in 2014, the UPF constructed juvenile centres within police facilities in 38 districts. They included: Mukono, Entebbe, Amuria, Katakwi, Adjumani and Nyumanzi (West Nile sub-region) police detention facilities. The UPF did not construct any juvenile centres in 2015. Prison facilities of Kapchorwa and Mbale also constructed juvenile centres. UHRC continues to urge the government to comply with this recommendation, considering that two complaints on detention of children with adults were received in 2015 and 42 juveniles were found detained with adults during inspections of places of detention (refer to chapters 1 and 2).

9.2.11 Uganda Police Force should urgently address the issue of detention of suspects without files. If there are no files or charges against them, they should be released

UHRC made this recommendation to the UPF in 2013. In 2015, the UPF informed UHRC that police commanders and officers in the Criminal Intelligence and Investigative Directorate (CIID) were tasked to ensure that whenever suspects are arrested, files should be compiled, proper and timely investigations carried out, and the necessary procedure followed to take the suspects to court immediately. With the establishment of the Directorate of Human Rights and Legal Services at police headquarters and the deployment of regional human rights officers in 16 regions, this problem was partially addressed.

[344] n. 170 above.

9.2.12 Uganda Police Force, Directorate of Public Prosecutions and the judiciary should implement the Prohibition and Prevention of Torture Act, 2012 to bring to book perpetrators of torture

Regarding this 2013 recommendation, UHRC noted that in 2015, the UPF strategy was to enhance community policing and encourage the public to report cases of torture to the police. However, UHRC noted that in 2015, most complaints registered were on violation of freedom from torture and cruel, inhuman or degrading treatment or punishment. UHRC further urges these institutions to implement the Act (refer to Chapter 1).

9.2.13 Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills. The UPF, in particular, should avail itself with modern investigation techniques and equipment to avoid use of torture in obtaining information

Regarding this 2013 and 2014 recommendation, the UPF took the following steps in 2015 in respect of law enforcement agents:

a) Human resource development was the most important strategic priority under UPF's five-year Strategic Policing Plan (2011/12 – 2016/17) and in 2015, UPF embarked on a vigorous programme of professionalisation to improve the quality of its personnel, particularly in the area of investigation.

b) Most detectives were trained by experts from the USA and Germany in basic investigation courses and methods of interview and interrogation in general crime, but with particular emphasis on the offence of terrorism. They were also trained as Scenes of Crime Officers (SOCOs).

c) In July, 2015, UHRC trained 65 CIID personnel from different parts of the country in investigation of torture cases. In addition, the African Centre for Treatment and Rehabilitation of Torture Victims also trained 120 officers from Kampala Metropolitan Police in human rights, focusing on the Prohibition and Prevention of Torture Act, 2012.

d) A modern canine unit (use of dogs in tracking suspects) was established at Naggalama to improve the capacity of the police to obtain accurate evidence, and thus reduce reliance on direct evidence, including confessions. This breeding centre at Naggalama is expected to be operational in 2016.

9.2.14 Director of Public Prosecutions and the Uganda Police Force should be equipped with the necessary facilities to enable them fulfil the constitutional obligation to bring suspects to court within 48 hours and to efficiently perform their duties

In respect to this 2013 recommendation, the UPF, in 2015, through CIID PRDP and JLOS, secured 25 pick-up trucks for district and regional CIID officers under Peace Recovery and Development Programme (PRDP) regions of West Nile, North West Nile, Aswa, North Kyoga, Elgon, Kidepo, Moroto and Bukedi, and districts of Yumbe, Koboko, Nebbi, Gulu and Kitgum. These were for expeditious investigations and improved inspections and supervision of the investigators.

9.2.15 Uganda Police Force should strengthen the implementation of the Traffic and Road Safety Act, Cap 361, specifically in regard to Sections 59 (a) and (i) of the Act, which provides for testing drivers/instructors and regulating driving schools

UHRC made this recommendation in its 2013 annual report. In 2015, the UPF started the process of registering and licensing driving schools that met the criteria. UHRC urges the UPF to expedite this process and also inspect the licensed driving schools to ensure they have the necessary standards.

9.2.16 Uganda Police Force should set up counselling units for their officers to address the psychological trauma associated with their work

In response to this 2013 recommendation, a counselling unit was established at the police headquarters, in the Directorate of Welfare. At the regional level, counselling services were offered at Aswa Police Station in Gulu district. UHRC urges the UPF to establish counselling units in all police stations.

9.2.17 Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases that are pending Ministerial Orders

UHRC has repeatedly made this recommendation for the past three years, and in 2015, two land mark court decisions were passed in respect to the rights of detainees with mental health disabilities within the criminal jstice system. In *CEHURD and Iga Daniel vs. Attorney General*, the Constitutional Court held that 'Section 45(5) of the Trial on Indictment Act (TIA) is unconstitutional in as far as it adjudges a person who is not proven guilty as a criminal by referring to him/her as a "criminal lunatic".[345] UHRC further noted the decision of Justice Batema N.D.A in the case of *Bushoborozi Eric vs. Uganda*[346] in which it was decided that the mandate to grant orders in respect of persons to whom a special finding of *'not guilty by reason of being mentally ill'* is no longer with the Minister of Justice, but with the judiciary.

The Judge inter alia held that:

a) Where the trial court makes a special finding that the person has mental illness is not guilty by reason of being mentally ill, the judge must make special orders as to the discharge or continued incarceration of the prisoner in an appropriate place.

b) The trial court must order, in line with Sub-Section 48 of the TIA, that the superintendent of the mental hospital, prison or other place detaining the prisoner makes periodic reports to the court, which may issue appropriate special orders for his or her discharge.

c) The Registrar of the Court shall periodically, and in any case not later than three years from the date of the last court order or report from the institution keeping the prisoner, make a production warrant for the prisoner and present the case file before the High Court or any other court of competent jurisdiction for appropriate special orders.

d) The Registrar may appoint Counsel of State briefs to assist court in revisiting the cases pending the Judge's Special Orders.

[345]CEHURD and Iga Daniel vs. Attorney General Constitutional Petition No. 64 of 2011 made the following judgment. (1) Section 45(5) of TIA which provides that "the Minister may, by warrant under his or her hand directed to the court, order that the accused be confinedas a criminal lunatic in a mental hospital or other suitable place of custody" is unconstitutional in as far as it adjudges a person who is not proven guilty as a criminal by referring to him/her as a "criminal lunatic". (2) Section 82 (6) of the TIA which reads "If the accused is acquitted, he or she shall be immediatelydischarged from custody unless he or she is acquitted by reason of insanity" is modified to add: the Trial Court is to order for the detention for such a person (those acquitted for reason of insanity) for a specific period for the purposes of care and treatment by a qualified psychiatrist or doctor. The period of detention is to be specified in the order of detention and should be reviewed periodically by the Court to ascertain the mental status of the ill person based n medical evidence. When the Court is satisfied that such a person is mentally fit, he shall order for his /her release.

[346]Bushoborozi Eric vs. Uganda HCT-01-CV-0011 of 2015.

UHRC calls upon the judiciary to expeditiously handle these matters.

9.2.18 Ministry of Education, Science, Technology and Sports should develop and implement the provision in the School Health Policy, which provides for a mandatory mid-day meal to be availed by either the school administration or parents

In response to this 2014 recommendation, the MoESTS made the following steps to ensure mandatory mid-day meals to learners:

a) The top management of the MoESTS approved the National School Health Policy, under which school feeding is highlighted and is awaiting approval by the Cabinet.

b) The MoESTS, with support from UNFPA, is planning to launch and disseminate the National School Health Policy in 2016.

c) The MoESTS, with support from UNICEF, developed school feeding guidelines, which were approved by the top management of the MoESTS and Cabinet. These guidelines focus on: sensitising parents to pack food for children; guidance to the parents on how to contribute to providing food to the children at school; and schools having registers that capture the type of feeding they provide, as a strategy to ensure quality feeding of the children.

UHRC further urges the MoESTS to ensure that all children at school enjoy their right to food.

9.2.19 Ministry of Education, Science, Technology and Sports should embrace new technologies and amend the rules and regulations to take care of the new emerging technologies

UHRC made this recommendation in 2014, and in 2015, the MoESTS commenced consultations to amend the rules and regulations to embrace new emerging technologies.

9.2.20 Develop and implement a flood management strategy for all districts prone to floods, including de-silting of rivers

UHRC made this recommendation in 2012, and in 2015, the Ministry of Water and Environment developed a draft flood management strategy. UHRC urges the ministry to expeditiously approve and implement the strategy.

9.2.21 Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) and the Ministry of Water and Environment should address overexploitation of water resources that threatens resources sustainability, through strict enforcement of existing laws, policies and regulations

UHRC made this recommendation in 2014. MAAIF informed UHRC that, in line with the National Water Policy, regulation of water use is carried out through issuance of water abstraction permits to all those abstracting surface water and groundwater to avoid overexploitation of water resources. Each permit has conditions attached, among which is the need to abstract water within the allowed limits. Enforcement and compliance-- monitoring of the various permit conditions has been prioritised. The compliance to water abstraction permit conditions stands at 71%.

In addition, MAAIF developed the Agriculture Policy, which has strengthened its capacity to enforce existing laws, policies and regulations on fisheries resources management.

UHRC further urges the ministry to strengthen enforcement and compliance-monitoring for water resources at both national and Water Management Zone (WMZ) level.

9.2.22 Ministry of Health should prioritise Hepatitis B virus control as a development programme and allocate funding

In response to this 2013 UHRC recommendation, the government allocated UGX 10 billion in the financial year 2015/16 towards interventions against the hepatitis B virus, including the purchase of vaccines, laboratory reagents and antiviral. The vaccination plan was rolled out in 2015, beginning with 38 districts from West Nile, Acholi, Lango, Karamoja and Teso sub-regions, which have the highest prevalence rate in the country. These were: Adjumani, Arua, Koboko, Maracha, Moyo, Nebbi, Yumbe, Zombo, Agago, Amuru, Gulu, Kitgum, Lamwo, Nwoya, Pader, Alebtong, Amolatar, Apac, Dokolo, Lira, Kole, Otuke, Oyam, Abim, Amudat, Kaabong, Kotido, Moroto, Nakapiripirit, Napak, Tororo, Kumi, Ngora, Katakwi, Amuria, Bukedea, Soroti and Serere districts.

In 2016, the Ministry of Health, through the National Medical Stores, procured vaccines for 12 districts: Gulu, Lira, Arua, Dokolo, Koboko, Napak, Moroto, Moyo, Adjumani, Kumi, Tororo, and Ngora.

UHRC urges the government to expedite the process of rolling out the hepatitis B vaccine to all districts in the country.

9.2.23 Ministry of Health should train health workers on proper quantification of medicines and health supplies

In response to this 2013 recommendation, the Ministry of Health confirmed that the training was on-going through the Support Supervision Performance Measurement Recognition Strategy (SPARS). Training for Medicine Management Supervision (MMS) teams commenced at the central level. The MMS teams mentor health workers in medicine management related activities, including proper requisition of essential drugs and health supplies.

9.2.24 Ministry of Agriculture, Animal Industry and Fisheries should integrate responsible fisheries policies in the National Development Plan with wider poverty reduction policies and provide appropriate allocation of central and local government budgets

In response to this 2014 recommendation, MAAIF informed UHRC that the National Fisheries Policy, 2004 was under review in consideration of National Development Plan II interests. Emphasis in the policy review is on poverty reduction among fishing communities and establishment of a Fish Levy Trust Fund for sustainable funding and appropriate allocation of funds to grassroots natural resource management.

UHRC urges MAAIF to expedient the review process of the National Fisheries Policy 2004.

9.2.25 Ministry of Agriculture, Animal Industry and Fisheries and the Uganda Revenue Authority (URA) should block the importation of illegal fishing nets into the country so as to minimise their use

UHRC made the recommendation in 2014, and in 2015, MAAIF took the following steps:

a) Through the Directorate of Fisheries Resources, MAAIF engaged URA and the Customs Department on matters of importation of illegal fishing nets. URA allowed fish inspectors at border posts to access and use ASYCUDA World (*imports inspection software*), so they can now detect illegal gear entry and advise URA not to clear them.

b) Standard operating procedures (SOPs) for inspection and monitoring of mono filament nets were developed and are currently used by border fish inspectors to control entry of illegal gear.

c) A national task force, comprising the Directorate of Fisheries Resources, URA, Customs Department, districts and the Uganda Fish Processors and Exporters (UFPEA), was formed and jointly undertakes periodic inspections on importation, trade and use of illegal gear and materials used to make them.

UHRC urges MAAIF to fully implement the SOPs.

9.2.26 Ministry of Agriculture, Animal Industry and Fisheries should strengthen and mainstream the operations of the various stakeholders involved in fish management, such as the district fisheries officers, Beach Management Units, UPF and law enforcement officers from the office of the minister of state for Fisheries

In response to the 2014 UHRC recommendation, MAAIF, in 2015, through the Directorate of Fisheries Resources, developed standard operating procedures on fisheries law enforcement for purposes of mainstreaming operations. Among others, the SOPs led to formation of the national task force spearheaded by the Directorate of Fisheries Resources, and collaborates with other relevant institutions, namely: URA, Customs Department, districts, (district fisheries officers) and Beach Management Units, in enforcing fisheries laws.

The SOPs give guidance on how operations must be conducted and on procedures of handling, exhibits and culprits, and emphasize joint operations to discourage corruption, extortion and torture of culprits.

UHRC, therefore, recommends that the various fish management stakeholders should enforce these fisheries laws without being selective in their implementation.

9.2.27 Judicial Service Commission should recruit more judicial officials

UHRC, in 2013, recommended the appointment of judicial officials to enhance the expeditious handling of court cases and reduce on case backlog. In 2015, the president appointed five new judges to the Supreme Court and seven justices to the Court of Appeal, which doubles as the Constitutional Court.

Since the elevation of six High Court judges to the Court of Appeal in 2015 left a huge gap, six High Court Judges[347] were also appointed to fill it, bringing the number of High Court judges to 50, although the approved structure has 82. Regarding magistrates, 58 Grade 1 magistrates and one senior Grade 1 magistrate were recruited.[348] UHRC further calls for the recruitment of more High Court Judges.

9.2.28 Uganda Peoples' Defence Forces should enforce the Prohibition and Prevention of Torture Act, 2012

In response to the 2014 recommendation, the UPDF, in 2015, conducted a series of trainings for its personnel on the Act. UHRC urges the UPDF to continue with these trainings, especially for the court officials, including, prosecutors, defence lawyers and judge advocates. In addition, UPDF should also train inmates on the Prohibition and Prevention of Torture Act, 2012, as well as their rights, especially to bail and to appeal.

9.2.29 Judiciary should strengthen the inspection function so as to ensure enhanced performance of judicial officers

Following the 2013 recommendation, the Chief Justice, in 2015, appointed a judge of the Supreme Court as the Inspector of Courts, and revamped the Inspectorate of Courts through the following actions:

[347] This appointment was done in March 2016
[348] These were recruited in 2016

a) The Chief Justice issued the Constitution (Inspectorate of Courts Practice Direction, 2015), which established the office of a Chief Inspector of Courts and other structures to support the inspection function.

b) The Practice Direction clarifies and details the function of the Inspectorate of Court, that is: to receive and process internal and external complaints against any staff of the judiciary; to investigate cases of maladministration of justice or any matter within its mandate, either on its own motion or on the direction of the Chief Justice or any member of the Senior Management team of the Judiciary; to examine and take custody of any judicial administration records necessary for its investigations; to take remedial action as appropriate during inspection to correct cases of maladministration in the judiciary; and to enforce the Judicial Code of Conduct and the Public Service Code of Conduct in the judiciary, among others.

In addition, the Inspectorate of Courts was given powers to inspect all the courts of judicature, which previously was not the case, since the inspectorate was then limited to only the magistrates' courts.

UHRC urges the government to fund the revamped Inspectorate of Courts since it has abroad mandate, so that it can effectively perform its functions.

9.2.30 Uganda Prisons Services should continue to construct new buildings and renovate old ones, to meet the minimum standards for humane treatment of inmates

UHRC made this recommendation in 2012 and 2013, and in 2015, the prison holding capacity increased by 1,619 (10.9%), from 14,898 to 16,517 due to the completion/renovation of Ruimi, Oyam, Bushenyi, Kapchorwa, Paidha, Tororo, Mbarara, Isingiro, Amuru, and Kaabong prisons. Murchison Bay Hospital theatre and sanitation system at Tororo were renovated. UHRC urges the UPS to continue constructing new buildings in order to reduce on the congestion.

9.2.31 Uganda Prisons Services should be availed with adequate resources to ensure that detainees are clothed and provided with basic beddings, and to ensure that detainees living with HIV/AIDS access ARVS

UHRC made this recommendation in 2012. In the financial year 2015/16, the UPS had 45,253 inmates, 800 of whom were living with HIV/AIDS. UHRC noted that due to limited funding, the UPS could not provide most of the food items on dietary schedule. Only three daily meals, basically comprising posho and beans, are provided in most prisons. In addition, 80% of the inmates had no appropriate beddings and uniforms, according to the UPS. UHRC urges the Ministry of Finance, Planning and Economic Development to allocate sufficient funds to the UPS, to ensure that the rights of detainees are promoted and protected.

9.2.32 Uganda Prisons Services should construct perimeter walls around all prisons in Uganda as a security measure within and outside the prisons, and to provide an avenue for inmates to undertake recreation activities

In response to this 2013 recommendation, the UPS enhanced security of prisons through construction and renovation of perimeter fences at Ruimi, Ndorwa, Namalu, Oyam, Amita, Tororo, Mbarara, Isingiro, Amuru, Kampala Remand, Kaabong, Moroto, Busaasa, Nkozi, Sentema, Butuntumula, Nakifuma, Kangulumira, Wakyato and Nakisunga prisons. As a result, the escape rate decreased from 8.4 to eight per 1,000 held prisoners. According to the UPS, construction of five minimum security prisons per year at UGX 3.8 billion each requires UGX 19 billion. UHRC urges the Ministry of Finance, Planning and Economic Development to allocate more funds to the UPS.

9.2.33 Uganda Prisons Services should ensure that children in conflict with the law are separated from adults in all places of detention

In response to this 2012 recommendation, the UPS emphasised that they do not detain juveniles, and that in few cases where children are mistakenly taken to prison, the prisons authorities bring the issues to the attention of court for appropriate action, including subjecting them to medical examination for determination of age.

9.2.34 Uganda Law Reform Commission should simplify key laws in place so that the general public knows and appreciates them

UHRC has made this recommendation for the last five years, and the ULRC simplified the following laws;

a) The Constitution of the Republic of Uganda, 1995;

b) The Local Council Courts Act, 2005;

c) The Prevention of Trafficking in Persons Act, 2009;

d) The Domestic Violence Act, 2009; and

e) The Prohibition of Female Genital Mutilation Act, 2010.

In FY 2015/16, ULRC was undertaking simplification of the Contracts Act, 2010. ULRC plans to simplify the Local Government Act, 2007 and the Land Act, Cap 27 in FY 2016/17.

UHRC urges the Ministry of Finance, Planning and Economic Development to allocate more funds to ULRC to simplify more laws, particularly the Children Amendment Act, the Persons with Disabilities Amendment Act and the Land Act.

9.2.35 Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct roads to remove black spots, seal potholes, place traffic signs and lighting to ensure safety of all road users

In response to this 2013 recommendation, the ministry did the following:

a) During FY 2015/16, UGX 166.23 billion and UGX 1.765 trillion was allocated for the maintenance and development of national roads respectively.

b) Developed a policy on non-motorised transport, and all road designs were prepared with provisions for both motor vehicles and pedestrians, particularly in urban areas.

c) 14 municipalities benefited from the Uganda Support to Municipal Infrastructure Development (USMID) programme, where special designs, traffic signs and lighting were provided. The municipalities were: Fort Portal, Hoima, Arua, Gulu, Lira, Soroti, Moroto, Mbale, Tororo, Jinja, Entebbe, Masaka, Mbarara and Kabale.

However, UHRC still notes that in some places, existing roads have black spots, potholes and lack traffic signs and lighting. UHRC urges Government to urgently address these human rights concerns.

9.2.36 Ministry of Works and Transport, the Uganda Police Force and the Traffic Licensing Board, in partnership with relevant stakeholders, should popularise the provisions of the Traffic and Road Safety Act (TRSA), 1998

UHRC made this recommendation in 2013, and in November 2015, the National Road Safety Council, which is mandated to popularise the TRSA, conducted a Road Safety Week in liaison with all stakeholders, and disseminated the Highway Code. UHRC recommends that the MoWT popularises the provisions of the TRSA widely.

9.2.37 Ministry of Works and Transport should improve the road infrastructure and transport network, especially in hard-to-reach areas, to enable patients access health services

In response to this 2014 recommendation, the ministry implemented the following in FY 2015/16:

a) Under the Rural Transport Infrastructure programme, roads were rehabilitated in Apac, Gulu, Kaberamaido, Katakwi, Kumi, Dokolo, Bukedea, Agago, Otuke, Alebtong, Kole, Lamwo, Ngora, Nwoya and Serere districts.

b) A number of roads were undergoing rehabilitation in various districts as prioritised by the local dovernment. On an annual basis, not less that 50km were rehabilitated in areas that were not originally accessible, such as in Mbale, Mbarara, Buhweju, Ibanda, Ntungamo and Gulu districts, among others. Culverts were also provided in areas that were affected by El-nino.

9.2.38 Ministry of Lands, Housing and Urban Development should initiate the process of harmonising laws on land tenure and review the Land Acquisition Act Cap 226 to bring it in line with the Constitution

In response to this 2013 recommendation, the ministry initiated, by the end of 2015, a process of reviewing and harmonising all land-related laws to align them with the Constitution. The principles were developed for all the laws, including the Land Acquisition Act Cap 226. The principles were widely discussed with stakeholders and were due for submission to Cabinet for approval.

9.2.39 Ministry of Justice and Constitutional Affairs should appropriate funds from the Ministry of Finance, Planning and Economic Development for a one-off clearance of the current outstanding UHRC awards, and should promptly pay all tribunal awards

UHRC has repeatedly made this recommendation over the years. According to UHRC records, the UGX 758,552,868 that MoJCA paid as compensation to victims of human rights violations in 2015 did not cover any beneficiary of the complaints decided by the Commission during the period 2013 to 2015. As of 31st December 2015, the outstanding awards against the Attorney General was **UGX 5,047,671,968.** UHRC urges for the prioritisation and speedy payment of outstanding tribunal awards to victims of human rights violations.

9.2.40 Ministry of Foreign Affairs was urged to strengthen the reporting and monitoring role of the inter-ministerial committee to carry out its functions on treaty body obligations

UHRC has, over the years, urged the Government to comply with its reporting obligations under international instruments in a timely manner. UHRC commends the government for submitting three outstanding initial reports for the UN Committees on ESCR,[349] Rights of Persons with Disabilities and the Rights of Migrant Workers and Members of their Families, and concluding observations were made by the respective committees (Refer to Table 9.1 and 9.2 on government reporting status).

UHRC urges the Government to fully comply with the Concluding Observations from these committees.

[349] UHRC submitted its NHRI report to the UN Committee on ESCR.

Table 9.1: Status of domestication and reporting on international human rights instruments ratified by Uganda

International treaty	Date of signature/ accession/ ratification/ year ratified	Status of national implementation (domestication)	Reporting status	Remarks
Convention on the Rights of the Child (CRC)	17th August 1990	The Children Act Cap 59 Enactment of the Children's Amendment Act The Uganda Registration Services Bureau Act Cap 210 The National Council For Children Act Cap 60	1st report -1996 2nd report 2003	Report submitted in 2012
International Covenant on Civil and Political Rights. (ICCPR)	21st June 1995	Public Order Management Act	1st report 2003 Initial report was examined by the Human Rights Committee on March 2004. 2nd Periodic report was due 1st April 2008.	Report pending since 2008
Optional Protocol I to the International Covenant on Civil and Political rights	14th November 1995			Procedure provides for individual communications
International Covenant on Economic Social and Cultural Rights (CESCR)	21st January 1987	The Uganda National Cultural Policy	Initial report submitted in 2012	Next submission in 2020
International Convention on the Elimination of all forms of Racial discrimination. (ICERD)	21st November 1980	• The Employment Act • The Labour Union Act	1st report - 1983 Last state report 2001- (2nd to 10th reports)	Report pending since 2005

International treaty	Date of signature/ accession/ ratification/ year ratified	Status of national implementation (domestication)	Reporting status	Remarks
Convention against torture and other cruel, inhuman or degrading treatment or punishment. (CAT)	3rd November 1986	Prevention and Prohibition of Torture Act	1st report – 2004 Initial report was examined in 2005 combining the four reports that were overdue,	Report pending since 2008
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.	6th May 2002	• Amendment of the Children Act. • Government has development the national action plan to eliminate the use and recruitment of children in armed conflict.	Initial Report due in 2004, but it was submitted in 2008.	Report pending since 2011
Optional Protocol on the Convention on the sale of children, child prostitution and child pornography.	18th January 2002	• Amendment of the Children Act. • Anti-Pornography Act	Initial Report due in 2004, but it was submitted in 2008.	Report pending since 2011
Convention on the protection of the rights of all migrate workers and members of their families. (CMW)	14th November 1995	Not yet in force, articles 76 and 77	Initial report of Uganda considered in 2015	Report submitted

International treaty	Date of signature/ accession/ ratification/ year ratified	Status of national implementation (domestication)	Reporting status	Remarks
Convention of Elimination of all forms of Discrimination Against Women. (CEDAW).	22nd July 1985	• The Land Act Amendment 2004 • The Employment Act 2006 • The Equal Opportunities Commission Act 2007 • The Amendment To The Penal Code Prohibiting Defilement Of Girls And Boys 2007 • The Domestic Violence Act 3(2010) • The Prohibition Of Female Genital Mutilation Act (2010) • The Prevention Of Trafficking In Persons Act (2010) • The International Criminal Court Act (2010)	1st and 2ndreports- 1992 3rd report -2000 4th to 7th report-2009	Report pending since 2014
Convention on the Rights of Persons with Disabilities Optional Protocol to the UN Convention on the Rights of persons with Disabilities.	25th September 2008	PWD Amendment Bill	1st Report- 2013 List Issues developed by UHRC and DPOs and adopted by the Committee on CRPD in September 2015 Initial Report considered by the Committee in April 2016	Report submitted

Table 9.2: Status on reporting and domestication on African Regional human rights instruments ratified by Uganda

Treaty	Ratified	Status of National Implementation (Domestication)	Reporting Status	Remarks
ACHPR[1]	1994	Public Order Management Act 2013 Penal Code Act Cap 120 and Amendment Act The 2010 Regulation of Interception of Communications Act The 2006 NGO Amendment Act	1st report 2000 2nd report-2006 3rd report- 2008 4th report-2011 5th report- 2015	Reports submitted
African Charter on the Rights and Welfare of the child		The Birth and Death Registration Act Cap 309 The Uganda Registration Services Bureau Act Cap 210 The National Council For Children Act Cap 60 The Children Act Cap 59	1st report-2007	Report pending

9.3 The role of UHRC in treaty body reporting in 2015

9.3.1 Follow up on Implementation of Universal Periodic Review recommendations

UHRC, together with UNFPA, organised a two-day national multi-stakeholder meeting from 19th to 20th November 2015 to review and discuss the achievements made and challenges faced by the government's efforts towards implementing the Universal Periodic Review (UPR) health outcomes. The meeting was also to generate information to inform and give guidance to the stakeholders, as they make preparations to report on the progress made on health rights to Uganda's second UPR in October 2016.

9.3.2 Development of a list of issues and submission of a report as NHRI to the committee on CRPD

UHRC attended the 4th Pre-Session with the UN Committee on the Rights of Persons with Disabilities in Geneva. UHRC, together with Ugandan Disabled Persons Organizations (DPOs), developed a list of issues in relation to the 2013 initial State Report on the Status of the Rights of People with Disabilities in Uganda for their consideration. The committee approved and adopted the list of issues. UHRC also submitted its independent report before the government report was reviewed.

UHRC urges the government to comply with its treaty body obligations and specifically implement the various Concluding Observations from the various committees.

9.3.3 Contribution to the African Commission on Human and Peoples' Rights

Due to its advisory and monitoring role, UHRC was invited and participated in the state preparatory meetings. UHRC submitted its responses to the list of questions raised in 2013 to be included in the state report and provided up-to-date information on the human rights situation, prior to the 57th Session of the African Commission on Human and Peoples' Rights. Currently, UHRC is tracking the implementation of these Concluding Observations by the state.

9.3.4 UPR and the development of the National Action Plan on Human Rights

Development of the draft NAP for Uganda is one of the voluntary commitments that Uganda made to the Working Group of the UN Human Rights Council at its first peer review in 2011. At that review, Uganda accepted to elaborate a NAP, taking into account the commitments thereof, agreed recommendations from the Working Group, and proposals made by stakeholders during the NAP consultative process. The NAP will enable Uganda identify clear steps and timelines for improving the protection and promotion of human rights in the country.

The consultations while developing the draft NAP were substantive and national, involving stakeholders within government, CSOs, human rights defenders, academia and individuals. Other stakeholders that were consulted included the private sector through the Private Sector Foundation (PSF) and religious leaders. Specifically at the central level, consultations were undertaken with relevant technical officials in government ministries, departments and agencies; JLOS institutions; permanent secretaries; and the Parliamentary Committee on Human Rights. The composition and representation heterogeneously comprised men and women, PWDs, and the youth. In total, the workshops were attended by more than 500 participants across all regions, who made their input in terms of recommendations on what should be done to strengthen the institutional, legal and administrative framework for human rights protection and the realisation of these.

In order to enrich the contents of the NAP, an opportunity was also accorded to learn from best practices with other countries in the region and beyond that had national action plans in place or had previously prepared such plans. These were South Africa, Tanzania, Cameroon, Brazil and Sweden.

9.3.4.1 Uganda's second Universal Periodic Review

Uganda is due to appear before the UN Human Rights Council for the second cycle of review[350], where the state will report on the implementation of the recommendations it accepted in its previous review and also address any other developments in the field of human rights.

UHRC urges government to finalise the process of developing the NAP and implementation of the UPR recommendations.

9.4 RECOMMENDATIONS THAT HAVE NOT BEEN COMPLIED WITH

UHRC has, over the last seven years, urged the government to comply with these recommendations. However, this has never been done. UHRC, thus, urges the government to expeditiously implement these recommendations.

1. Parliament and the Office of the Prime Minister, should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249 (1) of the Constitution.
2. Ministry of Health should extend social services to fishing communities through upgrading and construction of health centres, sanitation and hygiene facilities.
3. Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should harmonize the Kampala City Council Act, Uganda Wildlife Act and National Environment Acts to avoid contradictions in their implementation.
4. Uganda Law Reform Commission should review the Public Order Management Act, 2013 to bring its provisions that are deemed to infringe on the rights of human rights defenders in line with human rights standards.

[350] The Second Cycle of review is due in October 2016

5. Ministry of Foreign Affairs should ratify and domesticate the Optional Protocol to the Convention against Torture, which provides for additional mechanisms for prevention of torture and ill treatment.
6. Ministry of Foreign Affairs should ratify the 1993 Hague Convention on Protection of Children and Cooperation, in respect to Inter Country Adoption of Children.
7. Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission , especially the civic education mandate, to avoid the challenges associated with dependence on external financial support, which has proved to be unreliable.
8. Ministry of Local Government should expedient the process of reviving the local council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security.
9. Ministry of Education, Science, Technology and Sports should incorporate Social Gerontology and Geriatrics in the training curriculum up to the National Level for Social and Health Workers, respectively.
10. Ministry of Justice and Constitutional Affairs and Ministry of Finance, Planning and Economic Development should establish a Victims Compensation Fund so as to enable timely compensation of victims of human rights violations.
11. Government should enact a law on the minimum wage.
12. Ministry of Foreign Affairs should ratify the Optional Protocol to the African Charter on Human and Peoples' Rights on the rights of older persons.
13. Ministry of Foreign Affairs should ratify the 2nd Optional Protocol to the Iniernation Covenant on Civil and Polical Rights and the 3rd Optional Protocol to the Convention on the Rights of a Child.

TABLE 9.3: Summary of Government Compliance with UHRC Recommendations

No	Recommendation	Fully complied	Partially complied	Not complied
1	Ministry of Internal Affairs should strengthen security at Uganda's border points in order to stop illegal immigrants who may include criminals			
2	Ministry of Education Science Technology and Sports should widely disseminate guidelines that provide clear reporting, tracking, referral pathways and responses that children, teachers, parents, members of the community and schools need to follow when they encounter cases of violence against children in and around schools.			

No	Recommendation	Fully complied	Partially complied	Not complied
3	Uganda Peoples' Defence Forces should be availed adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and detainees with HIV and AIDS access ARVs.			
4	Ministry of Gender, Labour and Social Development and Parliament should expeditiously amend and enact the Children Amendment Bill and to explicitly provide the prohibition of corporal punishment in schools.			
5	Justice , Law and Order Sector should strengthen the district coordinating committees in order to fast-tract prolonged detention and improve access to justice.			
6	Justice, Law and Order Sector should develop a strategy of addressing physical access for vulnerable persons such as Persons with disabilities in already existing Justice , Law and Order Structures structures that are inaccessible.			
7	Justice, Law and Order Sector should strengthen mechanisms for diversion of children away from the justice system, including through mediation and arbitration.			
8	Justice, Law and Order Sector should support improvements in the broader governance context, including access to justice through creation of more police posts.			
9	Government should expedite the process of passing a legal aid policy to ensure access to justice for all.			
10	Parliament should amend the law to prohibit detention of civil debtors in line with the International Covenant on Civil and Political Rights.			
11	Parliament should ensure the effective application of the human rights checklist in order to enact human rights compliant media laws.			
12	Parliament and the Ministry of Justice and Constitutional Affairs should undertake necessary electoral reforms in good time in consultation with other stakeholders, such as civil society organisations and political parties and organisations.			

No	Recommendation	Fully complied	Partially complied	Not complied
13	Uganda Police Force should urgently construct new buildings and renovate old ones to meet minimum standards for humane treatment of suspects, and phase out the bucket system.			
14	Children in conflict with the law should be separated from adults.			
15	Uganda Police Force should urgently address the issue of detention of suspects without files. If there are no files or charges against them, they should be released.			
16	Uganda Police Force , the Directorate of Public Prosecution and Judiciary should implement the Prohibition and Prevention of Torture Act, 2012 to bring to book perpetrators of torture.			
17	Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills. Ugand Police Force, in particular, should avail itself with modern investigation techniques and equipment to avoid use of torture in obtaining confessions.			
18	Directorate of Public Prosection and the Uganda Police Force should be equipped with the necessary facilities to enable them to fulfil the constitutional obligation to bring suspects to court within 48 hours, and to efficiently perform their duties.			
19	Uganda Police Force should strengthen implementation of the Traffic and Road Safety Act, Cap 361, specifically with regard to Section 59 (a) and (i) of the Act, which provides for testing drivers/instructors and regulating driving schools.			
20	Uganda Police Force should set up counselling units for their officers to address the psychological trauma associated with their work.			
21	Ministry of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases that are pending Ministerial Orders.			

No	Recommendation	Fully complied	Partially complied	Not complied
22	Ministry of Education, Science, Technology and Sports should implement the provision in the School Health Policy which provides for a mandatory mid-day meal to be availed by either the school administration or parents.			
23	Ministry of Education, Science, Technology and Sports should embrace new technologies and amend the rules and regulations to take care of the new emerging technologies.			
24	Develop and implement a flood management strategy for all districts prone to floods, including de-silting of rivers.			
25	Ministry of Agriculture Animal Industry and Fisheries and the Ministry of Water and Environment should address overexploitation of water resources that threatens resources sustainability, through strict enforcement of existing laws, policies and regulations.			
26	Ministry of Health should prioritize Hepatitis B virus control as a development program and allocate funding.			
27	Ministry of Health should train health workers on proper quantification of medicines and health supplies.			
28	Ministry of Agriculture Animal Industry and Fisheries should integrate responsible fisheries policies in the National Development Plan with wider poverty reduction policies, and provide appropriate allocation of central and local government budgets.			
29	Ministry of Agriculture Animal Industry and Fisheries and Uganda Revenue Authority should block the importation of illegal fishing nets into the country so as to minimize their use.			

No	Recommendation	Fully complied	Partially complied	Not complied
30	Ministry of Agriculture Animal Industry and Fisheries should strengthen and mainstream the operations of the various stakeholders involved in fisheries management, such as district fisheries officers, Beach Management Units, Uganda Police Force and law enforcement officers from the office of the state minster for Fisheries.			
31	Judicial Service Commission should recruit more judicial officials.			
32	Uganda Peoples Defence Force should enforce the Prohibition and Prevention of Torture Act, 2012.			
33	Judiciary should strengthen the inspection function in judiciary so as to ensure that performance of judicial officers is enhanced.			
34	Uganda Prisons Services should continue to construct new buildings and renovate old ones.			
35	Uganda Prisons Services should be availed with adequate resources to ensure that detainees are clothed and provided with basic beddings, and to ensure that detainees living with HIV/AIDS access ARV's.			
36	Uganda Prisons Services should construct perimeter walls around all the prisons in Uganda as a security measure within and outside the prisons; and to provide an avenue for inmates to undertake recreation activities.			
37	Uganda Prisons Services should ensure that children in conflict with the law should be separated from adults in all places of detention.			
38	Uganda Law Reform Commission should simplify key laws in place so that the general public knows and appreciates them.			
39	Ministry of Works and Transport should inspect existing roads in order to redesign and reconstruct roads to remove black spots, seal potholes and place traffic signs and lighting, to ensure safety of all road users.			

No	Recommendation	Fully complied	Partially complied	Not complied
40	Ministry of Works and Transport, Uganda Police Force and the Traffic Licensing Board, in partnership with relevant stakeholders, should popularize the provisions of the Traffic and Road Safety Act (TRSA), 1998.			
41	Ministry of Works and Transport should improve the road infrastructure and transport network, especially in hard-to-reach areas, to enable patients' access health services.			
42	Ministry of Foreign Affairs should strengthen the reporting and monitoring role of the inter-ministerial committee to carry out its functions on treaty body obligations.			
43	Ministry of Justice and Constitutional Affairs should appropriate funds from the Ministry of Finance, Planning and Economic Development for a one-off clearance of the current outstanding Uganda Human Rights Commission Awards.			
44	Development of the National Action Plan on Human Rights.			
45	Government, through parliament and the Office of the Prime Minister, should establish the Disaster Preparedness and Management Commission to deal with disasters, in accordance with Article 249(1) of the Constitution.			
46	Ministry of Health should extend social services to fishing communities through upgrading and construction of health centres, sanitation and hygiene facilities.			
47	Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should harmonise the Kampala City Council Authority, Uganda Wildlife Authority and National Environment Acts to avoid contradictions in their implementation.			
48	Uganda Law Reform Commission should review the Public Order Management Act, 2013 to bring its provisions that are deemed to infringe on the rights of Human Rights Defenders in line with human rights standards.			

No	Recommendation	Fully complied	Partially complied	Not complied
49	Ministry of Foreign Affairs should ratify and domesticate the Optional Protocol to the Convention against Torture, which provides for additional mechanisms for prevention of torture and ill treatment.			
50	Ministry of Foreign Affairs should ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect to Inter Country Adoption of Children.			
51	Ministry of Finance, Planning and Economic Development should fully fund Uganda Human Rights Commission, especially the civic education mandate, to avoid the challenges associated with dependence on external financial support, which has proved to be unreliable.			
52	Ministry of Local Government should expedient the process of reviving the local council structures at the grassroots level in order to empower community leaders to effectively play their role in ensuring security.			
53	Ministry of Education, Science, Technology and Sports should incorporate Social Gerontology and Geriatrics in the training curriculum up to the National Level for Social and Health Workers, respectively.			
54	Ministry of Justice and Constitutional Affairs, and that of Finance, Planning and Economic Development should establish a Victims Compensation Fund so as to enable timely compensation of victims of human rights violations.			
55	Enactment of a law on the Minimum wage			
56	Ministry of Foreign Affairs should ratify the Optional Protocol to the African Charter on Human and Peoples' Rights on the rights of older persons.			
57	Ministry of Foreign Affairs should ratify the 3rd Optional Protocol to the Convention on the Rights of a Child.			
58	Ministry of Foreign Affairs should ratify the 2nd Optional Protocol to the International Covenant on Civil and Political Rights.			

9.4 CONCLUSION

There is noticeable progress towards achieving human rights protection by various actors. This is demonstrated by full and partial progress made towards compliance with several recommendations. In 2015, the Government compliance with UHRC recommendations improved, and this is commendable. Nevertheless, UHRC continues to urge the government to fully comply with all previous recommendations, as well as those made in this report. Government compliance with human rights obligations is a major contributor to increased respect and observance of human rights in Uganda.

ANNEXES

Annex A: Ministry Of Justice & Constitutional Affairs Status on Payment of UHRC Tribunal Awards For Human Rights Violations In 2015

Name	File no.	Judgement Amount	Costs	Interest	Total Amount	Amount Paid	Balance / Remarks
Iwolt Dismass	UHRC/J/ 54/ 2003	35,000,000	7,000,000	6%	44,100,000	35,000,000	9,100,000
Zirimu Johnson	UHRC/344/ 2004	21,780,000		10%	23,958,000	17,329,334	6,628,666
Waswa Joshsua	UHRC/528/ 2001	8,000,000		6%	8,480,000	7,980,000	500,000
Mwambutsya Charles	UHRC/ MBR/53/ 2005	20,000,000		6%	21,200,000	17,205,000	3,995,000
Owona Joseph Denis & Others	UHRC/S/ 226/ 2001	54,000,000		6%	57,240,000	48,827,000	8,413,000
Malisa Ernest	UHRC/S/ 24/ 2004	17000000	1500000	6%	19,520,000	18,700,000	820,000
Opeede Sam & Others	UHRC/SRT/ 395/ 2002	60,000,000		6%	63,600,000	38,600,000	25,000,000
Kyalimpa Annet	UHRC/FP/ 080/ 2004	25,000,000		6%	26,500,000	1,650,000	24,850,000
Kalyesubura Deus	UHRC/144/ 2005	6,000,000		10%	6,600,000	6,465,000	135,000
John Otto	UHRC/ 0110/ 2001	15,000,000		6%	15,900,000	900,000	15,000,000
Total						192,656,334	94,441,666
LIST OF CASES FULLY PAID							
Langol Justin	UHRC/G/ 271/ 2003	900,000				900,000	Fully paid
Rwabwire Akisoferi	UHRC/10/ 2002	900,000				900,000	Fully paid
Mwanje Kamadi	UHRC/510/ 2004	20,000,000				20,000,000	Fully paid
Elyatu Safi Vs Ag	UHRC/55/ 2006	8,000,000				8,000,000	Fully paid
Bukenya Edward	UHRC/3/ 72/ 2003	100,000				100,000	Fully paid
Gidudu Stephen	UHRC/210/ 1999	59,000,000				59,000,000	Fully paid
Chandia Paul	UHRC/ FP/37/ 2006	5,000,000				5,000,000	Fully paid
Ssonko Zubairi	UHRC/ 1137/ 2002	3,000,000	19,550,000			30,325,000	Fully paid

Name	File no.	Judgement Amount	Costs	Interest	Total Amount	Amount Paid	Balance / Remarks
Ogama Y Johnson	UHRC/ A02/ 2008	3,000,000				3,141,500	Fully paid
Loriet Felix	UHRC/MRT/ 08/ 2004	4,000,000		6%	141,500	4,000,000	Fully paid
Onyuthfua Eliot Alfred	UHRC/J/ 2009	5,000,000				5,000,000	Fully paid
Ssebunya Emmanuel	UHRC/19/ 2011	4,000,000		6%		4,000,000	Fully paid
Ssewanyana Samuel	UHRC/299/ 2002	900,000		6%		969,300	Fully paid
Lodero Sebatiano	UHRC/G/ 140/ 2005	20,000,000				20,000,000	Fully paid
Auma Midday	111/05	15,000,000				15,000,000	Fully paid
Kapere Moses	UHRC/J/ 40/ 2003	15,000,000		10%		17,375,000	Fully paid
Mutenderwa Faddy	UHRC/ 22/ 2003	18,493,500				18,493,500	Fully paid
Hirya Ali	UHRC/G/ 24/ 2003	20,000,000				20,000,000	Fully paid
Isabirye Omulago E	UHRC/J/ 10/ 2003	40,000,000				40,000,000	Fully paid
Ongom Nimanoni	UHRC/G/ 55/ 2004	20,000,000				20,000,000	Fully paid
Alex Emoru	UHRC/ 1253/ 2003	22800000				22,800,000	Fully paid
Harold Acemah	UHRC/326/ 1999	28,927,279				28,927,279	Fully paid
Mucunguzi Annet	UHRC/174/ 2003	1200000				200,000	Fully paid
Kisembo Milton	UHRC/5/ 2004	5000000				5,000,000	Fully paid
Lukwago Musa and others	UHRC/SRT/ 196/ 2006	60,000,000	1,660,500		10,500,000	72,160,500	Fully paid
Rusoke Dinka Chris	UHRC/ FP/36/ 2003	5,500,000				5,500,000	Fully paid
Nalongo Imelda Bulwadde	UHRC/ 394/ 1999	26,000,000				26,000,000	Fully paid
Kigulu Patrick	UHRC/ 394/ 2001	3,000,000				3,000,000	Fully paid
Nyakaisiki Faisi	UHRC/ FP/61/ 2002	2,000,000				2,000,000	Fully paid
Karaho Patrick	UHRC/ MBA/02/ 2003	4,000,000				4,000,000	Fully paid
Mwebesa Myers	UHRC/224/ 2002	3,500,000				3,500,000	Fully paid
Lwere Ibrahim	UHRC/208/ 2003	7,000,000				7,000,000	

Name	File no.	Judgement Amount	Costs	Interest	Total Amount	Amount Paid	Balance / Remarks
Mucungunzi Annet	UHRC/174/ 2003	1,200,000				1,200,000	Fully paid
Musa Sali	UHRC/266/ 2003	2,000,000		6%	120,000	2,120,000	Fully paid
Begumanya Bosco	UHRC/462/ 2003	1,800,000				1,800,000	Fully paid
Ruth Molly O-lematia	UHRC/95/ 2011	29,723,512				29,723,512	Fully paid
Ismail Alibhai	UHRC/145/ 2005	246,317,277				246,317,277	Fully paid
Musana Elizabeth	UHRC/253/ 2003	5,100,000				5,100,000	Fully paid
Total						**758,552,868**	

Annex B: List of Schools where UHRC has established Human Rights and Peace Clubs as at 31st December 2015

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
1	Central	Luwero	Victoria Model Secondary School, Green Valley Secondary School, Everest College, Kasaala College, Saku Secondary School, Luwero Seed School, Bombo Army Secondary School, Nalinya Lwantale Secondary School, Mpigi Secondary School, Target College School, Luwero Central High School, Mazzi Voc. Secondary School, St. Andrew Kaggwa Secondary School, Lukole Secondary School, St. Kaloli Lwanga Secondary School, Mulajje, Kazinga Secondary School, Luwero Light of Life Secondary School, St. Cyprian Chavanod college, Bombo Secondary School, Naluvule College, Buzibwera Secondary School, St. Kizito Katikamu Kisuule, Everest College and Wakatayi Secondary School.	24
		Mityana	Mityana Secondary School, Mityana Modern Secondary School, Pride Secondary School, Maranatha Vocation School, Mityana Town School and Mityana Trinity College	06
Total number of existing Human Rights and Peace clubs in the region				**30**

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
2	Arua	Arua	Arua Public Secondary School, Adumi Secondary School, Ediofe Girls Secondary School, Logiri Girls Secondary School, Mvara Secondary School, Muni Girls Secondary School, Najah Islamic Secondary School, Wandi Progressive Secondary School, Uleppi Secondary School, Okufura Secondary School and Uganda Christian University - Arua Campus.	11
		Moyo	Moyo Town Council Secondary School, Logoba Secondary School, Metu Secondary School, Lefori seed Secondary School, Lohwa Secondary School and Moyo Senior Secondary School.	06
		Maracha	Otravu Secondary school, Maracha Secondary school and Kololo Public Secondary School.	03
		Koboko	Ayume Memorial Secondary School, Longira Secondary School, Nyarilo Secondary School, Nyai Secondary School, Koboko Parents Secondary School, Koboko Technical Institute and Ombaci Self-Help Secondary School	07
		Nebbi	Angal Secondary School, Nebbi Town College Secondary School, Uringi Secondary School, Nebbi progressive Secondary School, Erussi Secondary School and Akworo Secondary School.	06
Total number of existing Human Rights and Peace clubs in the region				**33**
3	Gulu		Keyo Secondary School, Sacred Hearts Girls' Secondary School, St. Joseph's College Layibi, Gulu Senior and Gulu High school	05
Total number of existing Human Rights and Peace clubs in the region				**05**
5	Jinja	Jinja	Jinja Secondary School, Busoga College Mwiri, Wanyange Girl Secondary School, Mother Kevin Secondary School, Busoga Light College School, Lord Medde Vocational College, Jinja Parents College, and St. John Secondary School Wakitaka.	08
		Busia	Busia Secondary School, Buhehe Secondary School, Masinya Secondary School, Riverside High School and Lumino High School.	
		Tororo	Rainer High School.	01

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
		Bugiri	Nabukalu Secondary School, Bugiri High School, Namugangwe Muslim Secondary School, Nalubaale Secondary School Nankoma, St Stephen Bugiri and Namasere High School.	08
		Mayuge	Busoga Secondary School, Delta High School, Malongo Secondary School, Waitambogwe Secondary School, Kigandalo Secondary School, Kaluba Secondary School and Kyoga Secondary School.	07
		Iganga	Iganga Top Care, Country Side Secondary School, Kigulu College Iganga and Nakigo Secondary School.	
Total number of existing Human Rights and Peace clubs in the region				**31**
6	Mbarara	Isingiro	Birere Secondary School, St. John's Secondary School Rutsya, Masha Seed Secondary School, Bukanga Secondary School, Ngarama Secondary School, Isingiro Secondary School, Kyezimbire Secondary School and Kisyoro Secondary School.	08
		Sheema	Kitagata Secondary School, Savannah High School, Pearl High School, Nganwa High School, Kabwohe Secondary School and Sheema Premier High School.	06
		Mbarara	Nyamitanga Secondary School, St. Joseph's Vocational School, Mbarara Central High School, Mbarara Secondary School, Eden International School, Alliance Secondary School and St. Mary's Girls Secondary School.	07
7	Moroto		Moroto High School, Moroto Core Primary Teachers College, Nadunget Seed Secondary School, Apostles of Jesus Seminary, Kotido Senior Secondary School and Kangole Girls' Senior Secondary School.	06
Total number of existing Human Rights and Peace clubs in the region				**06**
8	Masaka	Masaka	Blessed Sacrament Secondary School Kimanya, Kijjabwemi Secondary School, Kako Senior Secondary School, Masaka Town College Secondary School, Kayunga Secondary School and St. Gerald's Vocational Secondary School.	06

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
		Lyantonde	Lyantonde Secondary School	01
		Bukomansimbi	Kiryasaka Secondary School, St. Victor's Secondary School Kitasa, Mbulire Moslem Secondary School, St. Peters' Secondary School and Hoy's College.	05
		Kalungu	Bexhil High Mukoko, Lutengo Secondary School, Bukulula Girls Secondary School Kalungu, St. Mary's Secondary School Mukoko Kalungu, St. Benedict's Secondary School Bukulula, Crested High School, St. Balikuddembe Secondary School Lwabenge, Holy Family Secondary School Kyamulibwa and Kasekere Secondary School.	09
		Lwengo	Nakyenyi Secondary School, Sseke Secondary School and Nakatete Secondary School.	03
		Rakai	St. Mary's Secondary School Ssanje, Matale C/U Secondary School, Kabale Ssanje Secondary School and Progressive Secondary School Kalisizo.	04
		Sembabule	Matete College School, Uganda Martyrs Sembabule, Sembabule COU Secondary School and Lwebitakuli Secondary School.	04
		Kalangala	Serwanga Lwanga Memorial Secondary School and Bishop Nsubuga Dunstan Secondary School.	02
Total number of existing Human Rights and Peace clubs in the region				**34**
9	Soroti	Mbale	Mbale Senior Secondary School, Nkoma Senior Secondary School, Progressive Senior Secondary School, Wanale High School, St Paul's College, Manafwa High School, Crane High School, Nabumali High School, Hamadya Girls Senior Secondary School and Nkonde Senior Secondary School.	10

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
		Soroti	Teso College Aloet, Olila High School, Light Senior Secondary School, Community Senior Secondary School, Soroti Municipal Senior Secondary School, Aloet Senior Secondary School, Soroti Senior Secondary School, Soroti Central Senior Secondary School, Kingston Senior Secondary School, Madera School for the Blind , St Stephen Senior Secondary School, St Mary's Girls Madera, Katine Senior Secondary School, Tubur Senior Secondary School and Jeressar High School.	15
		Serere	Atiira Senior Secondary School and Kyere Senior Secondary School	02
Total number of existing Human Rights and Peace clubs in the region				**27**
10	Fort Portal	Kabarole	Kichwamba Technical College, Kabarole Advent School, Kyebambe Girls School, Kamengo Secondary School, Kitumba Secondary School, Kahinju Secondary School and Uganda Pentecostal University.	07
		Kasese	Hima High School, Kilembe Secondary School, St Mary High School, Mt Rwenzori Senior Secondary School, Kasese Secondary School, Rwenzori High School, Bright Academy Sec School, Kithoma Peas Secondary School, Mubuku Valley Secondary School, Municipal High School, Asamu Model Secondary School, Kasese High School and Kasese Moslem Secondary School.	
		Kyegegwa	Humura Secondary School, Wekonire Secondary School, Bujubuli Secondary School, Divine Senior Secondary School, Citizens High School, Kyaka Secondary School, Mpara Secondary School, St Francis Secondary School Sweswe, Kakabara Secondary School, Rwentuha Secondary School, St Lawrence Voc Secondary School, Emmanuel High School and Hapuyo Seed Secondary School.	13

SN	Regional office	District	Schools that have established human rights peace clubs	Total number of existing clubs in a district
		Kamwenge	Kamwenge Secondary School, Buryansungwa Secondary School, Kyabenda Secondary School, Mpanga Parents Secondary School, St. Thomas Aquinas, Kabujogera Secondary School, Kamwenge College School, Kichwamba Secondary School, St John Patrick Voc School, Kitagwenda High School, Nyabbani Secondary School, Kitagwenda Technical Institute, Ave Maria Technical Training Centre, Trinity High School, Mashoro Secondary School, Nyakasyenyi Secondary School and Kamwenge Secondary Vocational School.	17
		Bundibugyo	Semuliki High School, Bunbandi Seed Secondary School, Burambagira Secondary School, Bumadu Seed Secondary School, Angels High School, Kakuka Hill Secondary School, St Mary Simbya and Bubukwanga Secondary School.	08
		Ntoroko	Karugutu Secondary School, Rwebisengo Secondary School, Kanara Seed Secondary School, Albert Valley Secondary School, Butungama Community Secondary School and Ngabi Progressive Secondary School.	06
		Kyenjojo	Buhemba Senior Secondary School, Nyamabuga Secondary School, Nyankwanzi High School, Bufunjo Seed, Madox Senior Secondary School, Katooke Modern School, Katooke Secondary School, Kyenjojo Integrated Secondary School, Kaihura Parents Secondary School, Butunduzi Senior Secondary School, St Adolf High School, Butiti Centenary Secondary School, Nyarukoma Senior Secondary School, St Joseph Hill Secondary School, Dream Land High School, St Anatoli Kagoma Senior Secondary School, Kyarusozi Secondary School and Kyenjojo Secondary School.	18
Total number of existing Human Rights and Peace clubs in the region				**82**
Grand total of all the Human Rights and Peace clubs				**269**

ANNEX C: UHRC Television Talk Shows and Infomercials aired in 2015

TELEVISION TALK-SHOWS HELD IN 2015

SN	ACTIVITY	NAME OF TELEVISION STATION	COVERAGE	THEMES	NUMBER OF TALK SHOWS	LANGUAGE	KEY OUTPUTS OF THE ACTIVITY
1	Television talk-shows	Bukedde TV	Kampala, Wakiso, Entebbe	Joint advocacy by UHRC and CAT to popularise the implementation of the new anti-torture law	01	Luganda	Relevance and application of the new anti-torture law understood by the viewers
2	Television talk-shows	WBS		Joint advocacy by UHRC and CAT to popularise the implementation of the new anti-torture law	01	English	Relevance and application of the new anti-torture law understood by the viewers
3	Television talk-shows	Channel 44 TV		Joint advocacy by UHRC and CAT to popularise the implementation of the new anti-torture law	01	English	Relevance and application of the new Anti-torture law understood by the viewers
4.	Total TV talk-shows in 2015				03		

INFOMERCIALS AIRED IN 2015

SN	ACTIVITY	NAME OF TELEVISION STATION	COVERAGE	THEMES	NUMBER OF INFO-MERCIALS	LANGUAGE	KEY OUTPUTS OF THE ACTIVITY
1	Television infomercials/ ads	NBS	Kampala, Wakiso, Entebbe,	To popularise the NAP	32	English	Contents and relevance of the NAP understood by the public and views on the NAP received from the public
2	Television infomercials/ads	Bukedde TV	Kampala, Wakiso, Entebbe,	To popularise the NAP	50	Luganda	Contents and relevance of the NAP understood by the public and views on the NAP received from the public
3.	**Total TV infomercials in 2015**				**82**		

ANNEX D: List of UHRC Press Conferences held in 2015

S/N	THEME /TOPIC OF PRESS CONFERENCE	DATE HELD	ADDRESSED BY:
1.	Rampant murders of Muslim clerics and call for comprehensive investigations and report	9th January 2015	UHRC
2	Escalating incidence of police brutality against journalists and call for respect of media freedoms	13th January 2015	UHRC
3.	Popularising the official launch of the UHRC 17th Annual Report and highlights of its contents (the state of human rights in 2014)	24th March 2015	UHRC
4.	Joint statement to launch activities to commemorate the World Press Freedom Day	2th May 2015	UHRC/UJA/UNOHCHR
5.	Launch of Anti-Torture week activities under the theme 'Implement the Anti-Torture Law'	22nd June 2015	UHRC, OHCHR, & CAT (Coalition Against Torture)
6.	Statement condemning police for use of excessive force against a lady who was allegedly undressed and other politicians along the Masaka-Mbarara highway	14th October 2015	UHRC
7.	Joint UHRC/UNFPA media briefing to announce the National Stakeholders' Meeting on the status of Health-Related Recommendations on the UPR	18th November 2015	UHRC/UNFPA
8.	Joint statement to launch activities to commemorate the International Human Rights Day at Golf Course Hotel under the theme 'Our Rights. Our Freedoms. Always'.	8th December 2015	UHRC/UNOHCHR/HURINET
9.	**Total press conferences in 2015**	**8 press conferences**	

ANNEX E: Members and staff of the UHRC as at 31st December 2015

Name and location	Designation
Office of the Chairperson	
Med S. K. Kaggwa	Chairperson (till April 2015)
Gloria Namuleme	Senior Human Rights Officer
Winnie Gloria Ayero	Senior Administrative Assistant
Margaret Nakakande	Assistant Administrator
Moses Lwanga	Driver
Commission members' offices	
Joseph A. A. Etima	Member of the Commission (till April 2015)
Felistas Atim Odyek	Assistant Administrator
Sheila Bwebare	Human Rights Officer – Legal
Isa Mugabe	Driver
Dr. Katebalirwe Amooti Wa' Irumba	Member of the Commission (till April 2015)
Mr. Agaba Maguru	Member of the Commission (till April 2015)
Bernadette Nabasirye Byasigaraho	Assistant Administrator
John Katuramu	Driver
Evalyne Arinaitwe	Assistant Administrator
Lawrence Echabu	Driver
Violet Akurut Adome	Member of the Commission
Justine Kaahwa Mwesigwa	Assistant Administrator
Deogracius Eregu	Driver
Stephen Basaliza	Member of the Commission
Mary Stella Achen	Assistant Administrator
Myers Muhereza	Driver
Celine Rose Alonyo	Assistant Administrator
Alex Kasaija	Driver
Units/ Section Under Secretary's Office	
Office of the Secretary	
Gordon T. Mwesigye	Secretary to the Commission
Rose Mary Kemigisha	Senior Human Rights Officer/ Editor
Racheal Musiime	Human Rights Officer -Legal
Stella Kirenga	Assistant Administrator
Sam Atenyi Kaahwa	Driver
Public Affairs Unit	
Florence Munyirwa Mukyala	Public Affairs Manager
Justus Muhanguzi Kaampe	Public Affairs Officer
Jenipher Namuyanja	Receptionist

Name and location	Designation
Internal Audit Unit	
Thadeus Sempijja	Senior Internal Auditor
Immaculate Kabirigi	Internal Auditor
Planning Unit	
Charles Mukasa	Planner
Daisy Kurukuru	Statistician
Hassan Nakooli	Driver
Procurement & Disposal Unit	
Ronald Kyeyune	Senior Procurement Officer
Jacqueline Musimenta	Procurement Officer
Sheillah Kobusingye	Assistant Procurement Officer
Directorate of Finance and Administration	
Margaret Lucy Ejang	Director Finance and Administration
Christopher Turigye	Senior Accountant - Project
Robert Muhwezi	Senior Accountant GoU
Dennis Kakeeto	Accountant GoU
Tadeo Wamala	Accountant – Projects
Phiona Atukunda	Assistant Accountant - Projects
Scolarh Kaahwa Kalibagwa	Assistant Accountant GoU
Jimmy Onziko	Office Superintendent
Joseph Ndebwoha	Stores Assistant
Samuel Kitanda Kamya	Office Assistant
Moses Bwire	Transport Officer
Maxwell Onyait	Transport Assistant
Ben Emong	Diver
Caleb Kiiza Mugira	Driver
Ivan Kirungi Mboijana	Gate Attendant
Aaron Birimbo	Human Resource Manager
Joan Kaampe-Wasswa	Senior Human Resource Officer
Alice Tugumisirize	Human Resource Officer
Loiyrose Nantale	Senior Records Officer
Jane Claire Nantumbwe	Assistant Records Officer
Sulaiman Omitta	Systems Manager
Winifred Logose	Systems Officer
Jennifer Nazziwa	Website Maintenance Officer
Directorate of Research, Education & Documentation	
Ida Nakiganda	Director R.E.D
Margaret Rubaire	Senior Human Rights Officer/ Senior Librarian

Name and location	Designation
Christopher Ogwang Odyek	Senior Human Rights Officer
Roseline Amayo	Human Rights Officer
Matilda Namaja	Human Rights Officer
Maureen Nalubega	Human Rights Officer
Rachael Naigaga	Human Rights Officer/ Librarian
Richard Senfuka	Office Assistant
Ali Hassan Kamyuka	Driver
John Emorut	Driver
Dennis Okii Opio	Driver
Directorate of Monitoring and Inspections (M&I)	
Patricia Nduru	Director M& I
Paula Biraaro	Senior Human Rights Officer
Priscilla Nyarugoye	Senior Human Rights Officer
Freda Nalumansi-Mugambe	Human Rights Officer
Diana Rutabingwa	Human Rights Officer
Sharon Namulondo	Office Assistant
Directorate Of Complaints Investigations and Legal Services	
Ruth Ssekindi Nalugo	Director, Complaints, Investigations and Legal Services
Kiiza Moreen	Senior Human Rights Officer /Registrar
Rebecca Agnes Tino	Regional Human Rights Officer
Dorah Namaganda Bukenya	Human Rights Officer – Legal
Aisha Nakiwate	Human Rights Officer – Legal
Marilyn Yvonne Nakato	Human Rights Officer -Legal
Sam Serunjogi	Driver
Resty Agweng	Office Assistant
Directorate of Regional Services	
Kamadi Byonabye	Directorate Regional Services
Anthony Androa	Senior Human Rights Officer
Betty Enangu	Human Rights Officer
Patrick Kabuye	Driver
Robert Mugenyi	Office Assistant
Gulu Regional Office	
Rose Atim	Regional Human Rights Officer
Afra Audrey Apio	Human Rights Officer - Legal
Nicholas Ogwang	Human Rights Officer - Legal
Fiona Abalo Opoka	Human Rights Officer – Education

Name and location	Designation
Josephine Akello	Human Rights Officer – Investigations
Christine Oroma-Gakumba	Assistant Accountant
Anna Grace Akello	Assistant Administrator
Dick Henry Ojut	Office Assistant
Bob Wilfred Okema	Driver
Cyrus Musoba	Driver
Central Regional Office	
Wilfred Asiimwe Muganga	Regional Human Rights Officer
Dorothy Okwong	Human Rights Officer – Legal
Esther Nassiwa Jjuuko	Human Rights Officer – Legal
Kerios Mwetsiga	Human Rights Officer – Investigations
Rebecca Nnanyonjo	Human Rights Officer – Education
Jimmy Rogers Mukuve	Assistant Accountant
Kellen Komugisha	Assistant Administrator
Oliver Namukwaya	Office Assistant
Benson Omoding	Driver
Damasco Cwinyaai	Driver
Geoffrey Katangula	Process Server
Soroti Regional Office	
Rebecca Nassuuna	Regional Human Rights Officer
Florida Chelimo Chebet	Human Rights Officer – Legal
Ademu Robert	Human Rights Officer – Investigations
David Obutai	Human Rights Officer – Education
Bob Sam Katende	Assistant Accountant
Harriet Akajo	Assistant Administrator
Peter Ariku	Office Assistant
Martin Etengu	Driver
Moroto Regional Office	
Paul Otim	Regional Human Rights Officer
Angela Esther	Human Rights Officer – Legal
Gabriel Okangas	Human Rights Officer – Investigations
Paul Piramoe	Human Rights Officer – Education
Richard Etyang	Assistant Accountant
Jane Anyebo Ebotu	Assistant Administrator

Name and location	Designation
Irene Rita Tino	Office Assistant
Phillips Herds Loyok	Driver
Mbarara Regional Office	
Theopista Twembi	Regional Human Rights Officer
Sarah Rukundo	Human Rights Officer – Legal
Caroline Gumoshabe	Human Rights Officer – Education
Christine Aineomugisha	Human Rights Officer – Investigations
Anne Agumenaitwe	Assistant Accountant
Mouda Kambeera	Assistant Administrator
Joan Komugisha	Office Assistant
Deus Katiiti	Driver
Fort Portal Regional Office	
Willy Agirembabazi	Regional Human Rights Officer
Dorcus Musiimenta	Human Rights Officer – Legal
Nicholas Kazooba	Human Rights Officer -Legal
Teddy Achayo	Human Rights Officer – Investigations
Hope Bagota	Human Rights Officer – Education
Wilberforce Otebwa	Assistant Accountant
Grace Basemera	Assistant Administrator
Madina Hussein	Office Assistant
Stephen Wanyina	Driver
Jinja Regional Office	
Sarah Nakhumitsa	Regional Human Rights Officer
Ambrose Okello Otwao	Human Rights Officer – Education
Brenda Nansikombi	Human Rights Officer – Investigations
Olivia Barbara Nanseko	Human Right Officer - Legal
Kennedy Onyango	Assistant Accountant
Juliet Ndagire	Assistant Administrator
Patrick Lwaze	Office Assistant
Emmanuel Kabunga Ssendi	Driver
Arua Regional Office	
Juliet Logose	Regional Human Rights Officer
Bosco Okurut	Human Rights Officer – Legal
Geoffrey Ogwang	Human Right Officer - Investigations
Peace Ayikoru Anguyo	Human Rights Officer – Education
George Emmanuel Pere	Assistant Accountant
Caroline Akania	Assistant Administrator
Donald Jaloka	Office Assistant
Morris Ojok	Driver
Masaka Regional Office	
Farouk Nyende	Regional Human Rights Officer
Phiona Kemigisha Birungi	Human Rights Officer – Legal
Tom Kibukutu Kitaka	Human Rights Officer – Investigations
Chrispus Kateeba	Human Rights Officer – Education
Patrick Aniku Toko	Assistant Accountant
Ruthie Kintu Nagirinya	Assistant Administrator
Else Nakayenga	Office Assistant
Augustine Ntaganda	Driver
Hoima Regional Office	
Harriet Rwakabira Kajobe	Regional Human Rights Officer
Jashmin Nambi Kasujja	Human Rights Officer – Legal
Sandra Aloyo	Human Rights Officer – Investigations
Judith Komugisha Caroline	Human Rights Officer – Education
Tom Bakole	Assistant Accountant
Margaret Nantume	Assistant Administrator
Albert Murusura	Office Assistant
Mugarra John Kalyegira	Driver

Volunteers at the UHRC as at 31st December 2015

Name and location	Designation
Office of the Secretary Public Affairs Unit	
Rachel Katuutu	Volunteer - Public Affairs
Planning Unit	
Noel Oyungrwoth	Volunteer - Statistician
Emmanuel Osujo	Volunteer - Statistician
Procurement & Disposal Unit	
Lydia Wanyana	Volunteer - Procurement
Directorate of Finance and Administration	
Sophia Dorothy Aketch	Volunteer - Accounts GoU
Maurine Mpaata	Volunteer - Registry
Fiona Kamanyire	Nanny / Children Caretaker
Directorate of Monitoring and Inspections	
Diana Akampereza	
Sarah Birungi Kashagire	
Diana Kobusingye	
Directorate Of Complaints Investigations	
Sophie Nantongo Lwanga	Volunteer - Legal
Nancy Katwesigye	Volunteer - Legal
Gulu Regional Office	
Francis Allan Mea	Volunteer - Investigations
Teddy Opiru	Volunteer - Office Assistant
Anthony Otim	Volunteer - Lira Field Office
Ammy Pacutho	Volunteer - Legal - Lira Field Office
Fred Okot	Volunteer- Pader Field Office
Yusufu Amina	Volunteer - Pader Field Office
Sally Amony Okumu	Volunteer- Pader Field Office
Charles Opio Balmoi	Volunteer - Kitgum Field Office
Central Regional Office	
Cyprian Byamugisha	Volunteer - Process Server (Central)
Kuruthum Kayongo	Volunteer - Investigations (Central)
Gloria Kirungi	Volunteer - Investigations (Central)
Ronald Paul Kiweewa	Volunteer - Buvuma Field Office
Samia Nassolo	Volunteer - Buvuma Field Office
Soroti Regional Office	
Alfred Okello	Volunteer - Investigations (Soroti)
Esther Chebijira	Volunteer - Legal Soroti
Charles Mondo	Volunteer - Kaberamaido (Soroti)
Esther Atim	Volunteer- Kaberamaido (Soroti)
Lydia Carolyn Cherop	Volunteer - Kapchorwa Field Office
Raymond Chemutai Mutai	Volunteer - Kapchorwa Field Office
Moroto Regional Office	
Susan Amagoro	Volunteer - Investigations (Moroto)
Peter Santos Lomongin	Volunteer - Investigations (Moroto)
Francis Obura	Volunteer- Kotido Field Office
Sylvia Ainyo	Volunteer- Kotido Field Office
Jean Jansen Beruchan	Volunteer - Nakapiripirit Field Office
Mbarara Regional Office	
Leticia Rindakakye	Volunteer - Investigations
Mariam Atwine	Volunteer - Legal
Fort Portal Regional Office	
Shamilah Atwiine	Volunteer - Investigations
Jinja Regional Office	
Bennah Nababi	Volunteer - Investigations
Irene Nassaka	Volunteer - Legal Jinja
Arua Regional Office	
Francis Drichi Ipepi	Volunteer - Moyo Field Office
Agnes Dawa	Volunteer - Moyo Field Office
Masaka Regional Office	
Albert Mwebaze	Volunteer - Legal
Aramadhan Issiko	Volunteer - Investigations
Christopher Tugatungire	Masaka - Kalangala Field Office
Rose Tuhumwire	Masaka - Kalangala Field Office
Hoima Regional Office	
Lucy Wembabazi	Volunteer - Legal
Mubaraka Katusabe	Volunteer - Investigations

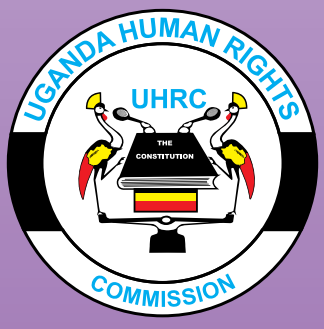
ANNEX F: Election Hotspot areas monitored by the UHRC

Region/ District	Hotspots by June 2015			Hotspots by January 2016		
	High	Medium	Low	High	Medium	Low
ARUA						
Arua	Arua Municipality			Arua Municipality		
	Terego County			Terego West		
	Ayivu County			Ayivu County		
				Lower Madi		
				Upper Madi		
Nebbi	Padyere			Padyere		
	Jonam			Jonam		
	Pakwach					
Koboko	Koboko			Koboko Municipality		
				Koboko North		
Adjumani	Adjumani			Adjumani North		
Moyo	East Moyo			Obongi		
	West Moyo			Moyo West		
Yumbe	Yumbe			Aringa Central		
				Aringa North		
				Aringa South		
CENTRAL						
	Kampala			Kampala		
	Mukono			Mukono		
	Wakiso			Wakiso		
	Luweero			Luweero		
		Kayunga			Kayunga	
		Mubende			Mubende	
			Nakasongola			Nakasongola
FORTPORTAL						
Kasese	Kasese			Kasese Municipality		
				Bokonjo West		
				Bukonjo East		
Kabarole	Kabarole			Fortportal Municipality		
				Bunyangabu		
Kyegegwa	Kyegegwa			Kyaka North County		
Bundibugyo	Bundibugyo			Bughenderera County		

Kyenjojo	Kyenjojo			Mwenge South		
Ntoroko	Ntoroko					
Kamwenge	Kamwenge					
GULU						
Amuru	Apaa Village			Apaa Village		
	Lakang			Lakang		
	Atiak			Kilak County		
	Elelu			Elelu		
Kitgum	Mucwini			Mucwini		
				Madi Opei		
Agago	Kotomor			Kotomor		
				Lamincwida		
				Aruu County		
Lamwo	Ngomoromo			Lukukng	Madiopi	
				Ngomoromo		
				Agoro		
				Orom		
Gulu	Lukodi			Omoro County		
	Gulu Municipality			Aswa County		
	Omoro County			Gulu Municipality		
Lira	Barlonyo			Erute South		
	Lira Municipality			Lira Municipality		
Alebtong				Acholibur S/ county		
				Pajule S/County		
				Patongo S/county		
				Ajuri County		
Pader				Angagura Ranch & Akemokot		
HOIMA						
Kibale				Bugangayizi East		
				Bugangayizi West		
Masindi	Masindi			Masindi Municipality		
Buliisa	Buliisa			Buliisa County		
Hoima	Hoima Municipality			Buhaguzi County		
		Kigorobya				
Kiryandogo	Kiryandogo					
Kyankwanzi	Kyankwanzi					

JINJA						
Jinja	Jinja East Municipality			Jinja Municipality		
	Jinja West Municipality					
	Butembe County					
Iganga	Iganga Municipality			Iganga Municipality		
	Bugweri			Bugweri County		
				Kigulu South		
Butaleja	Butaleja (Woman MP)			Butaleja		
Kamuli				Kamuli		
Bugiri	Bugiri (LC V)			Bukhooli North		
	Bukholi Central			Bukhooli Central		
Mayuge	Mayuge			Bunya West		
Busia	Busia			Busia		
Tororo	Tororo Municipality			Tororo		
	Tororo Community					
Namayingo	Namayingo					
MASAKA						
Masaka	Nyende, Masaka Municipality			Nyende, Masaka Municipality		
Lwengo	Bukoto Central			Bukoto South		
Sembabule	Sembabule			Sembabule		
MBARARA						
Ibanda	Ibanda			Ibanda North		
Mbarara				Mbarara Municipality		
				Rwampara County		
				Kashari North County		
Isingiro	Isingiro			Bukanga County		
				Isingiro North County		
Ntungamo				Ntungamo Municipality		
				Rushenyi County		

Mitooma				Ruhinda South		
Kanungu	Kinkizi West			Kinkizi East		
				Kinkizi West		
Rukungiri	Rukungiri			Rukungiri Municipality		
Kabale				Kabale Municipality		
Buhweju				Buhweju		
Kisoro				Kisoro		
MOROTO						
Kaabong	Kaabong West			Kaabong West		
Kotido	Jie County			Jie County		
Amudat				Upe		
Moroto				Moroto Municipality		
				Matheniko		
Abim				Labwor		
SOROTI						
Soroti	Soroti Municipality			Soroti Municipality		
Amuria				Kapelebyong County		
Kumi				Kanyum County		
				Kumi District(Woman)		
Bukedea				Kachumbala County		
				Bukedea County		
Serere	Serere Woman MP			Serere County		
				Serere Woman MP		
Mbale	Mbale Municipality			Mbale Municipality		
Sironko	Budadiri West			Budadiri West		
Kwen	Kwen			Kwen		
Katakwi	Kapelebyong County			Usuk County		
	Usuk			Katakwi Woman MP		



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